



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

November 5, 1990

P R E S S R E L E A S E

On September 10, 1990, Ethics Commission Staff Attorney Brenda M. Bergeron filed a complaint (Docket No. 90-12) against Brendan J. Kennedy, a registered lobbyist, alleging that Mr. Kennedy violated the gift limits and various reporting and record-keeping provisions of the Code of Ethics for Lobbyists during 1987, 1988 and 1989. The complaint includes allegations that Mr. Kennedy violated the Code's gift limit by providing two golf outings in Palm Springs in November of 1987 to various public officials. One of these outings was originally not reported and was then falsely reported. The other outing was never reported.

On November 5, 1990, the State Ethics Commission and the Respondent Brendan Kennedy settled this matter by entering into a Stipulated Agreement, a copy of which is attached. Under the settlement, the Commission found that Mr. Kennedy knowingly and intentionally violated the Code. A copy of the Amended Complaint, dated November 5, 1990, is attached.

Under the Code's gift provision, a lobbyist cannot give to any public official or member of his staff or immediate family any gift or gifts totalling \$50 or more per year in the aggregate. The Code's reporting provisions include the following requirements: report in detail all expenditures of \$15 or over per person for the benefit of public officials; report all reimbursements received for lobbying and/or in furtherance of lobbying; and, for a period of three years, keep the records necessary to substantiate the financial reports filed by the lobbyist. The complaint alleged violations of all these provisions.

The Respondent Brendan Kennedy has agreed to pay a civil penalty of \$15,000 and to allow the State Ethics Commission to review his lobbying records for the next three years.

FOR FURTHER INFORMATION CALL:

Alan S. Plofsky
Executive Director and General Counsel
566-4472



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

CONFIDENTIAL

DOCKET NUMBER 90-12) STATE ETHICS COMMISSION
IN THE MATTER OF A) 97 ELM STREET (REAR)
COMPLAINT AGAINST) HARTFORD, CONN. 06106
BRENDAN J. KENNEDY) NOVEMBER 5, 1990

STIPULATION AND ORDER

Pursuant to Connecticut General Statutes §4-177(c), the State Ethics Commission and the Respondent, Brendan J. Kennedy, agree to settle this matter in the manner described below:

1. The Commission finds that the Respondent knowingly and intentionally violated the Code of Ethics for Lobbyists as alleged in the attached Amended Complaint, dated November 5, 1990.

This Finding is made solely on the basis of the Commission's staff investigation into this matter, and is not admissible in, nor shall it be deemed to prejudice, any subsequent civil or criminal proceeding against the Respondent or any other person.

2. While the Respondent does not admit all of the allegations contained in the Complaint, the Respondent does not contest the Commission's Finding in this matter. Additionally, the Respondent admits that the Commission's staff investigation has produced evidence which, if believed, could lead a trier of facts to conclude that the violations alleged in the attached Complaint had, in fact, occurred.

The Respondent further states that with regard to the improper political contributions referred to in Count Four of the Complaint, the Respondent attempted to correct the problem by repaying Connecticut Retail Merchants Association ("CRMA") for the reimbursements which had been improperly made.

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3. The Respondent waives any rights he may have under Conn. Gen. Stat. §§1-93, 1-93a, 1-98 and 1-80, including the right to a hearing or appeal in this case, and agrees with the Commission to an informal disposition of this matter as authorized by Conn. Gen. Stat. §4-177(c).

WHEREFORE, the State Ethics Commission enters, and Brendan J. Kennedy agrees to, the following orders in lieu of any other action it is authorized to take with respect to Respondent:

The Commission agrees not to refer the Respondent to the Chief State's Attorney for any possible action pursuant to Conn. Gen. Stat. §1-100 arising from this matter.

The Respondent agrees to pay a civil penalty of \$15,000, payable in three monthly installments of \$5,000. The first installment is due within thirty days of the date of this Stipulation and Order. The Respondent also agrees to allow the Commission to review any and all records relevant to lobbying activity, without prior notice, at the Respondent's office, during regular business hours, i.e., 9:00 a.m. to 5:00 p.m., Monday through Friday, for a period of three years from the date of the acceptance of this Agreement by the Commission.

Brendan J. Kennedy
Respondent
Brendan J. Kennedy

11/5/90
Dated

Sabri Michael Morinoff
Chairperson
State Ethics Commission

11-5-90
Dated



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

C O N F I D E N T I A L

DOCKET NUMBER 90-12) STATE ETHICS COMMISSION
IN THE MATTER OF A) 97 ELM STREET (REAR)
COMPLAINT AGAINST) HARTFORD, CONN. 06106
BRENDAN KENNEDY) NOVEMBER 5, 1990

AMENDED COMPLAINT

COUNT ONE

1. Brendan Kennedy (hereinafter "the Respondent") was a communicator registrant and a lobbyist during the calendar years 1987, 1988 and 1989, as those terms are defined in Conn. Gen. Stat. §§1-91(q) and 1-91(l).

2. Under Conn. Gen. Stat. §1-97(a), no registrant or anyone acting on behalf of a registrant shall give to any state employee, public official, candidate for public office or a member of his staff or immediate family any gift or gifts that amount to fifty dollars or more in value in the aggregate in any calendar year.

3. From September of 1987 until early 1989, the Respondent was president of, and lobbyist for, Connecticut Retail Merchants Association (hereinafter "CRMA"), a registrant.

4. On November 17, 1987, while attending a legislative conference in Palm Springs, California, the Respondent provided a golf outing on behalf of CRMA for at least two reportable individuals, which was originally not reported and subsequently was falsely reported on CRMA's periodic financial report as costing \$47.00 per person. In fact, the golf outing cost approximately \$78.52 per person.

5. Again, on November 18, 1987, the Respondent provided a second golf outing on behalf of CRMA, for at least four reportable individuals, including one or more of the reportable individuals who attended the November 17 outing. The November 18 outing was not reported, although the cost per person was approximately \$78.52.

6. On at least one other occasion while in Palm Springs, on information and belief, the Respondent provided another golf outing valued at more than \$50.00 to one or more reportable individuals.

7. The provision of golf by the Respondent on behalf of CRMA is a gift within the meaning of Conn. Gen. Stat. §1-91(g).

8. Each of the Respondent's gifts to a reportable individual of golf valued in excess of \$50.00 violated Conn. Gen. Stat. §1-97(a).

9. On information and belief, the Respondent gave tickets to various sporting events to numerous reportable individuals, which tickets in the aggregate totalled \$50 or more in one or more of the calendar years in question. Such gifts violated Conn. Gen. Stat. §1-97(a).

COUNT TWO

10. Paragraph 1 of Count One is hereby incorporated as Paragraph 10 of Count Two.

11. Under Conn. Gen. Stat. §§1-96(a) and (b), a Registrant is required to file with the Ethics Commission periodic financial reports concerning lobbying activities, signed under penalty of false statement, which reports must state compensation or reimbursement received or expenditures made for lobbying and/or in furtherance of lobbying.

12. The Respondent failed to report compensation, reimbursements and/or expense payments made to him by CRMA for lobbying and/or in furtherance of lobbying in 1987, 1988 and 1989. These payments include the following:

a.) In October of 1987, the Respondent received seven payments, for \$300.00, \$300.00, \$300.00, \$296.14, \$121.44, \$175.00 and \$500.00;

b.) In November of 1987, the Respondent received two payments, for \$300.00 and \$1,731.82;

c.) In December of 1987, the Respondent received seven payments, for \$207.37, \$200.00, \$84.77, \$300.00, \$139.82, \$227.50 and \$587.34;

d.) In January of 1988, the Respondent received four payments, for \$311.89, \$454.13, \$288.52 and \$500.00;

e.) In February of 1988, the Respondent received eight payments, for \$223.06, \$432.12, \$747.63, \$57.00, \$162.98, \$125.00, \$450.00 and \$200.00;

f.) In March of 1988, the Respondent received three payments, for \$102.85, \$550.00 and \$125.00;

g.) In April of 1988, the Respondent received four payments, for \$100.00, \$1,162.90, \$250.00 and \$650.00;

h.) In May of 1988, the Respondent received six payments, for \$185.13, \$100.00, \$500.00, \$275.00, \$600.00 and \$601.37;

i.) In June of 1988, the Respondent received four payments, for \$302.23, \$1,000.00, \$650.00 and \$1,050.00;

j.) In July of 1988, the Respondent received four payments, for \$500.00, \$650.00, \$425.00 and \$500.00;

k.) In August of 1988, the Respondent received one payment of \$599.15;

l.) In September of 1988, the Respondent received eight payments, for \$750.00, \$750.00, \$524.55, \$700.00, \$600.00, \$231.00, \$118.85 and \$500.00;

m.) In October of 1988, the Respondent received eight payments, for \$700.00, \$700.00, \$729.00, \$750.00, \$750.00, \$650.00, \$274.62 and \$452.15;

n.) In November of 1988, the Respondent received one payment of \$64.35;

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o.) In December of 1988, the Respondent received one payment of \$468.08;

p.) In January of 1989, the Respondent received two payments, for \$133.23 and \$156.97;

q.) In February of 1989, the Respondent received one payment for \$462.08;

r.) In March of 1989, the Respondent received one payment for \$462.08;

s.) In April of 1989, the Respondent received one payment for \$462.08;

t.) In May of 1989, the Respondent received one payment for \$462.08;

u.) In June of 1989, the Respondent received one payment for \$462.08;

v.) In July of 1989, the Respondent received one payment for \$462.08;

w.) In August of 1989, the Respondent received one payment for \$462.08;

x.) In September of 1989, the Respondent received one payment for \$462.08;

y.) In October of 1989, the Respondent received one payment for \$462.08;

13.) Each and every failure to report such payments is a separate violation of Conn. Gen. Stat. §1-96(b).

COUNT THREE

14.) Paragraph 1 of Count One is hereby incorporated as Paragraph 14 of Count Three.

15.) Under Conn. Gen. Stat. §1-96a, each Registrant must obtain and preserve, for a period of three years, all records of expenditures of fifty dollars or more necessary to substantiate the financial reports required by Conn. Gen. Stat. §1-96.

16.) The Respondent failed to obtain and preserve, for a period of three years, all records of expenditures of fifty dollars or more for which he received reimbursement from CRMA.

17.) Each and every failure to keep proper records is a violation of Conn. Gen. Stat. §1-96a.

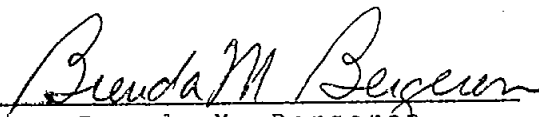
COUNT FOUR

18.-19. Paragraphs 1 and 2 of Count One are hereby incorporated as Paragraphs 18 and 19 of Count Four.

20. At various times throughout 1987 and 1988, the Respondent wrote an unknown number of personal checks as political contributions, for which he was later reimbursed by CRMA.

21. The Respondent's reimbursement by CRMA for political contributions is prohibited by law, and such contributions were therefore illegal.

22. Each and every illegal political contribution by the Respondent is an illegal gift under Conn. Gen. Stat. §1-91(g).



Brenda M. Bergeron
Staff Attorney

Dated November 5, 1990