

STATE OF CONNECTICUT
STATE ETHICS COMMISSION



DOCKET NUMBER 97-3

STATE ETHICS COMMISSION

IN THE MATTER OF A

20 TRINITY STREET

COMPLAINT AGAINST

HARTFORD, CT 06106

MEMBERS OF THE OFFICE OF
THE GOVERNOR

APRIL 4, 1997

STIPULATION AND ORDER

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

1. The Commission finds that the allegations contained in the Complaint dated April 3, 1997, and attached hereto, are true. The Commission further finds that the Respondents did not knowingly commit the violations of the Code of Ethics alleged in the Complaint.

2. The Respondents agree that they did not knowingly violate the Code of Ethics and are willing to resolve this matter in accordance with the following terms.

3. The Respondents aver that, in virtually every instance, they believed that the tickets they received from the representative of the Meadows Music Theater were paid for in full; the amounts to be paid were set by that representative. The Respondents further aver that they relied upon the Meadows Music Theater in determining the fair market value for the seats that were purchased. They further aver that they were escorted to the box seat by the Meadows Music Theater and in all cases when the Governor attended that they were directed to that box seat for security reasons. The Respondents specifically deny that they at any time requested seating that was to be better than the seats for which payment was made.

4. The Respondents waive any rights they may have under Conn. Gen. Stat. §§1-2, 1-82a, 1-87, and 1-80, including the right to a hearing or appeal in this case, and agree with the Commission to an informal disposition of this matter as authorized by Conn. Gen. Stat. §4-177(c).

5. The Respondents agree to pay, by October 15, 1997, the sum of \$3841.00 to charity in reimbursement of the fair market value of the seating which was received.

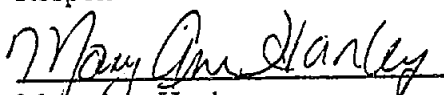
WHEREFORE, the State Ethics Commission enters and the Respondents agree to, the following order in lieu of any other action regarding these and any similar violations of §1-84 (j) and §1-84(m) to date:

The Respondent Governor John G. Rowland, on behalf of himself and the other Respondents, agrees to pay \$2,000.00 to the State Ethics Commission, payable within thirty days of this Stipulation and Order.



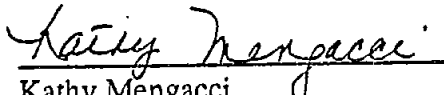
Sam Caligiuri
Respondent

4-3-97
DATED



Mary Ann Hanley
Respondent

4-3-97
DATED



Kathy Mengacci
Respondent

4-3-97
DATED



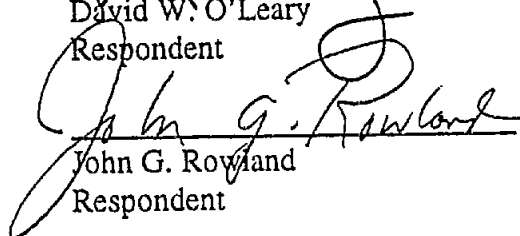
Joseph Nesteriak
Respondent

4/3/97
DATED



David W. O'Leary
Respondent

4-3-97
DATED




John G. Rowland
Respondent

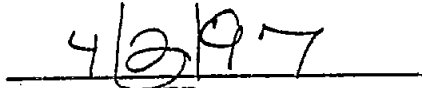
4-3-97
DATED

State Ethics Commission
By: Maurice Fitzmaurice, its Chairperson

DATED

-2a.-


Kyra Pishtey
Respondent


DATED

000505



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

CONFIDENTIAL

DOCKET NUMBER 97-3

STATE ETHICS COMMISSION

IN THE MATTER OF A

20 TRINITY STREET

COMPLAINT AGAINST

HARTFORD, CT 06106

MEMBERS OF THE OFFICE OF
THE GOVERNOR

APRIL 3, 1997

COMPLAINT

1. At all times relevant herein, the Respondents were public officials or state employees as those terms are used in the Code of Ethics for Public Officials, Conn. Gen. Stat. §1-79 et seq., or were individuals subject to Conn. Gen. Stat. §1-84(m).
2. At all times relevant herein, the Meadows Music Theater and James Sandler were registrants as that term is used in the Code of Ethics for Public Officials, Conn. Gen. Stat. §1-84(j).
3. Connecticut General Statutes §1-84(j) prohibits a public official, state employee or a member of a public official's staff or immediate family from knowingly accepting any gift or gifts known to amount to fifty dollars or more from a person known to be a registrant or anyone known to be acting on behalf of a registrant.
4. Connecticut General Statutes §1-84(m) prohibits a public official or state employee from knowingly accepting, directly or indirectly, any gift or gifts known to amount to fifty dollars or more in value in any calendar year from any person the official or employee knows or has reason to know: (1) is doing business with or seeking to do business with the department or agency in which the official or employee is employed, (2) is engaged in activities which are directly regulated by such department or agency or (3) has financial interests which may be substantially affected by the performance or nonperformance of official duties by the official or employee. Section 1-84(m) also prohibits any person from knowingly giving, directly or indirectly, any gift or gifts in violation of this provision.
5. During 1995 and 1996, the following Respondents sat in box seats at the Meadows Music Theater:

Sam Caligiuri	2 concerts
Mary Ann Hanley and spouse	1 concert
Kathy Mengacci and spouse	2 concerts
Joseph Nesteriak	2 concerts
David W. O'Leary and spouse	2 concerts
Kyra Pishtey	1 concert
John Rowland and spouse	6 concerts

6. On most of the occasions listed in Paragraph 5, non-box seat tickets (ranging in value from \$17.50 to \$79.00) to the events were purchased from James Sandler by or on behalf of the Respondents.

7. On one occasion, Respondent Joseph Nesteriak did not purchase a ticket, yet a box seat was provided.

8. On all the occasions listed in Paragraph 5, Respondents sat in box seats, regardless of whether the Governor was in attendance.

9. The fair market value of a seat in a box at the Meadows Music Theater in 1995 and 1996 ranged from \$125 to \$250.

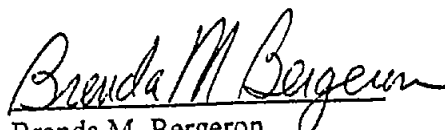
10. For each ticket purchased, the gap between the amount paid and the fair market value exceeded \$50.00.

11. On more than one occasion when the Governor and Mrs. Rowland attended an event at the Meadows, although the Governor and Mrs. Rowland did not purchase tickets, tickets were purchased by others for their use. The purchasers include individuals regulated by §1-84(m). On no occasion did the ticket price cover the fair market value of a box seat.

12. Each failure to pay the fair market value price for concert seating is a violation of Conn. Gen. Stat. §1-84(j).

13. Each acceptance of over \$50.00 in seating from a source regulated by §1-84(m) is a violation of Conn. Gen. Stat. §1-84(m).

14. Each provision of over \$50.00 in seating by a source regulated by §1-84(m) is a violation of Conn. Gen. Stat. §1-84(m).


Brenda M. Bergeron
Ethics Commission Attorney



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ATTACHMENT A: §1-84(m) DONORS

William Dunn: \$158.00/Eagles
Mary Ann Hanley: \$112.50/Carly Simon
Kathy Mengacci: \$95.00/Reba McEntire
David W. O'Leary: \$116/Jimmy Buffett

AttA



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ATTACHMENT B: RESPONDENTS WITH §1-84(j) IMPLICATIONS
(calculated at season box ticket rate of \$160)

John Rowland		2 James Taylor	\$ 245
		3 Carly Simon	\$ 480
		2 Reba McEntire	\$ 320
	1996	2 Eagles	\$ 320
		2 Celine Dion	\$ 234
		2 Jimmy Buffett	<u>\$ 320</u>
			\$1919
Sam Caligiuri	1995	1 Hootie	\$ 125
	1996	2 Sting	<u>\$ 234</u>
			\$ 359
Mary Ann Hanley	1996	2 Jimmy Buffett	\$ 204
Kathy Mengacci	1995	2 James Taylor	\$ 245
		2 Reba McEntire	<u>\$ 225</u>
			\$ 470
David O'Leary	1996	2 Jimmy Buffett	\$ 204
		2 Eagles	<u>\$ 320</u>
			\$ 524
Joe Nesteriak	1995	1 Jimmy Buffett	\$ 102.50
	1996	1 Jimmy Buffett	<u>\$ 160</u>
			\$ 262.50
Kyra Pishtey	1995	1 Jimmy Buffett	\$ 102.50
TOTAL:			\$3841.00

ATTB