



**DOCKET NUMBER 2022-23** : **OFFICE OF STATE ETHICS**  
: **165 CAPITOL AVENUE, SUITE 1200**  
**IN THE MATTER OF A** : **HARTFORD, CT 06106**  
: **MAY 17, 2023**  
**COMPLAINT AGAINST** :  
: **SEABURY PFRA, LLC AKA**  
**SEABURY MARITIME** :

**CONSENT ORDER**

Pursuant to the Code of Ethics, General Statutes §§ 1-79, *et seq.*, Mark E. Wasielewski, Ethics Enforcement Officer for the Office of State Ethics (“OSE”), issued a Complaint against the Respondent, Seabury PFRA, LLC, also known as Seabury Maritime (“Seabury” or “Respondent”), for violations of the Code of Ethics for Lobbyists, Connecticut General Statutes §§ 1-91, *et seq.* Based on the investigation by the Enforcement Division of the OSE, the OSE finds there is probable cause to believe that the Respondent violated the Code of Ethics for Lobbyists by failing to timely register as a lobbyist as required by General Statutes §§ 1-94 and 1-95, and by failing to timely file financial reports with the OSE, as required by General Statutes § 1-96, for the years 2017, 2018, and 2019.

The Parties have entered into this Consent Order following the issuance of the Complaint, but without any adjudication of any issue of fact or law herein.

## I. STATE'S POSITION

Based upon a preliminary investigation of this matter, the Ethics Enforcement Officer was prepared to establish the following at a probable cause hearing:

1. In or about December 2016, the Respondent was formed in the state of Delaware as a limited liability company.

2. At all times relevant hereto, the Connecticut Port Authority ("CPA") was a state "quasi-public agency", as that term is defined in General Statutes § 1-79 (12), and as that term is incorporated by reference in General Statutes § 1-91 (24).

3. General Statutes § 1-91 (11) defines "lobbying" in pertinent part, as, "communicating directly or soliciting others to communicate with any official or his staff . . . in a quasi-public agency, for the purpose of influencing any . . . administrative action."

4. General Statutes § 1-91 (1) defines "administrative action" in pertinent part as, "[ ] any action or nonaction of any executive agency or quasi-public agency, as defined in section 1-79, regarding a contract, grant, award, purchasing agreement, loan, bond, certificate, license, permit or any other matter which is within the official jurisdiction or cognizance of such an agency."

5. General Statutes § 1-91 (12) defines "lobbyist" as, "a person who in lobbying and in furtherance of lobbying makes or agrees to make expenditures, or receives or agrees to receive compensation, reimbursement, or both, and such compensation, reimbursement or expenditures are three thousand dollars or more in any calendar year or the combined amount thereof is three thousand dollars or more in any such calendar year."

6. General Statutes § 1-91 (21) defines “client lobbyist” as, “a lobbyist on behalf of whom lobbying takes place and who makes expenditures for lobbying and in furtherance of lobbying.”

7. General Statutes § 1-94 (2) provides that a lobbyist shall register with the OSE if it makes or incurs an obligation to make expenditures of three thousand dollars or more in a calendar year for lobbying.

8. General Statutes § 1-96 (a) requires each client lobbyist to file periodic financial reports (ETH-2D) detailing the client lobbyist’s activities during the previous period covered; and, pursuant to General Statutes § 1-96 (e), these periodic financial reports, “shall state expenditures made and the fundamental terms of contracts, agreements or promises to pay compensation or reimbursement or to make expenditures in furtherance of lobbying,” including itemized statements of “expenditures of ten dollars or more per person for each occasion made for the benefit of a public official in the legislative or executive branch, a member of his staff or immediate family, itemized by date, beneficiary, amount and circumstances of the transaction.”

9. During calendar years 2017, 2018, and 2019, the Respondent communicated directly and/or solicited others to communicate with board members and staff of the CPA for the purpose of influencing administrative actions of the CPA, including efforts to secure one or more financial agreements with the CPA, and was therefore lobbying.

10. During calendar years 2017, 2018, and 2019, the Respondent utilized and compensated employees, members, and/or agents to lobby the CPA on the Respondent’s behalf, including one individual who, in addition to his relationship with the Respondent, was also a member of the CPA board of directors.

11. Communications with the CPA and other actions taken by and on behalf of the Respondent were outside of agency contracting processes.

12. During calendar years 2017, 2018, and 2019, the Respondent also made reportable expenditures in the furtherance of lobbying including, but not limited to, providing and/or making reimbursement for food, drinks, overnight lodging, and other items of value given to CPA board members and/or employees. The Respondent's provision of said items of value was the subject of a prior enforcement action against the Respondent (Docket No. 2020-15), which was settled by way of Stipulation and Consent Order on July 5, 2022.

13. During calendar year 2017, the Respondent made expenditures for lobbying and in the furtherance of lobbying in the amount of approximately \$7,000.00.

14. During calendar year 2018, the Respondent made expenditures for lobbying and in the furtherance of lobbying in the amount of approximately \$3,500.00.

15. During calendar year 2019, the Respondent made expenditures for lobbying and in the furtherance of lobbying in the amount of approximately \$7,000.00.

16. The Respondent failed to register as a client lobbyist with the OSE after reaching the minimum registration threshold (\$3,000.00) in each of calendar years 2017, 2018, and 2019, in violation of General Statutes § 1-94 (2).

17. For calendar years 2017, 2018, and 2019, the Respondent failed to file any of the required periodic financial disclosure reports (ETH-2D) with the OSE, in violation of General Statutes § 1-96 (a).

18. The Respondent failed to disclose these expenditures and other required information on periodic lobbyist reports (ETH-2D) as required by General Statutes § 1-96 (e).

## **II. RESPONDENT'S POSITION**

1. The Respondent states that it did not consider the activities outlined in the Complaint to be "lobbying", but rather normal business activity including promotion of the Respondent's services to an entity that could benefit from those services.

2. The Respondent states that it did not maintain time records of activities regarding the State's alleged lobbying activities but for the purposes of settlement only does not dispute the value of the expenditures related to those activities arrived at by the State, described above as lobbying or as in furtherance of lobbying.

3. The Respondent believes that the individual who was a Seabury member and employee, and who was also a member of the CPA board of directors, refrained from voting as a CPA board member on the approval of contracts that involved Seabury, following his receipt of advice from CPA counsel.

4. The Respondent states accordingly that it enters into this Consent Order without any admission of liability and solely to avoid the expense and uncertainty of litigation.

## **III. JURISDICTION**

1. The Ethics Enforcement Officer is authorized to investigate the Respondent's acts as set forth herein, and to issue a Complaint against the Respondent.

2. The Office of State Ethics, through the Citizen's Ethics Advisory Board, is authorized to enter into this Consent Order.

3. The provisions of this Consent Order apply to and are binding upon the Respondent.

4. The Respondent hereby waives all objections and defenses to the jurisdiction of the Ethics Enforcement Officer over matters addressed in this Consent Order.

5. The Respondent waives any rights it may have under General Statutes §§ 1-91, 1-93, 1-93a, 1-98, 1-99 and 4-183, including the right to a hearing or appeal in this case, and agrees with the Office of State Ethics to an informal disposition of this matter as authorized by General Statutes § 4-177 (c).

6. Except as otherwise expressly set forth herein, the Respondent consents to jurisdiction and venue in the Connecticut Superior Court, Judicial District of Hartford, in the event that the State of Connecticut seeks to enforce this Consent Order. The Respondent recognizes that the Connecticut Superior Court has the authority to specifically enforce the provisions of this Consent Order, including the authority to award equitable relief.

7. The terms set forth herein are in addition to, and not in lieu of, any other existing or future statutory, regulatory, or other legal obligation that may be applicable to the Respondent.

8. The Respondent understands that this Consent Order is subject to the approval of the Citizen's Ethics Advisory Board and is not final until signed. If the Citizen's Ethics Advisory Board does not approve this Consent Order, and this matter proceeds to a hearing before the Board, the Respondent expressly waives any objection the Respondent may have to the Board presiding over a hearing in this matter based on the Board's previous consideration of this Consent Order.

9. The Respondent understands that the Respondent has the right to be represented by legal counsel and has been represented by counsel throughout the investigation of the Complaint and the negotiation of this Consent Order.

#### IV. ORDER

**NOW THEREFORE**, pursuant to General Statutes § 4-177 (c), the Office of State Ethics hereby **ORDERS**, and the Respondent agrees, that:

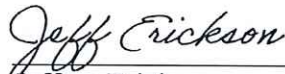
1. Pursuant to General Statutes § 1-99 (a) (1), the Respondent will heretofore cease and desist from any future violation of General Statutes §§ 1-94, 1-95, and 1-96.

2. Pursuant to General Statutes §§ 1-94 and 1-95, the Respondent will register with the Office of State Ethics for any biennial registration period in which the Respondent made expenditures or incurred an obligation to make expenditures of three thousand dollars (\$3,000.00) or more for lobbying or in furtherance of lobbying during either or both calendar years in the registration period.

3. Pursuant to General Statutes § 1-99 (a) (3), the Respondent will pay civil penalties to the State in the amount of ten thousand dollars (\$10,000.00) for the Respondent's violations of the Code of Ethics for Lobbyists as set forth in the Complaint.

**WHEREFORE**, the Office of State Ethics and the Respondent hereby execute this Consent Order dated this \_\_\_ day of May, 2023.

Dated: May 18, 2023



\_\_\_\_\_  
Jeffrey Erickson  
Acting Chief Financial Officer  
**On Behalf of the Respondent**

Dated: 5/18/2023



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**Dena Castricone, Chair**  
Citizen's Ethics Advisory Board  
Connecticut Office of State Ethics  
165 Capitol Avenue  
Suite 1200  
Hartford, CT 06106