



DOCKET NUMBER 2011-23 : OFFICE OF STATE ETHICS  
: :  
IN THE MATTER OF A : 18-20 TRINITY STREET  
: :  
COMPLAINT AGAINST : HARTFORD, CT 06106  
: :  
JON GREEN : OCTOBER 20, 2011

**STIPULATION AND CONSENT ORDER**

Pursuant to the Code of Ethics, General Statutes §§ 1-79, et seq., Thomas K. Jones, Ethics Enforcement Officer for the Office of State Ethics (“OSE”), issued a Complaint against the Respondent Jon Green (“Green” 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, on multiple occasions violated the Code of Ethics for Lobbyists by engaging in lobbying, while failing to identify himself as a lobbyist, as required by General Statutes § 1-101.

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

**I. STIPULATION**

The OSE and the Respondent stipulate to the following facts:

1. Green is the Executive Director of the Working Families Organization, a registered client lobbyist.

2. Beginning no later than January 15, 2011, and continuing until no later than June 8, 2011, Green personally communicated directly, or solicited others to communicate, with officials, or their staffs, in the legislative or executive branches of government, for the purpose of influencing legislative or administrative action.

3. Specifically, beginning no later than January 15, 2011, and continuing until no earlier than June 8, 2011, Green repeatedly engaged in lobbying, and repeatedly solicited others to engage in lobbying, of state legislators, legislative staff, state executive officials, executive branch staff and other state employees, for the purpose of influencing the passage and implementation of legislation regarding paid sick leave, which was one of the legislative priorities for the Working Families Organization.

4. On March 8, 2011, the Working Families Organization disclosed to the OSE that Green was engaged in lobbying on its behalf. On that day, Working Families Organization paid a registration fee for Green to lobby on its behalf, and the OSE sent correspondence to Green notifying him of his obligation to complete and certify his registration and informing him that he could not legally engage in lobbying until he completed the registration process. Green, however, did not complete or certify his registration as a lobbyist at that time.

5. Beginning at a time no later than March 8, 2011, Green was a communicator lobbyist as that term is defined in General Statutes § 1-91(v).

6. Pursuant to General Statutes § 1-101, "each individual who is a lobbyist shall, while engaged in lobbying, wear a distinguishing badge which shall identify him as a lobbyist."

7. In 2011, prior to May 25, Green had over one hundred meetings and/or in-person conversations with legislators, legislative staff members, and executive branch officials and employees for the purpose of influencing their legislative or administrative actions with regard to

paid sick leave legislation. Green did not wear a distinguishing badge, identifying himself as a lobbyist, in any of these meetings or conversations.

8. In addition to his lobbying activities, and his other functions as the Executive Director of the Working Families Organization, at all times relevant hereto Green was also the Executive Director of "Connecticut Working Families Party," a political party in the state of Connecticut. At all times relevant hereto, although operating out of the same office space at the same address as Working Families Organization, "Connecticut Working Families Party" was a separate entity from Working Families Organization.

9. In 2010, as Executive Director for the Connecticut Working Families Party, Green publicly endorsed candidates for the state legislature, many of whom were elected to office during the 2010 election cycle.

10. In 2010, while under Green's executive direction, the Connecticut Working Families Party contributed resources to the campaigns of candidates for the state legislature, many of whom were elected to office during the 2010 election cycle.

11. Beginning no later than January 15, 2011, and continuing until no earlier than June 8, 2011, Green lobbied legislators, some of whom the Connecticut Working Families Party had endorsed during the 2010 election cycle.

12. Beginning no later than January 15, 2011, and continuing until no earlier than June 8, 2011, Green lobbied legislators, including some to whom Connecticut Working Families Party had contributed during the 2010 legislative cycle.

13. Previously, during the 2009 legislative session, Green engaged in lobbying without a registration and, in response thereto, had been directly and specifically instructed by the Ethics Enforcement Officer about some of the statutory obligations regarding registering with

the OSE. At that time, a confidential evaluation (Docket No. 2009-48) was opened to determine whether Green violated the Code of Ethics for Lobbyists. Green did not dispute the fact that he had lobbied, but presented evidence that he had not received, or agreed to receive, \$2000 for his lobbying efforts, and that he was therefore not required to register as a “lobbyist” as defined by General Statutes § 1-91(l). The OSE identified some deficiencies in Green’s record keeping that could have affected the determination of whether Green met the \$2000 threshold set forth in General Statutes § 1-91(l). As a result of the confidential evaluation, Green agreed to track his future lobbying activities and to register if his lobbying activity was such that he was required to register under General Statutes § 1-94.

14. Respondent admits to the foregoing facts and admits that such facts constitute a violation of § 1-101 of the Code of Ethics for Lobbyists.

## **II. 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 OSE, through the Citizen’s Ethics Advisory Board, is authorized to enter into this Stipulation and Consent Order.

3. The provisions of this Stipulation and 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 Stipulation and 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 OSE to an informal disposition of this matter as authorized by General Statutes § 4-177(c).

6. The Respondent waives any rights it may have under General Statutes §§ 1-91, 1-93, 1-93a, 1-98 1-99 and 4-183 with respect to OSE Docket No. 2009-48, the Matter of Jon Green, including the right to a hearing or appeal in that case, and agrees with the OSE to a dismissal of Docket No. 2009-48.

7. 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 Stipulation and Consent Order. The Respondent recognizes that the Connecticut Superior Court has the authority to specifically enforce the provisions of this Stipulation and Consent Order, including the authority to award equitable relief.

8. 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.

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

### **III. 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), Respondent will heretofore cease and desist from any future violation of General Statutes § 1-101.

2. Pursuant to General Statutes § 1-101, Respondent will henceforth, while a communicator lobbyist engaged in lobbying, wear a distinguishing badge which shall identify him as a lobbyist.

3. The following will apply for a period of five years following this stipulation:

- a. Respondent will register with the OSE as a communicator lobbyist in each legislative biennium in which Respondent spends, or will spend, 20 hours or more lobbying and/or soliciting others to lobby on behalf of a client lobbyist. Such registration shall occur on or before the 15<sup>th</sup> day of January, or upon the date when the 20 hours is reached, whichever is later. Provided, however, that nothing herein shall relieve the Respondent from registering as a lobbyist if the Respondent is otherwise required to do so pursuant to the General Statutes.
- b. During any legislative session in which Respondent is not a registered lobbyist, Respondent shall inform and, upon request, immediately meet with the OSE, when he spends 10 hours lobbying and/or soliciting others to lobby on behalf of a client lobbyist. All records required by paragraph 4 of this order shall be made available at such time.
- c. Pursuant to General Statutes § 1-96, Respondent will timely file accurate financial reports with the OSE for any period in which he is registered as a communicator lobbyist.
- d. Respondent will maintain all records related to his lobbying activity in the manner set forth by General Statutes § 1-96a(a) and Regulations of Connecticut Agencies § 1-92-55.

- e. Upon written request by the OSE, Respondent will make all documents related to his lobbying activity available to the OSE for the purpose of verifying any financial report filed by Respondent, or for the purpose of verifying any report filed by any registrant on whose behalf he engaged in lobbying.

4. For a period of five years from the date of this Stipulation and Consent Order, Respondent shall use best efforts to record and maintain a written summary of all of his contact with any legislator, legislative staff member, state public official, or other state employee in the executive branch (hereinafter “recordable person”), with whom he meets or corresponds for the purpose of discussing any legislative or administrative action on behalf of any third party (hereinafter “recordable purpose”), and for compensation. Such record shall include: the name of the recordable person with whom Respondent met or corresponded; the type of meeting or correspondence (e.g., “in-person meeting,” “telephone call,” “email,” “text message,” etc.); the date and time of the correspondence or meeting; the amount of time spent in the meeting or in corresponding; and, the legislative or administrative action that Respondent was attempting to influence. Upon written request by the OSE, a copy of the written summary shall be made available by Green for inspection by the OSE. Provided, however, that:

- a. The OSE recognizes that time recorded pursuant to this paragraph may include time that is not reportable by Green as “lobbying” or “in furtherance of lobbying” under the General Statutes, and Respondent’s recording of such time shall not be construed as an admission that such time constitutes “lobbying” or is otherwise reportable to the OSE as “lobbying.”

- b. Respondent shall not be required to record the specific identities of recordable persons whom he contacts in the course of general lobbying in the public areas of the legislative office building or the public areas at the Capitol, provided that such contacts are not scheduled in advance and are de minimis in nature (i.e., a contact is de minimis when it does not exceed ten minutes). Provided further, however, that Respondent shall record all time spent in the course of general lobbying, and the location of such lobbying in addition to the other elements set forth above.
- c. Respondent shall not be required to record incidental contact with any person outside of state executive, legislative, or quasi-public agency buildings where such contact was not planned, is unforeseen, and is de minimis in nature (i.e., a contact that is of a de minimis nature is one that does not exceed ten minutes), provided that the incidental contact does not include any direct lobbying by Green.
- d. Respondent shall not be required to record the recipients of routine correspondence sent by the Working Families Organization or Connecticut Working Families Party when the correspondence is sent to a standardized mailing list kept by the Working Families Organization or the Connecticut Working Families Party for routine correspondence to members or volunteer recipients of such correspondence, irrespective of the fact that a recordable person may incidentally be on the standardized mailing list.
- e. Respondent shall not be required to record the specific names of recordable persons at public meetings, or at meetings of the Working Families

Organization or the Connecticut Working Families Party, where Respondent appears as a speaker, provided that: (1) the attendance of any recordable person at such meeting is as a result of the person being a member or invitee of the organization or, in the case of the public meeting, a member of the public; (2) Respondent communicates with the recordable person solely as a member of the attending audience; and, (3) where Respondent is aware of the presence of a recordable person in the audience, Respondent otherwise records the date and time of the event, the recordable purpose, if any, and notes that a recordable person was in attendance.

- f. Respondent shall not be required to record the words, responses, or positions of himself or of any person covered under this section with whom Respondent meets or corresponds.
- g. Respondent shall not be required to keep time more accurately than the nearest 10<sup>th</sup> of an hour. Provided further, however, that time that is less than 10 minutes shall be recorded as “under 10 minutes,” or substantially similar notation.
- h. Except as provided herein, or as otherwise provided under law, or court or agency order, nothing herein shall be interpreted as requiring Respondent to provide a physical copy of the written summary contemplated under paragraph four of this Order to any third party, including the OSE, for such third party’s physical possession.

5. 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 his violations of General

Statutes § 1-101 as set forth in the Complaint. Such payment shall be made in accordance with the schedule attached hereto as Exhibit A, which is incorporated into this Stipulation and Consent Order as if fully set forth herein.

6. In addition to, and not in lieu of, any other penalty or punishment that may independently arise from any future violation of law by Respondent, any violation of this Consent Order may be penalized by the imposition of an administrative penalty not to exceed ten thousand dollars (\$10,000) per violation. Such penalty shall be imposed on Respondent only after a hearing conducted pursuant to § 4-177 of the General Statutes.

7. The following shall occur when and if either the Respondent or the OSE believes there are (1) material changes in the language of, or the judicial interpretation of, the requirements of the Chapter 10 of the General Statutes, which diminish the registration and reporting requirements of that Chapter; or, (2) there are material changes in the General Statutes that increase in disabilities or restrictions placed upon communicator lobbyists; or, (3) there are material changes in Green's employment duties or location such that the specific requirements of this order no longer serve their intended purpose.

- a. Upon written request of the OSE or the Respondent identifying the material change(s), the Ethics Enforcement Officer and Respondent shall meet at a mutually convenient place and time for the purpose of discussing whether modifications to this Order are necessary or desirable to both Green and the OSE;
- b. If the Ethics Enforcement Officer and Respondent, following the meeting set forth above, agree that modifications to this Order are necessary or desirable, such proposed modifications shall be reduced to writing and presented to the

Citizen's Ethics Advisory Board for its consideration and approval, which approval shall not be unreasonably withheld;

- c. Notwithstanding subparagraphs a. and b. above, nothing herein shall prohibit Respondent from independently seeking modification of this Order from the Citizen's Ethics Advisory Board if Respondent believes there has been a material change in the law or fact that warrants such modification. Such modification shall be sought through a "Petition for Declaratory Ruling" and shall be governed by the procedure outlined in General Statutes § 4-176 and Regulations of Connecticut Agencies §§ 1-92-39a et seq. If the Citizen's Ethics Advisory Board determines, or a court of competent jurisdiction on appeal from a Declaratory Ruling holds, that a "material change" has occurred under this paragraph, there shall be a rebuttable presumption that this Order shall be modified to accommodate such material change.

**WHEREFORE**, the Office of State Ethics and the Respondent hereby execute this Stipulation and Consent Order dated October 20, 2011.

Dated: 10/28/11



**Jon Green**  
Respondent

Dated: 17 Nov 2011



**David Gay, Chairman**  
Citizen's Ethics Advisory Board  
Connecticut Office of State Ethics  
18-20 Trinity Street  
Hartford, CT 06106

**EXHIBIT 1 – PAYMENT SCHEDULE**

The Respondent will make the following payments to the State in the following manner:

1. This Exhibit 1 is included with the Stipulation and Consent Order in Docket No. 2011-23, the Matter of Jon Green, by reference and is subject to the terms thereof.
2. All payments set forth herein shall be made by certified or bank check, made payable to the Office of State Ethics.
3. All payments set forth herein shall be hand-delivered, or sent via certified mail, return receipt requested, or by overnight delivery, to the Office of State Ethics, attn: Thomas Jones, 18-20 Trinity Street, Hartford, CT 06106.
4. Each payment set forth herein shall be received by the Office of State Ethics on or before the date on which the payment is due.

<u>Payment Amount</u>	<u>Due Date</u>
\$4,000.00	On or before entry of the Stipulation and Consent Order
\$2,000.00	On or before December 16, 2011
\$2,000.00	On or before January 20, 2012
\$2,000.00	On or before February 17, 2012