

CONNECTICUT STATE ETHICS COMMISSION  
20 TRINITY STREET  
HARTFORD, CONNECTICUT 06106-1660

AMENDED COMPLAINT

The State Ethics Commission issues a complaint alleging a violation of:

\_\_\_\_\_ The Code of Ethics for Public Officials and State  
Employees, Chapter 10, Part I, General Statutes

  X   The Code of Ethics for Lobbyists, Chapter 10, Part II,  
General Statutes

Time and date matters complained of occurred:

Calendar years 1998 and 1999

Place violation occurred:

Hartford, CT

Persons involved:

New York Capital Partners, F.L. Inc.

Witnesses:

List to be provided at least 10 days prior to any hearings on the merits  
in this matter.

Circumstances which indicate that the Code of Ethics designated above was violated are  
as follows (a short, plain statement alleging a violation of Chapter 10, General Statutes):

Please see attached amended complaint.

(over)

  
Signature

2/15/02  
Date

**Complainant's Name and Address:**

State Ethics Commission  
20 Trinity Street  
Hartford, CT 06106-1660

**Complainant's Telephone Number:**

(860) 566-4472



9. The Agreement described in paragraphs 1-3, above, is an agreement to engage in administrative lobbying to maintain and/or enter into a new contract with the Office of the Treasurer.
10. The Respondent, through its principal, failed to register in calendar years 1998 and 1999.
11. Each failure to register is a violation of Conn. Gen. Stat. §1-94(1).
12. Pursuant to Conn. Gen. Stat. §1-96(b), a communicator lobbyist registrant shall file periodic financial disclosure reports with the State Ethics Commission regarding its lobbying activities.
13. The Respondent, through its principal, failed to file the required financial disclosure reports in calendar years 1998 and 1999.
14. Each failure to file a required report is a violation of Conn. Gen. Stat. §1-96(b).
15. Pursuant to Conn. Gen. Stat. Section 1-97(b), no person shall be employed as a lobbyist for compensation, which is contingent upon the outcome of any administrative action.
16. As more fully described above, the Respondent, through its principal, entered into a contingent fee payment arrangement with Westport Advisors, Ltd., *formerly* Westport Realty Advisors, Ltd., in violation of Conn. Gen. Stat. Section 1-97(b).
17. The receipt of each contingent fee payment by the Respondent and its principal is a violation of Conn. Gen. Stat. Section 1-97(b).

DOCKET NUMBER 2000-14

STATE ETHICS COMMISSION

IN THE MATTER OF A

20 TRINITY STREET

COMPLAINT RE:

HARTFORD, CT 06106

NEW YORK CAPITAL PARTNERS F.L. INC.      FEBRUARY 15, 2002

STIPULATION AND ORDER

The caption of the Amended Complaint in the aforementioned matter has been amended this day at the request of the Respondent in order to facilitate the settlement of the matter.

Pursuant to Connecticut General Statutes §4-177(c), the State Ethics Commission (hereinafter "the Commission") and the Respondent, New York Capital Partners, F.L. Inc. (hereinafter "NYCP"), agree to settle this matter in the manner described below:

1. The Commission finds that the Respondent through its principal violated the Code of Ethics for Lobbyists (hereinafter "the Code") as alleged in the Amended Complaint regarding the Respondent dated February 15, 2002 (hereinafter "the Amended Complaint"), but that the violation was unintentional and unknowing. This finding is based solely on the Commission's staff investigation into this matter. More specifically, the Commission finds that the Respondent's principal:
  - (a) failed to register as a lobbyist in calendar years 1998 and 1999;
  - (b) failed to file the required financial disclosure reports in calendar years 1998 and 1999; and
  - (c) on behalf of the Respondent, entered into a contingent fee payment arrangement in violation of Conn. Gen. Stat. §1-97(b) with Westport Advisors, Ltd., formerly Wesport Realty Advisors, Ltd., whereby the Respondent would be paid a percentage of the capital committed by the Office of the Treasurer of the State of Connecticut for investment in the Westport Senior Living Investment Fund, L.P. (hereinafter "the Fund").
2. The Respondent, through its principal, enters into this Stipulation and Order without admitting that he has violated any law, or otherwise committed any improper act. The Respondent, through its principal, indicates that he is entering this Stipulation and Order for the sole purpose of avoiding the time and expense of litigation. This Stipulation and Order is not to be construed by any party as an admission of guilt, liability or wrongdoing on the part of the Respondent or its principal.
3. The Respondent and its principal waive any rights it/he may have under Conn. Gen. Stat. §§ 1-80, 1-93, 1-93a, 1-98 and 4-183(f), 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).

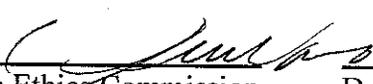
4. This Stipulation and Order concludes the Commission's investigation into the conduct of the Respondent and its principal, and constitutes the final penalties and orders against the Respondent and its principal.

WHEREFORE, the State Ethics Commission enters, and the Respondent, through its principal, agrees to, the following orders in lieu of any other action that the Commission is authorized to take with regard to the Amended Complaint:

1. The Respondent, through its principal, agrees to file the required registration and financial disclosure forms for calendar years 1998 and 1999 within sixty (60) days of the date the Respondent, through its principal, executes this Stipulation and Order (hereinafter "this Stipulation");
2. The Respondent, through its principal, agrees to pay a civil penalty of \$2,000 to the State Ethics Commission within thirty (30) days of the signing of this Stipulation by the Respondent's principal;
3. The Respondent and its principal will cease and desist from receiving any contingency payments from Westport Advisors, Ltd. and/or Westport Realty Advisors, Ltd. in connection with an investment by the Connecticut Retirement Plans and Trust Funds (hereinafter "CRPTF") in the Fund.
4. The Respondent and its principal agree to, within thirty (30) days of the signing of this Stipulation by the Respondent's principal, execute a Release on behalf of the Respondent and its principal releasing Westport Advisors Ltd. and/or Westport Realty Advisors, Ltd. from any and all liability on those entities' parts for not paying the additional \$437,500 that would have been due under the Agreement alleged in Paragraphs 1- 3, of the Amended Complaint.
5. The Respondent and its principal agree that the Respondent's principal has the authority to execute this Stipulation as well as the authority to execute the releases described in Paragraph 4 above.
6. The Respondent, through its principal, agrees to, within ninety (90) days of the execution by both parties of this Stipulation, make a voluntary payment to the CRPTF of an amount equal to the difference between \$591,135.42 and the balance held on the day of the signing of the stipulation in the escrow account established by Westport Advisors, Ltd. on or about May 17, 2001 with Northern Trust Bank with Westport's deposit of \$437,500 (hereinafter "the Escrow Account"), said payment to be made in three equal installments, as follows:

- one third of the total voluntary payment due within thirty (30) days of the execution by both parties of this Stipulation;
- one third of the total voluntary payment due within sixty (60) days of the execution by both parties of this Stipulation; and
- one third of the total voluntary payment due within ninety (90) days of the execution by both parties of this Stipulation.

7. The Respondent and its principal have fully cooperated in the investigation and resolution of this matter.
8. The Respondent and its principal shall henceforth comply with the Code of Ethics for Lobbyists.

  
\_\_\_\_\_  
Chairperson, State Ethics Commission

15 FEB 02  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent – NYCP  
By: Its Principal

\_\_\_\_\_  
Date

NYCP Stipulation and Order 2-15-02 - FINAL