

In the Matter of a Complaint by

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

against

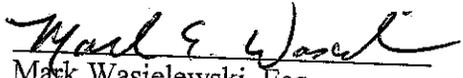
Docket # 2010-14UL

Blackrock Realty, LLC,

Respondent

June 21, 2010

FINAL DECISION AND NOTICE OF FINAL DECISION REGARDING ABOVE MATTER
ARE RECEIVED BY:


Mark Wasielewski, Esq.
Assistant Ethics Enforcement Officer

6/22/10
Date

NOTICE OF FINAL DECISION

In the Matter of a Complaint by

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

against

Docket # 2010-14UL

Blackrock Realty, LLC,

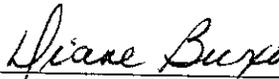
Respondent

June 21, 2010

TO: Ethics Enforcement Officer, Office of State Ethics; and Blackrock Realty, LLC,
Respondent; Courtesy Copy to Attorney Michael Botello.

This will serve as notice of the Final Decision of the Citizen's Ethics Advisory Board, Office of State Ethics, in the above matter as provided by Connecticut General Statutes § 4-180 (c). The Citizen's Ethics Advisory Board adopted the Final Decision in the above-captioned case at its regular meeting of June 17, 2010.

By Order of the Citizen's Ethics Advisory Board
of the Office of State Ethics



Diane Buxo, Acting Clerk of the Board

In the Matter of a Complaint by

Final Decision

Ethics Enforcement Officer,
Office of State Ethics,

Complainant,

Docket # 2010-14UL

against

Blackrock Realty, LLC,

Respondent

June 21, 2010

The above-captioned matter was heard as a contested case on May 18, 2010, with the complainant and respondent appearing and presenting testimony, exhibits and argument on the complaint.

After considering the entire record, the following facts are found and conclusions of law are made:

1. It is found that, having failed to timely receive the respondent's first quarter ETH-2D report by April 10, 2010, the complainant sent an email to the respondent, dated April 14, 2010, informing it that the report was now delinquent and that if a first quarter ETH-2D report was not received by April 30, 2010, then a hearing on this matter would be scheduled and the complainant would seek civil penalties.
2. It is found that the Office of State Ethics ("OSE"), having failed to receive a first quarter ETH-2D report from the respondent by April 30, 2010, issued notice to the respondent on May 4, 2010, of the May 18, 2010 hearing in this matter pursuant to the authority and jurisdiction vested in it by General Statutes § 1-99 (b). Such notice alleged that the respondent violated General Statutes § 1-96 (a) by failing to file a first quarter ETH-2D report and was addressed to

Kurt Wittek, President of Blackrock Realty, LLC, who is listed in the OSE's official records as the authorized agent of Blackrock Realty, LLC, pursuant to § 1-96 (a).

3. It is found that the issues presented are:
 - a. whether the respondent violated § 1-96 (a) by failing to file, on or before April 10, 2010, a first quarter ETH-2D report.
 - b. whether the Citizen's Ethics Advisory Board ("Board") should impose a civil penalty in this matter, if it finds that the respondent violated § 1-96 (a).
4. Section 1-96 (a) provides, in relevant part:

Each client lobbyist registrant shall file with the Office of State Ethics between the first and tenth day of April... a financial report, signed under penalty of false statement. The April ... report[] shall cover its lobbying activities during the previous calendar quarter ... If the client lobbyist registrant is not an individual, an authorized officer or agent of the client lobbyist registrant shall sign the form.
5. Section 1-99 (b) provides, in relevant part:

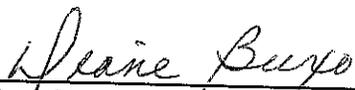
[The Board] may, after a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, upon the concurring vote of two-thirds of its members, impose a civil penalty not to exceed ten dollars per day upon any registrant who fails to file any report, statement or other information as required by this part. Each distinct violation of this subsection shall be a separate offense and, in case of a continued violation, each day thereof shall be deemed a separate offense. In no event shall the aggregate penalty imposed for such failure to file exceed ten thousand dollars.
6. It is found that the respondent was a client lobbyist registrant and a required filer of financial reports during the 2009-2010 registration period, within the meaning of § 1-96 (a).
7. It is found that the respondent did not file a first quarter ETH-2D report with the OSE on or before April 10, 2010, as required by § 1-96 (a).
8. It is therefore concluded that the respondent violated § 1-96 (a), by failing to file the required first quarter ETH-2D report with the OSE on or before April 10, 2010.

9. It is found that the responsibility to file the required first quarter ETH-2D report is a continuing one and that the failure to meet the responsibility is a continuing violation of § 1-96 (a).
10. It is found that, as of the date and time of the hearing in this matter, the respondent did not file the first quarter ETH-2D report with the OSE, making it thirty-seven (37) days late.
11. It is concluded that pursuant to § 1-99 (b) the Board may impose a maximum civil penalty of ten dollars (\$10.00) per day for every day the form is late.

The following order by the Board is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The respondent shall, within ten (10) days of the mailing of the notice of final decision in this case, remit to the OSE a civil penalty in the amount of ten dollars (\$10.00) per day for every day between April 11, 2010, and until the form is filed, but not to exceed ten thousand dollars (\$10,000).
2. Henceforth, the respondent shall timely file all required ETH-2D reports.

Approved by Order of the Citizen's Ethics Advisory Board at its regular meeting of June 17, 2010.



Diane Buxo
Diane Buxo
Acting Clerk of the Board

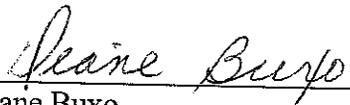
PURSUANT TO CONNECTICUT GENERAL STATUTES § 4-180 (c), THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS PROVIDED TO THE OFFICE OF STATE ETHICS, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVES.

THE PARTIES TO THIS CONTESTED CASE ARE:

ETHICS ENFORCEMENT OFFICER
C/O: MARK WASIELEWSKI, ASST. ENFORCEMENT OFFICER
OFFICE OF STATE ETHICS
18-20 TRINITY STREET, SUITE 205
HARTFORD, CT 06106

BLACKROCK REALTY, LLC
ATTN: KURT WITTEK
1375 KINGS HIGHWAY EAST
SUITE 240
FAIRFIELD, CT 06824

Courtesy Copy Sent to:
UPDIKE KELLY & SPELLACY
ATTN: ATTORNEY MICHAEL P. BOTELLO
100 PEARL STREET, 17th FLOOR
P.O. BOX 231277
HARTFORD, CT 06123-1277



Diane Buxo
Acting Clerk of the Board