



General Assembly

**Senate Resolution No.
201**

*June Special Session,
2007*

LCO No. **10018**

*10018 _____ *

Referred to Committee on No Committee

Introduced by:

SEN. LOONEY, 11th Dist.
SEN. RORABACK, 30th Dist.
SEN. DEFRONZO, 6th Dist.

SEN. GUGLIELMO, 35th Dist.
SEN. NICKERSON, 36th Dist.
SEN. STILLMAN, 20th Dist.

**RESOLUTION OF THE BIPARTISAN COMMITTEE OF REVIEW
REPORTING TO THE SENATE CONCERNING SENATOR LOUIS C.
DELUCA.**

Resolved by the Senate:

1 PREAMBLE

2 WHEREAS, on June 4, 2007, Senator Louis C. DeLuca pled guilty to
3 the misdemeanor charge of conspiracy to commit threatening in the
4 second degree; and

5 WHEREAS, Article Third, Section 13 of the constitution of the state
6 of Connecticut provides that each house of the General Assembly shall
7 determine the rules of its own proceedings, and punish members for
8 disorderly conduct, and, with the consent of two-thirds, expel a
9 member, but not a second time for the same cause; and shall have the
10 powers necessary for a branch of the legislature of a free and

11 independent state; and

12 WHEREAS, on August 22, 2007, the Senate adopted Senate
13 Resolution 200 establishing the Bipartisan Committee of Review to
14 make a recommendation to the Senate as to what action it deems
15 appropriate concerning Senator DeLuca; and

16 WHEREAS, the creation of the Bipartisan Committee of Review
17 marked the first instance in the history of the Senate that such a
18 disciplinary proceeding has been commenced; and

19 WHEREAS, the Bipartisan Committee of Review, to date, has met
20 on seven occasions between August 28, 2007, and November 6, 2007,
21 and reviewed all publicly available information heretofore provided to
22 it about the events leading up to Senator DeLuca's guilty plea on the
23 misdemeanor charge of conspiracy to commit threatening in the
24 second degree; and

25 WHEREAS, the Bipartisan Committee of Review offered Senator
26 DeLuca the opportunity to offer a statement and answer questions
27 posed by Committee members and Senator DeLuca appeared before
28 the Committee on October 15, 2007; and

29 WHEREAS, due to the unprecedented nature of such disciplinary
30 proceeding, the Bipartisan Committee of Review has reviewed
31 disciplinary proceedings undertaken by other state legislatures and the
32 United States Congress concerning their respective members; and

33 WHEREAS, no such disciplinary proceeding reviewed by the
34 Committee presented facts similar to the unique set of facts presented
35 in this instance; and

36 WHEREAS, in determining whether to recommend disciplinary
37 action be taken against Senator DeLuca, the Bipartisan Committee of
38 Review gave primary consideration to the following three factors: (1)
39 The legal classification of the conduct engaged in by the public official,
40 (2) whether the conduct engaged in was related to public office, and (3)

41 whether such conduct eroded the public trust vested in public officials;
42 and

43 PRELIMINARY FINDINGS

44 WHEREAS, the Bipartisan Committee of Review has made the
45 following preliminary findings:

46 (1) On April 5, 2005, Senator DeLuca met with James Galante.
47 During Senator DeLuca's sworn testimony to the Bipartisan Committee
48 of Review he stated that at the time of his meeting with Mr. Galante he
49 believed Mr. Galante was on the fringes of organized crime;

50 (2) Senator DeLuca indicated to James Galante that he wanted
51 Galante to have someone "pay a visit" to his granddaughter's husband.
52 During Senator DeLuca's sworn testimony to the Committee he stated
53 that he asked Mr. Galante to have someone "pay a visit" to his
54 granddaughter's husband because he believed his granddaughter's
55 husband was physically abusive toward his granddaughter;

56 (3) In June, 2006, James Galante was indicted by the United States
57 Attorney for involvement in an alleged racketeering scheme;

58 (4) On June 10, 2006, Governor Rell proposed to establish a new
59 state authority to regulate trash hauling to keep organized crime and
60 corruption out of the industry;

61 (5) On September 5, 2006, and September 7, 2006, Senator DeLuca
62 met with an individual whom he believed was an associate of James
63 Galante but who was actually a federal undercover agent;

64 (6) Senator DeLuca told the undercover agent that "anytime James
65 Galante needs anything, anything within my power, that I can do, I
66 will do.";

67 (7) Senator DeLuca told the undercover agent "I'll keep my eyes
68 open. And understand that anything that could hurt James Galante, I'll

69 try to blunt it as best I can.";

70 (8) At the time that Senator DeLuca made such offer to use the
71 powers of his office in furtherance of James Galante's interests, Senator
72 DeLuca knew that James Galante had recently been indicted for
73 criminal activity in connection with his trash hauling business;

74 (9) During the September 5, 2006, meeting between Senator DeLuca
75 and the undercover agent, the undercover agent suggested to Senator
76 DeLuca that he lie to the FBI concerning the reason why he met with
77 James Galante. Specifically, the undercover agent told Senator DeLuca
78 that he should tell the FBI that the meeting with Mr. Galante was about
79 employment;

80 (10) On September 7, 2006, Senator DeLuca did lie to FBI agents
81 concerning the reason for his April 5, 2005, meeting with James
82 Galante;

83 (11) During the September 7, 2006, meeting between Senator
84 DeLuca and the undercover agent, Senator DeLuca was offered a bribe
85 of five thousand dollars. Senator DeLuca did not accept the bribe but
86 he failed to report the offer of such bribe to any law enforcement
87 agency;

88 (12) On September 21, 2006, Senator DeLuca admitted that he lied to
89 the FBI on September 7, 2006, when he was asked about the reason for
90 his April 5, 2005, meeting with James Galante;

91 (13) On June 4, 2007, Senator DeLuca pled guilty to the
92 misdemeanor charge of conspiracy to commit threatening in the
93 second degree. As part of Senator DeLuca's plea agreement, the federal
94 government agreed not to indict Senator DeLuca on any additional
95 charges arising out of their investigation. The federal authorities
96 agreed to not indict Senator DeLuca for his comments to the FBI agent
97 in September, 2006, for any actions taken to injure or threaten the
98 target of this matter;

99 (14) When Senator DeLuca appeared before the Bipartisan
100 Committee of Review on October 15, 2007, he refused to answer
101 Committee members' questions under oath. On October 24, 2007,
102 Senator DeLuca submitted an affidavit to the Committee attesting to
103 the truth and accuracy of the statements and answers provided to the
104 Committee on October 15, 2007. On October 30, 2007, Senator DeLuca
105 submitted an affidavit to the Committee attesting to the truth and
106 accuracy of his answers to the October 24, 2007, written questions
107 submitted to him by Committee members;

108 (15) Although Senator DeLuca sought James Galante's assistance
109 with what Senator DeLuca considered to be a "personal family matter",
110 Senator DeLuca told Committee members that James Galante was not
111 a close acquaintance and that he didn't know if Mr. Galante would
112 have agreed to meet with him if he was not a state senator;

113 (16) Senator DeLuca has failed to cooperate fully with the Bipartisan
114 Committee of Review by not providing the Committee with tape
115 recordings of the conversations that he had with the undercover agent
116 and that are in the possession of his attorney. Senator DeLuca also has
117 refused to provide the Committee with an unredacted transcript of
118 such tape-recorded conversations; and

119 (17) On November 5, 2007, Senator DeLuca's attorney sent the
120 Bipartisan Committee of Review a letter indicating that such tape
121 recordings contain exculpatory evidence concerning the bribe offered
122 to Senator DeLuca. Such evidence has not been presented to the
123 Committee for its review; and

124 CONCLUSIONS

125 WHEREAS, the Bipartisan Committee of Review has determined
126 that it would be unprecedented for the Senate to remove a duly elected
127 senator from office during the course of the term for which he was
128 elected without exhausting all available avenues for relevant
129 information; and

130 WHEREAS, the Bipartisan Committee of Review has determined
131 that Senator DeLuca's actions, described herein, have violated the
132 public trust that is vested in public officials; and

133 WHEREAS, the Bipartisan Committee of Review has determined
134 that such actions by Senator DeLuca have brought dishonor on his
135 office and the institution of the state Senate; and

136 WHEREAS, the Bipartisan Committee of Review has determined
137 that the totality of Senator DeLuca's actions have had a significant and
138 negative effect on the public's confidence in state government and, in
139 particular, the state Senate; and

140 WHEREAS, the Bipartisan Committee of Review has determined
141 that Senator DeLuca's failure to provide the Committee with the tape
142 recordings of his meetings with the undercover agent impedes the
143 Committee from being able to determine whether Senator DeLuca's
144 continued service would compromise the integrity of the state Senate
145 in the future; and

146 WHEREAS, the Bipartisan Committee of Review has determined
147 that knowing the complete content of the tape recordings that
148 memorialize the conduct and intent of Senator DeLuca which are the
149 focus of the instant disciplinary proceeding would be of major
150 importance to the Committee in the discharge of its responsibilities.

151 RECOMMENDATION

152 NOW, THEREFORE, BE IT RESOLVED by the Senate that the
153 Bipartisan Committee of Review be granted subpoena power pursuant
154 to sections 8 and 9 of Senate Resolution 200 and sections 8 and 9 of the
155 procedures of the Committee and be given a reasonable amount of
156 time to exercise such power and make final recommendation to the
157 Senate. Failure to comply with a subpoena issued by the Bipartisan
158 Committee of Review within fifteen days of its issuance shall be
159 deemed to represent noncooperation with the Committee and an

160 undermining of the public trust.