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McGrath Pays \$100 For "Loitering"

BY **Melissa Bailey** | MAR 30, 2009 1:14 PM

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PAUL BASS PHOTO

Brian McGrath paid a fine to the State Election Enforcement Commission — but he's not sorry.

In fact, the Democrat said he's ready to take Vito to the polls again — the same man whose distressed response to McGrath's vote-pulling efforts led to a state investigation.

The probe surrounded whether McGrath and fellow Democratic Party vote-puller Stan Saxe broke the law when they brought Vito, who was visibly upset and had a psychological disorder, to the polls during a municipal election on Nov. 6, 2007.

When citizen activist Jeffrey Kerekes read an account of the incident [in this Independent](#)

[story](#), he [filed a complaint](#) with the state, fearing the voter may have been taken advantage of.

The state concluded its investigation last month. The commission found no evidence that the vote-pullers coerced Vito, who has Asperger syndrome, to vote for a candidate.

"There is evidence that [Vito] felt intimidated enough by the [McGrath] to leave his apartment and go vote," reads the commission's decision. However, that alone is not sufficient to establish that [Vito] was influenced by [McGrath] to vote for a particular candidate."

"Loitering? Are You kidding?"

The commission did, however, find both of them guilty of "loitering." For that charge, McGrath paid a \$100 fine; Saxe paid \$250.

[Click here](#) to read McGrath's agreement to pay the civil penalty. [Click here](#) to read Saxe's.

Saxe appears to have received the higher fine for his role in accompanying Vito into the polling station, all the way into the voting booth.

On that Election Day, McGrath, a veteran New Haven Democratic machine vote-puller, was helping Mayor John DeStefano and Alderwoman Ina Silverman bring voters to the polling place at Edgewood School. McGrath and Saxe came across Vito at a building that houses many elderly and mentally disabled residents. When he answered the door, Vito went into hysterics, crying "I don't want to vote!" but went along after McGrath commanded him to. At the polling place, Saxe hid his campaign sticker and walked into the voting booth with Vito. Saxe was caught and booted out before Vito voted.

Saxe declined to comment for this article.

McGrath brushed off the charges.

"Loitering? Loitering? Are you kidding?" he fumed. "I wasn't loitering. Loitering implies I have no purpose."

"I had a purpose," he argued. "I wanted some soup."

McGrath argued that he entered the school only to attend a PTO bake sale. While he gave voters a ride to the polls, he said he did not escort them into the building. He told the commission that he went to the bake sale three times during Election Day, once to buy beef and barley soup.

"I ate when I voted, then I got hungry and I ate twice more," McGrath said. "Is that a crime?"

The state based its penalty on an interpretation of General Statutes \S 9-236, which reads, in part:

(a) On the day of any ... election ... no person shall ... loiter ... in any corridor, passageway or other approach leading from any such outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach

An exemption is given for election officials and people staffing a bake sale, but the exemption "permits only those individuals who have entered the school to vote to attend the bake sale immediately before or after voting," states the SEEC's decision, written by Joan M. Andrews.

"They concluded that going to the bake sale was a crime, so they fined me," concluded McGrath Friday.

"Does that mean I can't go to the bake sale again, I'll get arrested?"

While he disagreed with the commission's interpretation of the law, McGrath said he didn't want to waste the time and gas money fighting the charge in Hartford. He gave his own theory of why he got fined: During an interview with the SEEC, a staffer asked McGrath if he believed the voter he took to the polls was "retarded."

"I told her everyone who voted for the Republicans that day is retarded," McGrath said.

"I think that's why she fined me," joked McGrath. "But I can't prove it."

Nancy Nicolescu, an SEEC spokeswoman, said that the loitering penalty was "very consistent with prior cases" before the SEEC. Asked how rare the loitering charge is, she said "every election, we get a case."

State law sets clear rules about who can be inside of a polling station, she said. "Voters need to have their privacy."

"Bullies"

The SEEC dismissed the charge at the heart of Kerekes' complaint — that McGrath appeared to have strongarmed a vulnerable man into voting for a candidate. While the SEEC didn't find McGrath guilty of that charge, Kerekes said he was grateful for the state's investigation.

"I am glad the SEEC looked into the matter, and dug something out of their bag of options to fine McGrath and Saxe for loitering," Kerekes wrote in an email.

While the SEEC didn't find McGrath guilty of any coercion, Kerekes insisted that "McGrath's actions are that of a bully. New Haven Machine Politics is run by bullies and bullying people around," he said.

Meanwhile, McGrath said he plans to continue vote-pulling for Democrats, as he has for over 20 years. He said he'd even take Vito, if he wants to go.

"That guy was a registered voter. He's still a registered voter and I'm sure we'll take him again on another day. If he wants a ride, he'll get one."

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Comments

posted by: William Kurtz on March 30, 2009 1:44pm

"They concluded that going to the bake sale was a crime, so they fined me," concluded McGrath Friday.

"Does that mean I can't go to the bake sale again, I'll get arrested?"

Give me a break. What's amazing is how similar that line of reasoning is to what I hear every day from high school students who will be engaged in a full-on food fight and indignantly shriek that they shouldn't be punished for not finishing their lunches. New Haven voters should expect a little more from a man Mr. McGrath's age. He and his cohort got off easy and he knows it.

What's even more distressing is the casual manner with which Mr. McGrath tosses around the word 'retarded.'

Ha ha. Very funny. He should be sorry for that if nothing else.

posted by: BoA Watch on March 30, 2009 1:57pm

Who is Kerekas kidding? Guess he has never been exposed to ANY big city politics before. He should visit NYC, Chicago or Bridgeport to get a real lesson on vote pulling.

posted by: William Kurtz on March 30, 2009 2:00pm

Perhaps the SEEC should have 'fined' Mr. McGrath by sentencing him to pull some people to pledge to change they talk about people with cognitive disabilities. I'm sure Tim Shriver, a good Democrat and former New Haven public school teacher would welcome his efforts.

<http://www.r-word.org/>

posted by: Steve on March 30, 2009 9:24pm

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Mayor Johnnie sure knows how to attract the best and the brightest.

Let's see is Mr McGrath, the same retired and fully pensioned Mr McGrath that is still on the city's payroll in some consultant type capacity?

Hmmn just some soup!!

posted by: Disgruntled Democrat on March 30, 2009 10:52pm

I'm from NYC and never had any kind of pressure on me to support or vote for a candidate, nor have I heard of it from family or friends who live there still. Don't try to slime the Big Apple with the stench from New Haven. Maybe it happens in Bridgeport and Chicago, but whenever there is an overwhelming majority, corruption is sure to follow. New York has a Democratic majority, but realizes that bipartisanship leads to good government, something that the Elm City cannot quite grasp.

I'm hopeful that whomever runs against DeStefano in the primaries, or if no one has the stomach, then in the general election, will attempt to restore not only fiscal responsibility but ethics to local government. Don't believe the bailout hype. New Haven is tens of millions in the red and we won't see hardly any money to bail us out of our troubles. We have a few months of capital until we go bankrupt. The former president and the federal officials didn't destroy New Haven. Rell hasn't hurt New Haven. Start looking in the mirror and blame the JDS administration and the people that keep electing him back into office.

McGrath and others similarly situated are involved with State-sponsored corruption. He gets a pension and consulting fees to coerce voters. Another bright spot in the legacy of our city.

Its pretty sad that everyone uses this site to kvetch about all the ills of our City, yet continuously votes for the usual suspects every other year. Keep writing and telling King John that he needs to do this and needs to do that, and when he doesn't listen, write something else. I'm sure that one day he'll listen to you

posted by: jawbone on March 31, 2009 10:32am

The one time that I had contact with McGrath was at a new building's ribbon cutting. He had shown up to the event straight from Sullivan's, mixed drink still in his hand. I'd need a drink too if my job was to drive the mentally disabled to the polls for the mayor. Talk about a crap job...I'd rather work at Dunkin' Donuts.

posted by: lance on March 31, 2009 11:14am

I found another guy McGrath could take to the polls.

<http://www.nhregister.com/articles/2009/03/31/news/doc49d209b248b76562393092.txt>

posted by: matt w on March 31, 2009 1:53pm

Too bad they decided not to fight the charges. The statute is clearly designed to prohibit electioneering in the hallway, which they never even suggest McGrath did.

Meanwhile, the state no longer has laws to enforce loitering on the books—those (including the specific subset of loitering laws regarding "Disturbance of meetings and elections") were repealed in 1969, as enforcement of loitering was designated as a municipal power in 1967.

posted by: City Hall Watch on March 31, 2009 4:35pm

McGrath's comments are ignorant and stupid and showcase his lack of breeding. I'm so glad he has special skills taxpayers can't do without which is why he's allowed to double dip.

posted by: Democracies on April 1, 2009 11:09pm

If the fine for loitering in a polling booth for 10 minutes is \$100, what is the fine for an administration that loiters in city hall for 15 years???????
