

Tulisano Taped Raffa Conversation

Westbrook Official's Fate Might Ride On Interpretation Of Words

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MIDDLETOWN -- Richard D. Tulisano was convinced his former friend and business partner broke the law in a Jan. 24 telephone call.

So he went to prosecutors, who proposed setting up a trap to snag Westbrook First Selectman John Anthony Raffa on extortion and coercion charges.

"I take no joy in going to the government - I'm a liberal," said Tulisano, a lawyer who served in the state House from 1974 to 2000. "But his conduct demeans all public officials - and most don't deserve to be thrown in that kind of barrel."

Tulisano secretly taped a second telephone conversation the following day that prosecutors say shows Raffa misused his authority when he threatened to derail a proposed Westbrook development unless Tulisano - the developer's attorney - dropped an unrelated lawsuit.

Tulisano had tried three times while in the chief state's attorney's office on Jan. 25 to get Raffa to call him so state prosecutors could record their conversation. Raffa, however, didn't call Tulisano back until later in the day so Tulisano had to tape the conversation himself. A transcript of their phone call was part of an arrest warrant affidavit for Raffa that was unsealed Friday.

Tulisano: "John, do you think asking me to withdraw against you is appropriate?"

Raffa: "Yeah, I think it's appropriate 'cause you really haven't got a case against me. Hey, I'm running a town here. I'm doing what I got to do."

Tulisano: "But you won't do it if I withdraw my case. You won't do what you got to do then. You'll do it the other way."

Raffa: "I will and I'll be justified in doing it."

Raffa, 58, who is free on a \$100,000 non-surety bond, pleaded not guilty in Superior Court on Tuesday to charges of criminal attempt to commit larceny in the first degree by extortion and one count of coercion. If convicted, Raffa could face a maximum of 25 years in prison.

Raffa, of 14 Portside Drive, has refused to step down from his post as first selectman and maintains he has a "groundswell" of support from the public. During a Thursday night selectmen's meeting, the first since his Feb. 7 arrest, Raffa called a member of the public "out of order" when he challenged Raffa's credibility and ability to continue leading the town.

Raffa said that on the advice of his attorney, he would not discuss the matter.

Raffa is accused of refusing to sign off on a bond that would have allowed the Hill Farm active adult community project in Westbrook to proceed until Tulisano agreed to drop a December 2003 lawsuit Tulisano and business partner Gideon Rutenberg filed against Raffa and the town of Rocky Hill.

The 2003 lawsuit stems from a failed Rocky Hill development deal. Tulisano, Rutenberg and Raffa had that wrecked their relationship and resulted in the loss of thousands of dollars. Tulisano and Rutenberg claim Raffa kept money the men had invested in the housing development off Speno Ridge in Rocky Hill, according to the lawsuit. Tulisano and Rutenberg agreed to settle the claim for a \$50,000 payment from Raffa in a Feb. 3 offer of judgment.

Tulisano, who is the lawyer for the developer of the Westbrook project, told prosecutors he got a call Jan. 24 from Raffa who told Tulisano to drop the civil lawsuit over the Rocky Hill development or he would interfere with the Westbrook project's approval, according to the arrest warrant affidavit.

During the call, Raffa, who was elected in November, referred to himself as the "new sheriff in town" and urged Tulisano to "make a deal" - withdraw the lawsuit against him and he would sign the bond and free up the development, Tulisano told prosecutors, according to the affidavit.

"He noted further that usually developments in his town require a bond," the affidavit states. "I advised him we already forwarded \$50,000 cash along with the lien document to protect the town, as had been agreed upon by the appropriate commission. I said this was the agreed upon procedure."

A day after this conversation, Tulisano went to Chief State's Attorney Christopher L. Morano. The office's public integrity division launched a probe. That probe included secretly taping Raffa.

State civil laws prohibit tape-recording telephone conversations without the consent and knowledge of both parties. But in this case, two exceptions written into the law applied.

A person who is the "recipient of a telephonic communication, which conveys threats of extortion, bodily harm or other unlawful requests or demands" can record a conversation, according to state statutes.

And "any federal, state or local criminal law enforcement official who in the lawful performance of his duties" can record a phone call.

"It's pretty clear that this was recorded with the authorization of law enforcement officials and it won't run into a prohibition under the statute," said Jeffrey A. Meyer, a former federal prosecutor, who now teaches at Quinnipiac University School of Law.

When asked if prosecutors proposed that he make the taped phone call, Tulisano said, "I didn't initiate it. ... I don't do these things frivolously."

Ironically, Tulisano, known in his days in the legislature as a staunch civil libertarian, in May 1999 supported a \$17 million settlement of a class-action lawsuit brought by hundreds of people who claimed that state police systematically violated their rights by secretly recording their telephone conversations.

Tulisano would not elaborate on the recorded Jan. 25 conversation, which is laced with profanity in parts and reflects a tense exchange between Tulisano and Raffa. Tulisano said the "transcript speaks for itself. It's up to the state to pursue the case and to prove it."

"How would I explain this to the other guy in that is part of the lawsuit?" Tulisano asks Raffa at one point.

"Explain it to him. ... You're the one that got him involved," Raffa responded.

In the taped conversation, Raffa appears to wade into a legal thicket, with Tulisano leading the way.

At one point, Tulisano tells Raffa: "I'm getting steamed now."

"Whatever pleases you, Richard. Get another 30 pounds of oxygen and it will keep you going," Raffa responds.

"Well, I have, that's what I have to do and I'll survive," Tulisano replies.

It wasn't always like that between the two men.

In July 1994, when Raffa endorsed Tulisano's re-election to the state House in the 29th District, he had this to say of his longtime friend and business partner: "Richard has been unyielding in his commitment to the people of the state. ... Richard is tops, he really is."

Over the years, relations soured between the two men as they lost thousands of dollars in failed business deals, according to court records.

Raffa's lawyer, Jeremiah Donovan, said Raffa was correct to refuse to sign the bonding agreement.

"Mr. Raffa's doubts about the bond were highly justified and I'm not sure that many first selectmen would have accepted this type of bond," Donovan said. "I think any first selectman who would decline to sign that bond would be acting in the best interest of the town."

During the taped conversation, Raffa says to Tulisano, "You like to wheel and deal. Well, you wheel and deal now and you got caught with your pants down."

Donovan said in that exchange, Raffa is referring to the bond.

"This was an unusual bond - as Mr. Raffa says a 'wheeling-and-dealing-kind-of-bond,' and it does not seem to provide much protection to the town if the developer should go belly-up. I think a jury is going to have to interpret this conversation and I don't think a jury is going to interpret this as an extortion attempt."

Site work has begun on the 21-unit development on Essex Road.

Raffa, a Republican, was chosen to oppose First Selectman Anthony Palermo, a Democrat, by the Westbrook Republican Town Committee, headed by Sidney J. Holbrook, former commissioner of the state Department of Environmental Protection and a former top aide to then-Gov. John G. Rowland.

Raffa had no political experience. Acquaintances said he rarely, if ever, attended a public meeting and wasn't particularly adept as a public speaker. But it wouldn't matter. So deep was the opposition to Palermo and his budget proposals that Westbrook voters elected by a comfortable margin a man they largely didn't know.

Courant Staff Writer Daniela Altimari contributed to this report.

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