

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by  
Edward Avila, Canterbury

File No. 2007-161

AGREEMENT CONTAINING A HENCEFORTH ORDER  
FOR A VIOLATION OF CONNECTICUT GENERAL STATUTES § 7-9

This agreement by and between Jeanette Kildea of the Town of Canterbury, County of Windham, State of Connecticut, hereinafter referred to as the Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. The Respondent circulated a petition (the "Petition") on or about February 11, 2007, requesting that the following proposal entitled "Repeal of Ordinance, referencing, An Ordinance creating a combined position of Town Planner/Zoning Officer/Inland Wetlands and Water Courses Enforcement Officer" be brought to referendum.
2. The complainant challenged the authenticity of four signatures on the Petition; those of Aili and Valentine Galasyn and Ruth and William Dinunno.
3. The Petition contained the following statement (the "Statement") which was followed by the Respondent's signature: "**Each person whose name appears on this petition page signed the same in person in my presence** and is known to me or has been satisfactorily identified to me. None of the signatures on this page were obtained earlier than six months prior to the date the page is filed. I HEREBY STATE UNDER THE PENALTIES OF FALSE STATEMENT THAT THE FOREGOING STATEMENTS ARE TRUE." (Emphasis added.)
4. Connecticut General Statutes § 7-9, explicitly provides the following in pertinent part:

Whenever under the provisions of the general statutes or any special act, any action for a vote by the electors or voters of a municipality is to be initiated by the petition of such electors or voters, in addition to such other requirements as such statute or special act may impose, such petition shall be on a form prescribed or approved by the clerk of such municipality, and **each page of such petition shall contain a statement**, signed under penalties of false statement, **by the person who circulated the same, setting forth such circulator's name and address, and stating that each person whose name appears on said page signed the same in person in the presence of such circulator**, that the circulator either knows each such signer or that the signer satisfactorily identified himself to the circulator and that all the signatures on said page were obtained not earlier than six months prior to the filing of said petition. Any page of a petition which does not contain such a statement by the circulator shall be invalid. . . . [Emphasis added.]

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5. An implicit requirement of section 7-9 is that the circulator's statement must be true. Accordingly, if the circulator signed a section 7-9 petition statement that he or she knew or should have known was untrue, that circulator will be deemed to have violated section 7-9.
6. With respect to the signatures of Aili and Valentine Galasyn, it is found Mr. and Mrs. Galasyn each signed their own names to the Petition in the presence of the Respondent.
7. It is therefore concluded that with respect to the Galasyn signatures, the Respondent did not violate General Statutes § 7-9.
8. With respect to the signatures of William and Ruth Dinunno, it is found that Ruth Dinunno signed her own name to the petition in the presence of the Respondent. It is further found that William Dinunno signed his own name to the petition.
9. Respondent acknowledges that she did not actually witness William Dinunno sign the petition as he did so in a different room that was within earshot of the Respondent but not within her line of sight. The Respondent maintains, however, that she did not intend to defraud anyone in making the Statement and the Commission finds that she did not possess a fraudulent intent.
10. Nevertheless, because William Dinunno did not sign the petition in the presence of the Respondent, the Respondent knew or should have known that her signed Statement that "[e]ach person whose name appears on this petition page *signed the same in person in my presence*" was not accurate.
11. As such, her Statement constitutes a violation of General Statutes § 7-9.
12. The Respondent admits all jurisdictional facts and agrees that this agreement and Order shall have the same force and effect as a final decision and Order entered into after a full hearing and shall become final when adopted by the Commission.
13. The Respondent waives:
  - (a) Any further procedural steps;
  - (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
  - (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this agreement.
14. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her.
15. It is understood and agreed that this agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

**ORDER**

IT IS HEREBY ORDERED THAT the Respondent henceforth comply with the requirements of Connecticut General Statutes § 7-9.

For the State of Connecticut

Dated:

5/2/07

BY:



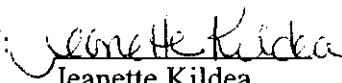
Joan, M. Andrews, Esq.  
Director of Legal Affairs  
and Enforcement  
Authorized Representative  
of the State Elections  
Enforcement Commission  
20 Trinity Street  
Hartford, Connecticut

The Respondent

Dated:

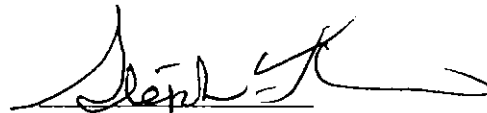
April 30, 2007

BY:



Jeanette Kildea  
32 Brooklyn Road  
Canterbury, Connecticut 06331

Adopted this 9<sup>th</sup> day of May 2007 at Hartford, CT by vote of the Commission.



Stephen F. Cashman, Chairman  
By Order of the Commission