

JUL 18 2007

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION **ENFORCEMENT  
COMMISSION**

In the Matter of a Complaint by Daniel Kildea, Canterbury

File No. 2007-183

AGREEMENT CONTAINING CONSENT ORDER FOR VIOLATIONS OF  
CONNECTICUT GENERAL STATUTES § 9-333j

This agreement, by and between Howell Tuttle of the Town of Canterbury, County of Windham, State of Connecticut (hereinafter referred to as the Respondents) and the 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 Connecticut General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. Complainant filed this complaint with the Commission on March 20, 2007 alleging that the Canterbury Republican Town Committee committed multiple violations of the campaign finance laws in connection with campaign finance disclosure statements that the committee filed.
2. Respondent is the duly designated treasurer of the Canterbury Republican Town Committee (hereinafter Canterbury RTC).
3. Complainant alleged that the Canterbury RTC failed to report expenditures for signs used by the Canterbury RTC in a 4<sup>th</sup> of July parade. The signs used in the parade were recycled and the Canterbury RTC properly reported the expenditures for changing the names and offices on the signs in its' October 10, 2006 campaign finance disclosure statement.
4. Accordingly the allegation regarding the signs is dismissed.
5. Complainant further alleged that a donation of a fruit basket had the incorrect "Purpose of Expenditure" code on the campaign finance disclosure statement.
6. The donation of the "fruit basket" was disclosed with expenditure code "G" for General Overhead. It was actually a gift of flowers to another member of the Canterbury RTC that was purchased by a committee worker. The committee expenditure was made to Cheryl Miller, who was a committee worker being reimbursed. The Respondent failed to properly itemize the expenditures by using the appropriate code, which would have been "RW" for reimbursement to a worker, along with "SP" for secondary payee, followed by "FG" for food or gift.
7. General Statutes § 9-333j (Rev. 2005) provides in pertinent part:

...(c)(1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each

contribution, if any, including the full name and complete address of each contributor and the amount of the contribution;... (C) **an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure**, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; [Emphasis added.]

8. The Respondent's failure to properly itemize the expenditure, including the secondary payee, constitutes a violation of General Statutes § 9-333j(c)(1)(C).
9. Complainant also alleged that the Canterbury RTC did not report in-kind donations received in connection with a tag sale fundraiser and he also alleged that the Canterbury RTC may have incurred expenses in connection with a co-sponsored candidate debate with the Canterbury Democratic Town Committee, which it failed to report.
10. The Respondent, based on written advice from the Office of the Secretary of the State, did not report in-kind donations in connection with a tag sale fundraiser because he had been advised by a Secretary of the State staff member that donated items valued at less than \$50.00 were not considered contributions and not reportable. The campaign finance disclosure statement form instructions indicate such items are reportable.
11. Furthermore, as a result of the written advice provided by the Office of the Secretary of the State, Respondent did not report an in-kind contribution for light refreshments made by a committee worker in connection with the Canterbury Republican and Democratic Town Committee co-sponsored debate.
12. Accordingly, based on the written advice provided by the Office of the Secretary of the State, the Respondent did not properly report in-kind contributions and non-contributions donated in connection with a fundraiser, which constitutes a violation of General Statutes § 9-333j(c).
13. Although the advice provided by the Office of the Secretary of the State was incorrect, it demonstrates the Respondent's good faith attempt to ascertain and comply with the requirements of the campaign finance laws. Accordingly, based on these facts, the Commission is not seeking a civil penalty in this matter.

14. 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 after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
15. It is understood and agreed that this Agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
16. The Respondent waives:
  - (a) Any further procedural steps;
  - (b) The requirement that the Commission's decision contains 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.
17. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

**ORDER**

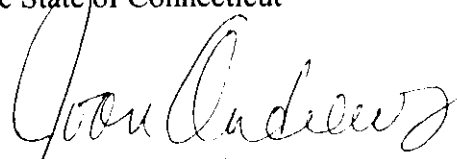
IT IS HEREBY ORDERED that the Respondent shall henceforth comply with the requirements of General Statutes § 9-333j (now § 9-608).

Dated:

7/18/07

For the State of Connecticut

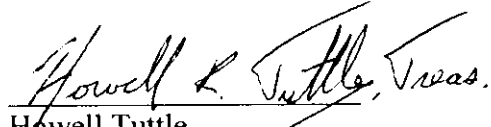
BY:



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

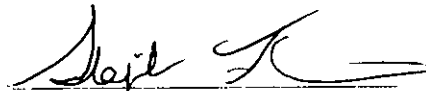
Dated:

The Respondent,



Howell Tuttle  
216 Wauregan Rd.  
Canterbury, CT

Adopted this 18<sup>th</sup> day of July, 2007 at Hartford, Connecticut by vote of the Commission.



Stephen Cashman, Chairman  
By Order of the Commission