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**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by  
Susan M. Bednarczyk, Simsbury

File No. 2007-383

**AGREEMENT CONTAINING CONSENT ORDER AND PAYMENT OF A  
CIVIL PENALTY FOR VIOLATIONS OF CONN. GEN. STATS. § 9-621(a).**

This agreement by and between Nicholas Mason of the Town of Simsbury, County of Hartford, State of Connecticut, hereinafter referred to as Respondent, 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 Section 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Respondent is Treasurer of both the Simsbury Democratic Town Committee (hereinafter "SDTC") and Mary Glassman For First Selectman, the candidate committee established by Mary A. Glassman, the Democratic candidate for First Selectman of Simsbury in the November 6, 2007 municipal election.
2. Complainant alleged that a campaign flyer promoting the candidacy of the Democratic slate of candidates in the November 6, 2007 municipal election, as well as two fundraising invitations for Mary Glassman's campaign, lacked the "*paid for by*" attribution required by Conn. Gen. Stat. § 9-621.
3. Connecticut General Statutes, § 9-621 provides in pertinent part:

(a) No individual shall make or incur any expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, and no candidate or committee shall make or incur any expenditure for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or solicits funds to benefit any political party or committee unless such communication bears upon its face (1) the words "paid for by" and the following: (A) In the case of such an individual, the name and address of such individual; (B) in the case of a committee other than a party committee, the name of the committee and its campaign treasurer; or (C) in the case of a party committee, the name of the committee, and (2) the words "approved by" and the following: (A) In the case of an individual making or incurring an expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, the name of such individual; or (B) in the case of a candidate committee, the name of the candidate. No candidate or candidate committee or exploratory committee established by a candidate shall make

or incur any expenditure for a mailing to promote the success of said candidate's campaign for nomination at a primary or election or the defeat of another candidate's campaign for nomination at a primary or election, unless the mailing contains a photograph of the candidate conducting the mailing and said candidate's name in a font that is not less than the size of the font used for the narrative of the mailing.

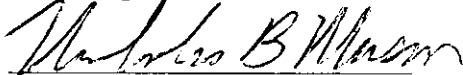
4. One of the complained of communications features the entire Democratic slate of candidates, each listed with their names and office sought and was paid for by the SDTC. However, the flyer only contained a photograph of the three Selectmen candidates with the First Selectman candidate and no photographs of any of the other candidates. The flyer therefore cannot be considered a party candidate listing under the organization expenditure definition since all the candidates are not treated substantially similar pursuant to Conn. Gen. Stat. § 9-601(25)(A)(iii). The SDTC mailed 9,484 pieces of this flyer to Simsbury households.
5. Since the SDTC flyer does not qualify as party candidate listing under the organization expenditure exemption, it required an attribution indicating that it was "*Paid for by the Simsbury Democratic Town Committee.*" Such attribution was omitted in violation of Conn. Gen. Stats. § 9-621.
6. Public Act 08-2 amended Conn. Gen. Stat. § 9-621a to specifically include organization expenditures within the attribution requirement, so this analysis will not apply prospectively.
7. In addition, Complainant claimed that the Mary Glassman For First Selectman candidate committee paid for the mailing of two separate flyers that invited local electors to two separate fundraising events hosted at the homes of two local families in coordination with and to benefit the campaign of Mary Glassman. These two flyers also failed to include the "*paid for by*" attribution pursuant to Conn. Gen. Stat. § 9-621.
8. The two fundraising solicitations were created by the host of the fundraisers and mailed at a cost to the Mary Glassman for First Selectman candidate committee. Accordingly, they should have borne the attribution: "*Paid for by Mary Glassman for First Selectman, Nicolas Mason, Treasurer and approved by Mary Glassman,*" which Respondent failed to include, in violation of Conn. Gen. Stats. § 9-621.
9. Respondent maintains that the SDTC flyer was "extensive and complicated with substantial text" produced by a "graphic artist who was unfamiliar with current election law disclosure requirements." He further alleged that the two solicitation letters were created by the hosts of the fundraisers who were also unfamiliar with election law disclosure requirements.
10. Respondent apologized for the exclusion of the attributions on the three communications and stated that it was an inadvertent and unintentional mishap since three or four separate parties, unfamiliar with election laws, were involved. Ultimately, however, it is the treasurer's responsibility to comply with the attribution requirement, as the individual approving expenditures for both committees.

11. It is concluded that Respondent, as treasurer of the SDTC and the Mary Glassman for First Selectman committee, violated Conn. Gen. Stats. § 9-621a by incurring expenditures for the production and distribution of campaign materials, which failed to include the appropriate attribution indicating who paid for and approved them.
12. 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. Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
13. 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.
14. 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.
15. Upon Respondent's agreement to comply 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 pay a civil penalty to the State Elections Enforcement Commission in the amount of three hundred dollars (\$300.00) on or before June 9, 2008 and shall henceforth strictly comply with the requirements of Conn. Gen. Stats. §9-621a, as amended by Public Act 08-2.

**The Respondent:**



Nicholas B. Mason  
30 Firetown Road  
Simsbury, CT 06070

**For the State of Connecticut:**

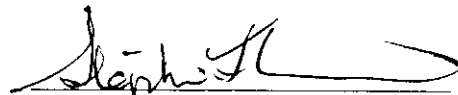
BY: 

Joan M. Andrews, Esq.  
Director of Legal Affairs and Enforcement  
and Authorized Representative of the  
State Election Enforcement Commission  
20 Trinity Street, Suite 101  
Hartford, Connecticut

Dated: June 4, 2008

Dated: 6/6/08

Adopted this 1<sup>st</sup> day of June of 2008 at Hartford, Connecticut by a vote of the Commission.



Stephen F. Cashman, Chairman  
By Order of the Commission