

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Ken Moales, Bridgeport

File No. 2007-275

AGREEMENT CONTAINING CONSENT ORDER
TO PAY A CIVIL PENALTY FOR VIOLATIONS OF CONNECTICUT GENERAL
STATUTES § 9-608(c)

This agreement by and between Keith Cogdell of the City of Bridgeport, County of Fairfield, State of Connecticut, hereinafter referred to as the 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. The Respondent is the campaign treasurer for "Citizens for Real Change," a candidate committee formed to support the mayoral candidacy of Christopher Caruso at the November 6, 2007 Bridgeport municipal election.
2. Complainant alleged that the Respondent failed to disclose the principal occupation and name of employer of each contributor in excess of \$100.00 on the July 10, 2007 financial disclosure statement of the Caruso campaign.
3. An analysis of the financial disclosure statement at issue, filed by the Respondent with the Bridgeport Town Clerk, reveals that he failed to include principal occupation and name of employer for seventy-seven (77) contributors making contributions to the Caruso's campaign *in excess* of \$100.00 in the aggregate, for a total of \$40,800 in contributions.
4. Connecticut General Statutes §9-608, 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; (B) in the case of anonymous contributions, the total amount received and the denomination of the bills;... (G) for each individual who contributes in excess of one hundred dollars but not more than one thousand dollars, in the aggregate, to the extent known, the principal occupation of such individual and the name of the individual's employer, if any;
5. The "to the extent known" language of the foregoing statute has been construed by the Commission to impose a due diligence requirement on each committee to request principal occupation and name of employer information from each contributor contemporaneously with the solicitation or receipt of a contribution that exceeds \$100 in the aggregate.
6. It is found that the Respondent maintained a system for recording as an internal record of the campaign a contributor's principal occupation and name of employer and did so contemporaneously with the solicitation or receipt of contributions. He had the principal occupation and name of employer for most contributors in his possession at the time of

filing the report, but underestimated the time to complete report and chose to file it on time and incomplete. Some of the omitted disclosures included the candidate's mother and four State Representatives, which the Respondent could have ascertained with minimal effort.

7. It is concluded that the Respondent failed to disclose the principal occupation and name of employer for seventy-seven contributors who contributed in excess of \$100.00 in the aggregate on the July 10, 2007 financial disclosure statement for Citizens for Real Change filed with the Bridgeport Town Clerk, in violation of the disclosure requirements of § 9-608(c)(1)(G), General Statutes, even though this information was known to him at the time of filing.
8. Respondent amended the July 10, 2007 financial disclosure statement to provide the missing contributor information within nine days of the original filing date, so no further disclosure order is necessary.
9. Complainant also alleged that Respondent's itemized expenditures in subsection O of his Itemized Campaign Finance Disclosure Statement (SEEC Form 20) totaled \$3,137.78, which did not match the total reported on the Summary Page of SEEC Form 20 (\$15,353.00), and alleged that he failed to itemize more than \$12,000 in expenditures.
10. The itemized expenditure section of the July 10th report contained accurate figures for the reporting period ending June 30, 2007; however the Respondent inadvertently included the expenditures incurred during the first 10 days of July (\$12,215.22) on the Summary Page of the report. Such additional expenditures should not have been included in that report since they did not correspond to that filing period.
11. It is found that the Respondent's improper disclosure of the expenditure amount in the Summary Page of the July 10th report was due to negligence, and not a willful violation, and has since been corrected on the amended filing.
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 after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in §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 the Commission does not accept it, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
14. 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
 - c. All rights to seek judicial review or otherwise to challenge or contest the validity of the agreement or Order entered into pursuant to this agreement.
12. Upon the 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 Commission in the amount of five hundred dollars (\$500.00) made payable to the State of Connecticut, on or before September 5, 2007.

IT IS FURTHER ORDERED that the Respondent shall henceforth comply with the requirements of Conn. Gen. Stats. §9-608.

The Respondent:

K.S. Cogdell
Keith Cogdell
78 Still Hill Road
Bridgeport, Connecticut

Dated: *09-05-2007*

For the State of Connecticut:

BY: *Joan Andrews*
Joan M. Andrews, Esq.
Director of Legal Affairs and Enforcement
& Authorized Representative of the State
Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, Connecticut

Dated: *9/10/07*

Adopted this *12th* day of *September* of 2007 at Hartford, Connecticut

Stephen F. Cashman
Stephen F. Cashman, Chairman
By Order of the Commission