

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by  
Arthur W. Mocabee, Jr., Bristol

File No. 2007-347

AGREEMENT CONTAINING CONSENT ORDER AND PAYMENT  
OF A CIVIL PENALTY FOR VIOLATIONS OF  
CONNECTICUT GENERAL STATUTES §§ 9-607, 9-608, 9-614 and § 9-622.

This agreement by and between Robert J. Dunlap of the City of Bristol, 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 was designated Treasurer of "Ward for Mayor 2007" (hereinafter "the Committee"), a candidate committee established on or about March 19, 2007 by Arthur Ward, the Democratic candidate for mayor at the November 6, 2007 municipal election in the City of Bristol. Mr. Ward was elected Mayor of Bristol at the November 6, 2007 election.
2. Complainant, Chairman of the Bristol Republican Town Committee, alleged various violations of campaign finance laws pertaining to the April 10, 2007 and July 10, 2007 campaign finance reports of Ward for Mayor 2007. Specifically, Complainant alleged that Respondent:
  - a. failed to report complete contributor names and addresses;
  - b. failed to include occupation and employer for contributors over \$100 in the aggregate;
  - c. paid campaign workers in cash;
  - d. failed to properly itemize expenditures to reimburse workers, by failing to disclose secondary payees;
  - e. failed to properly itemize expenditures to reimburse the candidate;
  - and
  - f. failed to fully disclose contributors who donated more than \$50, but less than \$100 in the aggregate
3. 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; (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; (D) an itemized accounting of each expense incurred but not paid, provided if the expense is incurred by use of a credit card, the accounting shall include secondary payees, and the amount owed to each such payee; ... (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;

.... (4) Contributions from a single individual to a campaign treasurer in the aggregate totaling fifty dollars or less need not be individually identified in the statement, but a sum representing the total amount of all such contributions made by all such individuals during the period to be covered by such statement shall be a separate entry, identified only by the words "total contributions from small contributors"....  
[Emphasis added.]

4. Respondent reported a total of six contributors with incomplete names, using only either a first or last name, and five contributors were reported without including any addresses, on the April 10 and July 10, 2007 campaign finance disclosure reports filed on behalf of the Committee.
5. The Commission concludes that Respondent's failure to report the full names of six contributors, and failure to report addresses of five contributors on the Committee's April 10 and July 10, 2007 campaign finance disclosure reports each constitutes a violation of Conn. Gen. Stats. § 9-608(c)(1)(A).
6. Respondent reported eight expenditures for reimbursement of the candidate and committee workers on the April 10 and July 10, 2007 campaign finance disclosure reports, but failed to further itemize and identify secondary payees in the relevant sections of the Itemized Campaign Finance Disclosure report (SFFC Form 20).

7. The Respondent violated Conn. Gen. Stats. § 9-608(c)(1)(C) by his failure to itemize and disclose secondary payees for reimbursements to committee workers, including the candidate.
8. Respondent asserts that his failure to itemize and disclose secondary payees was based on his misunderstanding. Further, Respondent claims that he was made aware of this requirement while attending the Commission's July 2007 campaign finance seminar in Bristol.
9. The Respondent further disclosed six expenditures on the April 10 and July 10, 2007 campaign finance disclosure reports as "independent." A candidate committee, which is the designated funding vehicle for a candidate, can never make an expenditure independent of the candidate. By reporting six candidate committee expenditures as "independent," the Respondent violated Conn. Gen. Stat. § 9-608(c)(1)(C).
10. Respondent reported eleven individuals on the Committee's April 10, 2007 campaign finance disclosure report, and sixteen individuals on the Committee's July 10, 2007 campaign finance disclosure report (SEEC Form 20), as contributing in excess of \$100 in the aggregate, but failed to include each such contributor's occupation and employer.
11. Respondent failed to request that contributors provide their occupation and employer, and therefore did not disclose the same for individuals that gave in excess of \$100. Respondent claims that he was unaware of the requirement to obtain and disclose this information until attending the Commission's seminar, described above.
12. The Commission concludes that Respondent's failure to disclose the occupation and employer of eleven contributors on the Committee's April 10, 2007 filing and sixteen such contributors on the Committee's July 10, 2007 filing constituted violations of Conn. Gen. Stats. § 9-608(c)(1)(G).
13. Connecticut General Statutes § 9-607, provides in pertinent part:

(e)(1) Any such payment *shall be by check drawn by the campaign treasurer, on the designated depository*. Any payment in satisfaction of any financial obligation incurred by a committee may also be made by debit card or credit card. (2) The campaign treasurer of each committee *may draw a check, not to exceed one hundred dollars, to establish a petty cash fund* and may deposit additional funds to maintain it, but the fund shall not exceed one hundred dollars at any time. All expenditures from a petty cash fund shall be reported in the same manner as any other expenditure. . . .

(k) *A candidate shall report to his campaign treasurer each campaign expenditure of more than fifty dollars which he has made directly from his own personal funds*, except those

expenditures for his own telephone calls, travel and meals for which the candidate does not seek reimbursement from his committee, by the close of the reporting period in which the expenditures were made. *The candidate shall indicate whether or not he expects reimbursement by the committee. The campaign treasurer shall report all such reimbursed and nonreimbursed expenditures as "campaign expenses paid by the candidate" on the sworn financial statements he is required to file in accordance with section 9-608 and in the same manner as committee expenditures.*

[Emphasis added.]

14. Section 9-333i-1 of the Regulations of Connecticut State Agencies provides,

A campaign treasurer of a committee, as defined in subsection (1) of Section [9-601] of the General Statutes, may establish and maintain a petty cash fund not to exceed one hundred dollars at any one time out of which such campaign treasurer may pay any expense of the committee which is permitted to be paid pursuant to [Chapter 155] of the General Statutes, *except that no expense may be paid to any person which exceeds twenty-five dollars per transaction* and except further, that such petty cash fund may not be replenished more than twice in a seven day period. The campaign treasurer shall keep and maintain a receipt or other proper written record of all such cash transactions. Any disbursement made from a petty cash fund shall be reported as an expenditure in accordance with Section [9-608] of the General Statutes. [Emphasis added.]

15. Respondent disclosed a reimbursement in the amount of \$30 in cash to an individual on the Committee's July 10, 2007 report. The Respondent did not properly create or report the expenditure for a petty cash fund, in violation of Conn. Gen. Stat. § 9-607(e).
16. Furthermore, the Respondent violated Regulations of Connecticut State Agencies § 9-333i-1 by making a petty cash expenditure in excess of twenty-five dollars (\$25) for a single transaction.
17. The Respondent disclosed a total of four thousand nine hundred and eighty-eight dollars and twenty-two cents (\$4,988.62) as reimbursements to the candidate, Art Ward, on the Committee's April 10 and July 10, 2007 campaign finance disclosure reports, but provided no further itemization of the expenditures. The Respondent completely failed to attach, include or complete the relevant Section of the Itemized Campaign Finance Disclosure (SEEC 20 Form), "*Campaign Expenses Paid by Candidate.*"
18. Respondent violated Conn. Gen. Stats. § 9-607(k) by failing to include a further itemization, including secondary payees, of expenses paid for directly by the candidate.

19. Furthermore, the Respondent reimbursed the candidate for two expenditures, one in the amount \$358.08, where the disclosure report indicates that reimbursement was *not* expected, and one in the amount of \$601.64, where the disclosure report does not bear any disclosure regarding whether or not reimbursement was sought. Such disclosures must be made initially to avoid subsequent restructuring of the transaction, and absent the appropriate contemporaneous disclosure in the "Campaign Expenses Paid by Candidate" section, such reimbursement violated Conn. Gen. Stats. § 9-607(k).
20. Connecticut General Statutes § 9-614, provides in pertinent part:
- (a) A [labor] organization may make contributions or expenditures, other than those made to promote the success or defeat of a referendum question, ***only by first forming its own political committee***. The political committee shall then be authorized to receive funds exclusively from the organization's treasury or from voluntary contributions made by its members, but not both, from another political committee or, from a candidate committee distributing a surplus and (1) to make contributions or expenditures to, or for the benefit of, a candidate's campaign or a political party, or (2) to make contributions to another political committee. No organization shall form more than one political committee. A political committee shall be deemed to have been established by an organization if the initial contribution to the committee is made by the organization's treasury or an officer or director of the organization.  
[Emphasis added.]
21. Connecticut General Statutes § 9-622 provides that it is an illegal practice to solicit, make or receive a contribution that is otherwise prohibited by any provision of this chapter.
22. Respondent reported three contributions directly from labor unions in Section B of the July 10, 2007 committee campaign finance disclosure: Two contributions were received from Bristol Police Union, the first on April 12, 2007 in the amount of \$400 and the second on June 16, 2007 in the amount of \$100. The third was received on April 14, 2007 from Laborers Local Union 611 in the amount of \$500. The contributions from the Bristol Police Union have been reimbursed, while the Laborers Local Union contribution has not.
23. Respondent violated Conn. Gen. Stats. § 9-622(10) by receiving three union treasury contributions, which are prohibited by Conn. Gen. Stats. § 9-614.
24. Complainant further alleged that Respondent failed to disclose contributors who gave between \$50 and \$100, however, the investigation revealed that three such

contributions *were* reported, in the amounts of \$75 (on the April 10 report), \$60, and \$90 (on the July 10 report). Accordingly, that allegation is dismissed.

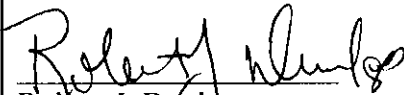
25. The Respondent admits all jurisdictional facts and agrees that this agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
26. 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.
27. 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.
28. 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:

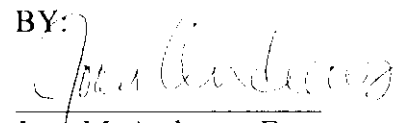
- (1) Remit a civil penalty to the State Elections Enforcement Commission in the amount of one thousand five hundred (\$1,500.00) on or before February 12, 2008;
- (2) Remit a forfeiture to the State Elections Enforcement Commission from the Ward for Mayor 2007 committee in the amount of five hundred dollars (\$500.00), representing the contribution from a labor organization still retained by the committee;
- (3) Amend the relevant campaign finance disclosure reports to correct the errors identified in this consent agreement and order, and provide the Commission with evidence of the same; and
- (4) Henceforth strictly comply with Connecticut General Statutes § 9-607, § 9-608, § 9-614, and § 9-622.

The Respondent

  
Robert J. Dunlap  
35 Simpkins Drive  
Bristol, Connecticut

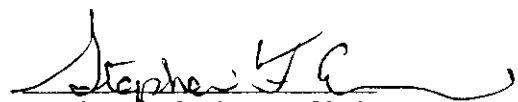
Dated: 2/11/08

For the State of Connecticut

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

Dated: 2/13/08

Adopted this 13<sup>th</sup> day of Feb, 2008 at Hartford, Connecticut

  
Stephen F. Cashman, Chairman  
By Order of the Commission