

MAY 08 2008

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Carl Ruggiero, East Haven

File No. 2007-368

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

This agreement by and between James Albis of the City of East Haven, County of New Haven, 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 "Vote April 2007," a candidate committee formed to support the candidacy for First Selectman of April Capone Almon at the November 6, 2007 East Haven municipal election.
2. Complainant alleged that the "Vote April 2007" candidate committee purposefully omitted all expenditures on the committee's October 10, 2007 campaign finance report.
3. An analysis of the financial disclosure statement at issue, filed by the Respondent with the East Haven Town Clerk, shows that the Respondent failed to disclose any committee expenditures for the reporting period and affirmatively reported "0" in the expenditure section of the report at issue. During this reporting period, the committee had fundraising events, mailed solicitation letters, and produced and distributed flyers, among other expenditures.
4. Five days later, Respondent amended his October 10, 2007 filing where he disclosed, in the Summary Page of the Itemized Campaign Finance Disclosure Report (SEEC Form 20) a \$25,600 expenditure, of which \$22,500 was paid to Target Consulting, but failed to properly itemize the expenditure and failed to itemize secondary payee transactions including nine (9) separate mailings paid for through Target Consulting.
5. Connecticut General Statutes §9-608, provides in pertinent part:

... (c) **Content of statements.** (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, ... Each campaign treasurer shall include in such

statement (i) an itemized accounting of the receipts and expenditures relative to any testimonial affair held under the provisions of section 9-609 or any other fund-raising affair, which is referred to in subsection of section 9-601a, and (ii) the date, location and a description of the affair. [Emphasis added]

6. Target Consulting, a vendor that provides printing and mailing services, performed nine (9) separate printing and mailing services for the Vote April 2007 committee of 7,000 pieces each.
7. Respondent failed to itemize these transactions on the October 15, 2007 amended report and to accurately itemize and describe the reported expenditure. Each service performed and then paid should each have been reported and coded separately as "A-DM" (Advertising-Direct Mail), in then Section S (Itemization of Reimbursements to Committee Workers and Consultants) of the Itemized Campaign Disclosure (SEEC Form 20).
8. It is found that Respondent maintained internal records of campaign transactions associated with this expenditure at the time of filing the October 10, 2007 report, in compliance with §§ 9-606 and 9-607.
9. It is concluded that Respondent failed to disclose the \$25,600.00 expenditure on the Vote April 2007 committee's October 10, 2007 campaign finance disclosure report and, when reported on the amended October 15, 2007 report, he failed to itemize the nine (9) separate printing and mailing services that Target Consulting provided to the committee, both in violation of the disclosure requirements of § 9-608(c)(c)(C), General Statutes, even though this information was known to him at the time of filing.
10. Respondent amended the October 10, 2007 financial disclosure statement in an attempt to provide the missing expenditure information within 5 days of the original filing date, but such disclosure was incomplete.
11. Respondent also failed to disclose fundraising event number 061207 and expenditures associated with that event in the July 10, 2007 reporting period.
12. Respondent stated that the committee held a fundraiser on June 12, 2007 named "Pasta Dinner" and that failure to report it was an "oversight" since he had all the information related to that event. Contributions linked to event 061207 were however disclosed in Section B, Itemized Contributions from Individuals, of the Itemized Campaign Disclosure (SEEC Form 20) for that time period.
13. It is found that Respondent maintained internal records of fundraiser event number 061207 but failed to disclose such event on the campaign finance disclosure statement for the period ending June 30, 2007, or any subsequent reports, in violation of § 9-608(c)(1)(ii), General Statutes.
14. It is found that Respondent's failure to disclose the expenditure amounts, secondary payees' information, and all fundraiser events was due to negligence, and not a willful violation. He has since attempted to correct the reports by amending the campaign disclosure statements, but further disclosure and itemization is still required.
15. 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.

16. 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.

17. 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 agreement or Order entered into pursuant to this agreement.

18. 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 Respondent shall pay a civil penalty to the Commission in the amount of six hundred dollars (\$600.00) made payable to the State of Connecticut, on or before May 8, 2008.

IT IS FURTHER ORDERED that Respondent shall amend the Vote April 2007 committee's campaign finance disclosure statements to include further itemization and disclosure as described herein for the required reporting periods by the date indicated above and to henceforth strictly comply with the requirements of Conn. Gen. Stats. § 9-608(c).

The Respondent:

James Albis
James Albis
23 Edward Street
East Haven, Connecticut

Dated: 5-2-08

For the State of Connecticut:

BY: Joan M. 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: 5/8/08

Adopted this 14th day of MAY of 2008 at Hartford, Connecticut

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