

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

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In the Matter of a Complaint by
William Holden, Trumbull

File No. 2007-369

AGREEMENT CONTAINING CONSENT ORDER AND
PAYMENT OF A CIVIL PENALTY FOR VIOLATION OF
CONNECTICUT GENERAL STATUTE § 9-622(10)

This agreement, by and between Mary Markham (hereinafter, 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 Connecticut General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. The Respondent is the legally designated treasurer of the Trumbull Democratic Town Committee (hereinafter, the "TDTC"). Pursuant to Connecticut General Statutes § 9-606(a), as treasurer, the Respondent is responsible for receiving all contributions made to that committee and reporting those contributions in accordance with the requirements of Connecticut General Statutes § 9-608.
2. The Complainant alleged that the TDTC received impermissible business entity contributions in connection with a fundraising event it hosted in October, 2007.
3. On October 8, 2007, the TDTC hosted a golf outing as a fundraising event.
4. In addition to the sale of advertising space in a program booklet, the Respondent maintains that the TDTC also raised money at the golf outing by selling raffle tickets valued at \$10 per ticket.
5. Connecticut General Statutes § 9-608 provides the following in relevant part:

(a)(1) Each campaign treasurer of a committee . . . shall file a statement . . . with the proper authority (c)(1) . . . **Each campaign treasurer shall include in such statement an itemized accounting of the receipts . . . relative to . . . any fundraising affair**, which is referred to in subsection (b) of section 9-601a.
6. The Respondent failed to provide an itemized accounting of the receipts relative to the TDTC's October 8, 2007 golf outing raffle. The Respondent has, therefore, violated Connecticut General Statutes § 9-608(c)(1).
7. The Respondent's failure to itemize said receipts was the result of a good faith misunderstanding of the law rather than an intentional violation.

8. In connection with that October 8, 2007 fundraising event, the TDTC also sold advertising space in a program booklet which was distributed at the event. In addition, the TDTC provided tee sponsorship signs for each business entity or person that purchased advertising space in the program booklet. Said signs were provided at no additional cost to the purchaser.
9. In total, twenty-five business entities and eight persons purchased advertising space in the program booklet. Said purchases were reflected on the October 30, 2007 disclosure statement filed by the TDTC.
10. Business entities are prohibited from making contributions that promote the success of any political party and thus, campaign treasurers are barred from receiving them. Connecticut General Statutes § 9-613 (a) provides in relevant part that “[n]o business entity shall make any . . . contributions or expenditures that promote the success or defeat of any political party.” In addition, Connecticut General Statutes § 9-622 (10) makes it an “illegal practice” to solicit, make or receive a prohibited contribution.
11. Business entities are, however, permitted to make certain purchases of advertising space without causing a violation of General Statutes §§ 9-613 or 9-622. For example, Connecticut General Statutes § 9-601a(10)(B) states that the following is not a “contribution”:

The purchase of advertising space which clearly identifies the purchaser, in a program for a fund-raising affair sponsored by the town committee, provided the cumulative purchase of such space does not exceed two hundred fifty dollars for any single town committee in any calendar year if the purchaser is a business entity . . .

12. Of the twenty-five business entities that purchased ad space in the TDTC's October 8, 2007 golf outing program booklet, two had also purchased advertising space in a program booklet for a fundraising affair held by and benefiting the Trumbull Democratic Town Committee on July 19, 2007. Harlow, Adams & Friedman, P.C. and The Wright Companies, Inc., (hereinafter the “Entities”) both purchased ad space at a cost of \$250 per event, for a total of \$500 each.
13. Pursuant to General Statutes § 9-601a(10)(B), the Respondent's receipt of the July 19, 2007 \$250 purchases of advertising space from the Entities were not contributions and thus, did not constitute violations of General Statutes § 9-613(a).
14. The Respondent did, however, commit illegal practices pursuant to Connecticut General Statutes § 9-622(10) when she accepted the October 8, 2007 \$250 purchases of advertising space from those Entities. As noted herein, in a calendar year, a business entity may not purchase more than \$250 worth of ad space from a town committee for an ad that is to appear in that committee's fundraising affair program book. Because the Entities second ad space purchases caused them to exceed their \$250 maximum for

2007, those purchases constituted impermissible business entity contributions. As a consequence, the Respondent's receipt of those purchases amounts to an illegal practice and thus, she violated Connecticut General Statutes § 9-622(10).

15. The Respondent maintains that her receipt of the impermissible contributions was the result of her good faith misunderstanding of General Statutes § 9-601a(10)(B). The Commission has found no evidence to the contrary.
16. Finally, the Commission concludes that the provision of tee sponsorship signs for each business entity or person that purchased advertising space in a fundraiser program booklet does not rise to the level of a violation of state election law, so long as those signs were provided at no additional cost to the purchaser. As such, the Respondent did not violate the law when she authorized the provision of those signs.
17. 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.
18. 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.
19. . 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.
20. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent with respect to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall forfeit to the State of Connecticut the amount of the improper business entity contributions, five hundred dollars (\$500), and remit a civil penalty in the amount of five hundred dollars (\$500), on or before January 16, 2008.

IT IS FURTHER ORDERED that the Respondent shall not solicit, make or receive a prohibited contribution in accordance with Connecticut General Statutes § 9-622 (10) and shall henceforth strictly comply with the requirements of Connecticut General Statutes § 9-608 concerning itemization of receipts in connection with a fundraising affair..

For the State of Connecticut

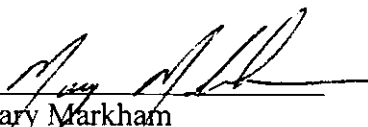
Dated: 1/15/08

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

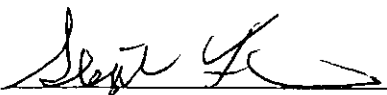
The Respondent,

Dated: 1/14/08



Mary Markham
3 Stony Brook Circle
Trumbull, Connecticut 06611

Adopted this 16th day of January, 2008 at Hartford, Connecticut by vote of the Commission.



Stephen Cashman, Chairman
By Order of the Commission