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STATE ELECTIONS ENFORCEMENT  
COMMISSION  
File No. 2007-384

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by  
Dennis Odle, Waterbury

**AGREEMENT CONTAINING CONSENT ORDER AND  
PAYMENT OF A CIVIL PENALTY  
FOR VIOLATION OF CONNECTICUT GENERAL STATUTES § 9-621**

This agreement, by and between Tamera Zappone, of the City of Waterbury, 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. Respondent is the Treasurer of the "Jarjura for Mayor 2007" campaign committee, a candidate committee that was organized to finance the campaign of Michael Jarjura for Mayor, in the November 2007 municipal election, and filed with the Waterbury Town Clerk on or about January 10, 2007.
2. The Complainant filed this complaint against the Respondent for distributing a written communication to City of Waterbury employees via postal mail that was allegedly lacking the "Paid for" and "approved by" attributions in violation of Connecticut General Statutes § 9-621(a).
3. Connecticut General Statutes § 9-621(a), 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.***

[Emphasis added.]

4. Jarjura for Mayor 2007 sent out two communications in the same mailing envelope. The first was a letter (the "Letter") to employees of the City of Waterbury, signed by Mayor Jarjura, soliciting support for the candidate's reelection as Mayor of the City of Waterbury. The Letter was a one-sided sheet of letter-sized paper. The Letter promoted the success of Mayor Jarjura in the upcoming election and asked for the readers' vote. The Letter was lacking any "paid for by" or "approved by" attribution or a photograph of the candidate, as required by Connecticut General Statutes § 9-621(a).
5. The second communication sent in the abovementioned envelope was a two-sided bookmark (the "Bookmark") approximately 3.5" x 8.5" wide. One side of the Bookmark promotes the entire Democratic slate, including Mayor Jarjura, imploring the voter to "Vote All Row B," and contains the attribution "Paid for by Team Jarjura 2007, Antonio Pinto, Treasurer." The other side of the communication/insert promotes Mayor Jarjura only. It contains a picture of the candidate and the attribution "Paid for by Jarjura for Mayor 2007, Tamera Zappone Treasurer" along with a picture of the candidate. However, this side is missing the necessary "approved by" attribution. Moreover, this side of the Bookmark only contains the name of the candidate in a font which is substantially smaller than that used for the narrative.
6. It is concluded that Respondent violated Connecticut General Statutes § 9-621(a) by incurring the expenditure for the Letter and 1) failing to include in the Letter the words "paid for by" followed by the name of the committee and the treasurer, 2) failing to include in the Letter the words "approved by" followed by the name of the candidate, and 3) failing to include a photograph, since the Letter was distributed as a mailing.
7. It is also concluded that Respondent violated Connecticut General Statutes § 9-621(a) by incurring the expenditure for the Bookmark and 1) failing to include on the Bookmark the words "approved by" followed by the name of the candidate; and 2) failing to include on the Bookmark the name of the candidate in a font not less than the size of the font used for the narrative on the side of the Bookmark that was paid for by the "Jarjura for Mayor 2007" candidate committee and promoting the candidate, Mayor Jarjura.
8. The Regulations of Connecticut State Agencies § 9-7b-48 provide that in its determination of the amount of a civil penalty, the Commission shall consider the following factors, among other mitigating or aggravating circumstances:
  - (1) the gravity of the act or omission;
  - (2) the amount necessary to insure immediate and continued compliance;
  - (3) the previous history of similar acts or omissions; and

- (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.
9. The Commission concludes that failing to properly inform the electorate of the sponsorship of political communications is a serious offense.
  10. The Respondent has a prior violation of the attribution statute and in that case the Commission assessed a civil penalty of \$300 for three mailings that did not include the necessary "paid for by" attribution and the Respondent was ordered to henceforth *strictly* comply with the "paid for by" requirement in Connecticut General Statutes § 9-333w (now § 9-621). In the Matter of a Complaint of Karen Mulcahy, Waterbury, File No. 2005-291 A. The letter in that matter is substantially similar to the one at issue in this case.
  11. It is concluded that the Respondent violated the Commission's order in File No. 2005-291.
  12. Despite paying a fine of \$300 and entering into a Consent Agreement in File No. 2005-291, and despite the Commission's Order to henceforth strictly comply with the "Paid for by" attribution of § 9-333w (the same requirement as that in § 9-621), Respondent only two years later violated both § 9-621(a) *and* the Commission's Order by sending a *substantially* similar unattributed campaign letter addressed from Mayor Michael Jarjura to employees of the City of Waterbury in the aforementioned manner. Although the attribution statute has changed to include additional requirements in the intervening period, the Respondent did not even comply with the law as it existed in 2005, as she was ordered to do.
  13. Repeatedly failing to attribute the funding source of a campaign mailing, especially one sent from the Chief Elected Officer of a large municipality to the employees or retired employees of that municipality is a serious offense and shows an apparent lack of good faith to comply on the part of the Respondent.
  14. Respondent also has a prior matter that came before the Commission wherein it was found that the Respondent failed to disclose the principal occupation and employer of multiple contributors in excess of \$100 in the aggregate where such information was available to the committee. Respondent paid a civil penalty of \$400 and a Consent Agreement was adopted by the Commission at its meeting held on March 8, 2005. See In the Matter of a Complaint of Karen Mulcahy, Waterbury, File No. 2005-291 C.
  15. Given Respondent's apparent lack of good faith, history of failing to attribute such communications, history of other prior offenses before the Commission as well as the seriousness of the present offense, the Commission concludes that the payment of a fine of one thousand dollars (\$1,000) is the amount necessary to insure immediate and continued compliance.
  16. The Respondent admits all jurisdictional facts and concurs 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.

17. 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.

18. 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.

19. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter.

**ORDER**

IT IS HEREBY ORDERED that the Respondent shall pay a civil penalty of one thousand dollars (\$1,000) to the State Elections Enforcement Commission on or before February 7, 2008.

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of Connecticut General Statutes § 9-621(a) (formerly § 9-333w).

**The Respondent:**

*Samara Zappone*

Tamera Zappone  
20 Welland Rd.  
Waterbury, Connecticut

**For the State of Connecticut:**

BY: *Joan M. Andrews*

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

Dated: 2-5-08

Dated: 2/7/08

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

*Stephen F. Cashman*

Stephen F. Cashman, Chairman  
By Order of the Commission