

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by
Mary Adams, New London

File No. 2008-002

**AGREEMENT CONTAINING CONSENT ORDER AND
PAYMENT OF A CIVIL PENALTY FOR VIOLATION OF
CONNECTICUT GENERAL STATUTES §§ 9-607 & 9-621**

This Agreement, by and between Anthony Nolan, of the City of New London, County of New London, State of Connecticut 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 in this matter was at all times relevant to this Complaint, Anthony Nolan, candidate for the Board of Education during the November municipal elections in the City of New London.
2. Respondent filed a "Registration by Candidate" SEEC Form 1 with the clerk of the City of New London on or about August 1, 2007 for the aforesaid candidacy. On said form, Respondent indicated that he was exempt from forming a candidate committee and filed in addition to the aforesaid an SEEC Form 1B certifying that he was exempt from forming said committee and designating the New London Democratic Town Committee as the sole funding vehicle for his candidacy.
3. Respondent Anthony Nolan distributed flyers advocating for his reelection to the Board of Education. The communication was a two-sided flyer approximately 11.5" x 4.25" photocopied onto green stock paper and distributed by hand by Mr. Nolan. The communication contained the name of the candidate in large lettering and a photograph of the candidate, identifying him as a Democrat running for the New London Board of Education. Small size type appears at the bottom of the communication, which was nearly illegible, reading "printed in house."
4. Respondent paid a total of \$286.73 for the flyers and neither sought nor received reimbursement from the New London Democratic Town Committee.
5. Connecticut General Statutes § 9-610(c), provides in pertinent part:
 - (c) A candidate may make any expenditure permitted by section 9-607 to aid or promote the success of his campaign for nomination or election from his personal funds, or the funds of his immediate family, which for the purposes of this chapter shall consist of the candidate's spouse and issue. Any such expenditure shall not be deemed a contribution to any committee.

6. Connecticut General Statutes § 9-607, provides in pertinent part:

(b) Nonliability for unauthorized debts. No candidate, campaign treasurer, or committee shall be liable for any debt incurred in aid of or in opposition to any political party, referendum question or the candidacy of any person or persons for said offices or positions unless such debt was incurred pursuant to an authorization issued under subsection (a) of this section.

...

(k) Campaign expenses paid by candidate. *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.]*

7. 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.]

8. Because the Respondent was a candidate, and he was making expenditures for a printed communication which promoted the success of his campaign for election to the New London Board of Education, the communication was required to bear upon its face: the words "paid for by Anthony Nolan" along with Mr. Nolan's address and the words "approved by Anthony Nolan." The communication was missing both the "paid for by" and "approved by" attributions, in violation of Connecticut General Statutes § 9-621(a).
9. Respondent has also violated § 607(k) for failing to report to the treasurer of the New London DTC an expenditure by a candidate that was greater than \$50.
10. 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.
11. 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..
12. 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.
13. 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

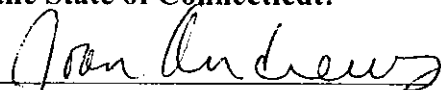
IT IS HEREBY ORDERED that the Respondent shall pay a civil penalty of one hundred dollars (\$100.00) to the Commission on or before May 21, 2008 and that the Respondent shall henceforth strictly comply with the requirements of Connecticut General Statutes §§ 9-607 & 9-621(a).

The Respondent:



Anthony Nolan
105 Blackhall St.
New London, Connecticut

For the State of Connecticut:

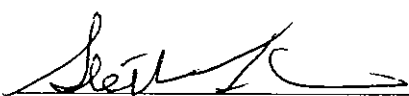
BY: 

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: 5/21/08

Dated: 5/28/08

Adopted this 29th day of May of 2008 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission