

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Jason A. Carlascio, Waterbury

File No. 2008-076

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

This agreement, by and between Selim Noujaim, (hereinafter referred to as "Respondent") of the Town of Waterbury, County of New Haven, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut.

In accordance herewith, the parties agree that:

1. On October 5, 2007, Respondent registered *Friends of Selim*, a candidate committee for the November 4, 2008 election to the 74th Assembly District. Patricia E. Goodin is its designated treasurer.
2. Complainant filed this complaint with the Commission on June 18, 2008, apparently alleging that a June 2008 advertisement purchased by *Friends of Selim*, appeared to be an impermissible coordinated expenditure by an ongoing political committee in support of a participating candidate.
3. The investigation revealed that the advertisement was paid for by Respondent's authorized candidate committee, and not a political committee, as alleged.
4. Because *Friends of Selim* is Respondent's registered candidate committee its purchase of print advertising promoting Respondent was therefore a permissible expenditure by a candidate committee pursuant to General Statutes § 9-607(g)(2)(A).
5. The advertisement that is the subject of this Complaint contained the attribution: "Paid for by Friends of Selim, Patricia E. Goodin, Treasurer."
6. Connecticut General Statutes § 9-621(as amended by P.A. 08-2), 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 including an organization

expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601 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. ...*

[Emphasis added.]

7. Respondent included the "paid for by" language, the name of his committee, and the name of his treasurer on the advertisement subject to this complaint, but he failed to include the "approved by" language followed by his name.
8. Respondent's failure to include "approved by" followed by his name on the June 2008 advertisement that appeared in *The Waterbury Observer* constitutes a violation of § 9-621(a), General Statutes.
9. Respondent claims *The Waterbury Observer* already had the committee's template, which had been used in the past and did not include the "approved by" language.
10. The Respondent has been a candidate before, and as a member of the General Assembly, voted for Public Act 05-188, which added the "approved by" language to § 9-621, General Statutes.
11. Respondent admits full responsibility for placing the advertisement which he ordered and which was billed to and paid for by his candidate committee.
12. 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.

13. 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.
14. 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.
15. Upon the Respondent's agreement with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him or his committee pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall pay a civil penalty of one hundred dollars (\$100) to the Commission on or before September 24, 2008 and that the Respondent shall henceforth strictly comply with § 9-621(a), General Statutes.

For the State of Connecticut

Dated: 10/3/08

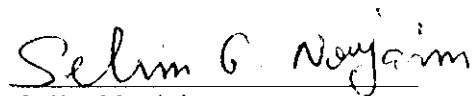
BY:



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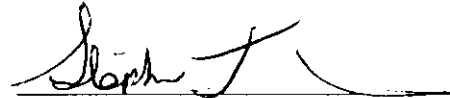
The Respondent

Dated: Oct 2, 2008



Selim Noujaim
104 DiNatali Drive
Waterbury, Connecticut

Adopted this 8th day of October, 2008 at Hartford, Connecticut



Stephen F. Cashman, Chair
By Order of the Commission