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**ENFORCEMENT
COMMISSION****STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**In the Matter of a Complaint by
Margaret Potts, Oxford

File No. 2007-351

**AGREEMENT CONTAINING CONSENT ORDER
AND PAYMENT OF A CIVIL PENALTY FOR ALLEGED VIOLATIONS OF
GENERAL STATUTES § 9-604**

This agreement, by and between August Palmer, (hereinafter referred to as "Respondent") of the Town of Oxford, 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. A Republican primary was held in the Town of Oxford on September 11, 2007 for the following offices: First Selectman, Board of Finance, Board of Education and Zoning Board of Appeals.
2. Respondent was a Republican candidate for the office of Oxford First Selectman in the Town of Oxford in the September 11, 2007 Republican primary and thereafter in the November 6, 2007 municipal election.
3. The Complainant is the Town of Oxford Town Clerk. Complainant filed the complaint with the Commission due in part to her confusion regarding campaign finance registration forms and campaign finance disclosure statements filed with her office by the Palmer/Dempsey 2007 slate of candidates and Palmer/Dempsey Primary 2007 slate of candidates in relation to the September 11, 2007 Oxford Republican primary and the November 6, 2007 Oxford municipal election.
4. Palmer/Dempsey 2007 filed a *Political Committee Registration (SEEC Form 3)* with the Complainant on July 12, 2007 marking the data box indicating that this filing was an "Amended Registration Type," marking the data box indicating that the committee subtype was two or more individuals, the purpose of the committee was durational and the data box for a slate of candidates was checked off, the candidates supported (28b.) were August Palmer (1st Selectman) and Joseph Dempsey (Selectman).
5. Vincent Palutis was the designated treasurer of Palmer/Dempsey 2007. The Naugatuck Savings Bank was the designated depository institution for Palmer/Dempsey 2007.

6. Palmer/Dempsey Primary 2007 filed a *Political Committee Registration (SEEC Form 3)* with the Complainant on August 20, 2007 marking the data box indicating that this filing was an "Initial Registration Type," marking the data box indicating that the committee subtype was two or more individuals, the purpose of the committee was "Municipal Elections Only" (25a) and "Single Primary Date" (25b) and the data box for a slate of candidates was checked off, the candidates supported (28b.) were the Respondent, August Palmer (1st Selectman), Joseph Dempsey (Selectman), Michael F. Angelini Sr. (Treasurer), Albert J. Benoit, Richard C. Burke, John B. Lavin (Brd. Of Finance), Peggy J. Freeman, Karen Y. Kelly, Rose A. McKinnon, Charlene M. Sideleau (Brd. Of Education), Patrick J. Cocchiarella, Collen J. Lowell, Ronald J. Wiesniak Jr., (Planning and Zoning), Alan S. Goldstone, Jeffrey Paul Luff, Charles II. Toothill (Zoning Brd. of Appeals), and Edward P. Spruck Jr. (Brd. of Assesment Appeals).
7. Peter Karpovich was the designated treasurer of Palmer/Dempsey Primary 2007. TD Banknorth, N.A. was the designated depository institution for Palmer/Dempsey Primary 2007.
8. Palmer/Dempsey 2007 and Palmer/Dempsey Primary 2007 were two separate slate committees with separate treasurers and separate depository institutions.
9. The Respondent filed an amended *Registration by Candidate (SEEC Form 1)* with the Complainant on July 12, 2007 marking the data box indicating that he was exempt from forming a candidate committee and that he was filing a *Certification of Exemption from Forming a Candidate Committee (SEEC Form 1B)*. On the amended *Certification of Exemption from Forming a Candidate Committee (SEEC Form 1B)* filed with the Complainant on July 12, 2007, Respondent checked off the data box indicating that he was part of a slate of candidates and that his campaign was being funded solely by Palmer/Dempsey 2007.
10. Palmer/Dempsey 2007 made expenditures in the amount of \$2,539.38 between August 1, 2007 and September 12, 2007 in connection with Respondent Palmer's primary candidacy. These expenditures were for a campaign kick-off reception (\$889.45), palm cards (\$127.20), yard signs (\$654.61), campaign mailer (\$445.12) and for a primary night reception (\$423.00). The Oxford Republican primary was held on September 11, 2007.
11. Palmer/Dempsey Primary 2007 made expenditures in the amount of \$1,931.57 between August 1, 2007 and September 12, 2007 in connection with Respondent Palmer's primary candidacy. These expenditures were for three advertisements that appeared in *Voices News* (\$1,486.45) and for campaign mailers (\$445.12). The Oxford Republican primary was held on September 11, 2007.

12. General Statutes § 9-604 provides in pertinent part:

(a) **Each candidate for a particular public office** or the position of town committee member **shall form a single candidate committee** for which he shall designate a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds and shall file a committee statement containing such designations, not later than ten days after becoming a candidate, with the proper authority as required by section 9-603. The candidate may also designate a deputy campaign treasurer on such committee statement. The campaign treasurer and any deputy campaign treasurer so designated shall sign a statement accepting such designation which the candidate shall include as part of, or file with, the committee statement.

(b) The formation of a candidate committee by a candidate and the filing of statements pursuant to section 9-608 shall not be required if the candidate files a certification with the proper authority required by section 9-603, not later than ten days after becoming a candidate, and any of the following conditions exist for the campaign: (1) **The candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election or primary** and expenditures made on behalf of the candidate's campaign are reported by the committee sponsoring the candidate's candidacy; . . . The filing of a certification under this subsection shall not relieve the candidate from compliance with the provisions of this chapter.

(c) . . . **No candidate shall establish, agree to or assist in establishing, or give his consent or authorization to establishing a committee other than a single candidate committee to promote his candidacy for any public office** except that a candidate may establish an exploratory committee. . .

13. The Commission maintains that the Respondent benefitted from having two separate slate committees make expenditures in connection with his primary candidacy for First Selectman in the Town of Oxford Republican primary held on September 11, 2007. Consequently, the Commission maintains that the Respondent violated General Statutes § 9-604.
14. The Commission found that contributors to Palmer/Dempsey 2007 did not contribute to Palmer/Dempsey Primary 2007 and that contributors to Palmer/Dempsey Primary 2007 did not contribute to Palmer/Dempsey 2007.
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 henceforth order will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondents 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. The Respondent does not admit to any wrong doing in this matter and more specifically to the violation of General Statutes § 9-604.
19. Upon the Respondent's agreement 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 in the amount of eight hundred dollars (\$800.00) made payable to the State Elections Enforcement Commission on or before April 15, 2009;

IT IS FURTHER ORDERED that the Respondent shall henceforth strictly comply with § 9-604, General Statutes.

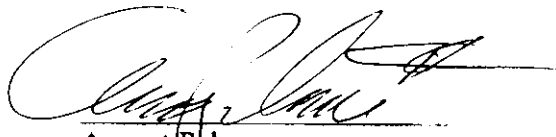
For the State of Connecticut

Dated: 4/21/09


BY: 
Joan M. Andrews, Esq.
Director of Legal Affairs
and Enforcement and
Authorized Representative
of the State Elections
Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

The Respondent

Dated: 4/14/09


August Palmer
Oxford, CT

Adopted this 6th day of ~~April~~^{May}, 2009 at Hartford, Connecticut


Stephen F. Cashman, Chair
By Order of the Commission