

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Samarpana Tamm,
Greenwich

File No. 2008-133

FINDINGS AND CONCLUSIONS

Complainant filed the instant complaint with the Commission on October 10, 2008 pursuant to General Statutes §9-7b, alleging that the Greenwich Republican Town Committee (hereinafter GRTC), the Camillo for State Representative (hereinafter Camillo Committee) and the Committee to Re-Elect Lile Gibbons (hereinafter Gibbons Committee) all received an illegal in-kind contribution from a business entity in connection with campaign headquarters located at 407 East Putnam Avenue which is owned by Chimblo Real Estate Enterprises LLC (hereinafter Chimblo). Complainant further alleges that this constitutes an undisclosed expenditure under General Statutes § 9-613(b), as well as an illegal organizational expenditure under General Statutes § 9-601(25) and an improper allocation of pro rata funds under General Statutes § 9-610(b).

After an investigation of the matter, the Commission makes the following findings and conclusions:

1. The Complainant based her complaint solely on excerpts from a newspaper story entitled "GOP opens E. Putnam headquarters," which appeared in the October 2, 2008 *Greenwich Time*.
2. Complainant alleged that the GRTC, the Camillo Committee and Gibbons Committee received a prohibited in-kind business entity contribution from Chimblo in connection with a vacant space owned by Chimblo located at 407 East Putnam Ave. in the Cos Cob section of Greenwich.
3. Chimblo is a business entity as that term is defined by General Statutes § 9-601(8).
4. General Statutes § 9-613 provides in pertinent part:
 - (a) No business entity shall make any contributions or expenditures to, or for the benefit of, any candidate's campaign for election to any public office or position subject to this chapter or for nomination at a primary for any such office or position, or to promote the defeat of any candidate for any such office or position. No business entity shall make any other contributions or expenditures to promote the success or defeat of any political party, except as provided in subsection (b) of this section. No business entity shall establish more than one political committee. A political committee shall be deemed to have been established by a business entity if the initial disbursement or contribution to the

committee is made under subsection (b) of this section or by an officer, director, owner, limited or general partner or holder of stock constituting five per cent or more of the total outstanding stock of any class of the business entity.

5. The GRTC entered into a written agreement with Chimblo to rent the space located at 407 East Putnam Avenue for a period starting at the beginning of October 2008 and ending promptly after Election Day of November 2008.
6. The space located at 407 East Putnam Avenue that the GRTC rented was unfinished and unimproved warehouse space awaiting a long term tenant.
7. Chimblo found it beneficial to show the vacant space to potential long term tenants while the space was occupied as opposed to vacant. Chimblo also required the GRTC to keep a large "FOR LEASE" sign in the window of the space.
8. The use of the vacant space for GRTC headquarters for this period of time totaled \$3,208.90, which was the cost of the utilities and the pro rata share of the taxes associated with the property for that period of time, per the written agreement. The GRTC paid this amount on December 12, 2008 and it is reported on the GRTC January 10, 2009 Itemized Campaign Finance Disclosure Statement (SEEC Form 20).
9. Under the circumstances and terms outlined in the written agreement, which created a periodic tenancy between the GRTC and Chimblo and based on the condition of the space, the Commission concludes that the value that was paid by the GRTC to Chimblo was fair market value.
10. Chimblo did not make a prohibited in-kind business entity contribution to the GRTC, nor did Chimblo make a prohibited in-kind business entity contribution to the Camillo Committee or the Gibbons Committee.
11. Complainant further alleged that as a result of the purported illegal in-kind business entity contribution by Chimblo, there was an illegal organization expenditure under General Statutes § 9-601(25) and an improper allocation of pro rata funds under General Statutes § 9-610(b).
12. General Statutes § 9-601(25) provides in pertinent part:

As used in this chapter and sections 9-700 to 9-716, inclusive:

(25) "Organization expenditure" means an expenditure by a party committee, legislative caucus committee or legislative leadership committee for the benefit of a candidate or candidate committee for: ...

(E) The use of offices, telephones, computers and similar equipment which does not result in additional cost to the party committee, legislative caucus committee or legislative leadership committee.

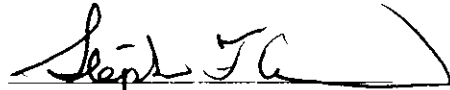
13. The Camillo Committee did not have telephones or computers at the GRTC headquarters and they did not receive any mail at the GRTC headquarters, or maintain a representative at the location. The Camillo Committee used the GRTC headquarters to hold meetings with Committee staff and volunteers and to store political signs and brochures, which did not result in an additional cost to the GRTC.
14. Consequently, the limited use of space at the GRTC headquarters by the Camillo Committee constitutes a permissible organization expenditure pursuant to General Statutes § 9-601(25)(E).
15. General Statutes § 9-610 provides in pertinent part:
 - (b) A candidate committee may pay its pro rata share of the expenses of operating a campaign headquarters and of preparing, printing and disseminating any political communication on behalf of that candidate and any other candidate or candidates. Notwithstanding the provisions of subdivision (1) of subsection (a) of section 9-616, a candidate committee may reimburse a party committee for any expenditure such party committee has incurred for the benefit of such candidate committee.
16. Because the Camillo Committee's limited use of the GRTC headquarters constitutes an organization expenditure, the Complainant's allegations concerning the alleged violation of General Statutes § 9-610(b) regarding the pro rata share of expenses for the GRTC headquarters is without merit. The Camillo Committee's limited use of the GRTC headquarters is an organization expenditure as defined in General Statutes § 9-601(25)(E) and therefore not an expenditure within the meaning of General Statutes § 9-601b(8).
17. The Gibbons Committee did not use the GRTC headquarters. State Representative Gibbons only appeared at the location for the ribbon cutting of the GRTC headquarters.
18. The complaint is dismissed for the above mentioned reasons.

ORDER

The following Order is issued on the basis of the aforementioned findings:

That the matter be dismissed.

Adopted this 18th day of November 2009 at Hartford, Connecticut

A handwritten signature in black ink, appearing to read "Stephen F. Cashman". The signature is written in a cursive style with a large, sweeping flourish at the end.

Stephen F. Cashman, Chairman
By Order of the Commission