

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Carl J. Strand,
Cheshire

File No. 2008-146

FINDINGS AND CONCLUSIONS

Complainant filed the instant complaint with the Commission pursuant to General Statutes §9-7b, alleging that the Debicella for State Senate 2008 candidate committee (hereinafter the Debicella Committee), violated General Statutes § 9-622 by using corporate resources in Dan Debicella's publicly financed state senate campaign.

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

1. Complainant filed this complaint on behalf of the Janice Andersen Democrat for State Senate campaign and specifically alleged that on at least eight different occasions, Debicella received campaign related materials via email from the Shelton Town and City Clerk at his Pepsi Co., Inc. email address, dan.debicella@pepsi.com in possible violation of General Statutes § 9-622. Complainant also alleged the Debicella Committee violated General Statutes § 9-622 by faxing a campaign finance disclosure statement to the Commission using a Pepsi Co., Inc. fax machine.
2. The Debicella Committee was the duly designated candidate committee for Dan Debicella's candidacy for State Senate in the 21st Senatorial District. Debicella participated in the Citizen's Election Program.
3. General Statutes § 9-601a provides in pertinent part:
 - (a) As used in this chapter and sections 9-700 to 9-716, inclusive, "**contribution**" means:
 - (1) Any gift, subscription, loan, advance, payment or deposit of money or **anything of value, made for the purpose of influencing the nomination for election, or election, of any person** or for the purpose of aiding or promoting the success or defeat of any referendum question or on behalf of any political party; [Emphasis added.]
4. General Statutes § 9-601b provides in pertinent part:
 - (a) As used in this chapter and sections 9-700 to 9-716, inclusive, the term "**expenditure**" means:

(1) Any purchase, payment, distribution, loan, advance, deposit or gift of money or **anything of value, when made for the purpose of influencing the nomination for election, or election, of any person** or for the purpose of aiding or promoting the success or defeat of any referendum question or on behalf of any political party; [Emphasis added.]

5. 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. [Emphasis added.]

6. General Statutes § 9-622 provides in pertinent part:

The following persons shall be guilty of illegal practices and shall be punished in accordance with the provisions of section 9-623:

(10) **Any person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter;** [Emphasis added.]

7. The Debicella Committee reimbursed Pepsi Co., Inc. \$17, the fair market value for the cost of sending the fax. Accordingly, no business entity contribution resulted and that allegation is dismissed.


8. The receipt of campaign related materials via email may have some value to the Debicella campaign, but the actual fair market value is so negligible or de minimis that the Commission has determined to take no further action under these specific facts and circumstances.

ORDER

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

That the matter be dismissed.

Adopted this 20th day of January 2010 at Hartford, Connecticut

A handwritten signature in black ink, appearing to read "Stephen F. Cashman", with a long horizontal flourish extending to the right.

Stephen F. Cashman, Chairman
By Order of the Commission