STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Christopher Healy, Wethersfield

File No. 2009-040

FINDINGS AND CONCLUSIONS

Complainant Christopher Healy brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that that the "Donovan '08" candidate committee made a number of impermissible expenditures, as reported in its Itemized Campaign Finance Disclosure Statements for the filing periods covering October 1, 2008 through the termination of the committee on February 9, 2009. After the investigation, the Commission makes the following findings and conclusions:

1. "Donovan '08" was the authorized candidate committee for Christopher G. Donovan's candidacy for re-election to the Connecticut General Assembly in the 84th House District for the November 4, 2008 general election.

2. Respondent Mildred Torres-Ferguson served as treasurer of "Donovan '08" at all times relevant to the instant Complaint.

3. On or about December 9, 2008, Respondent Torres-Ferguson contacted the then Executive Director and General Counsel of the Commission by telephone and reported that she had recently discovered that her nineteen year old daughter, Respondent Ashley Torres, had, without the knowledge of Respondent Torres-Ferguson, stolen the committee debit card from her wallet and made a number of unauthorized disbursements from the committee bank account totaling $441.88.

4. Upon advice of the Executive Director and General Counsel, Respondent Torres-Ferguson reimbursed the committee in the amount of $441.88.

5. On or about January 5, 2009, Respondent Torres-Ferguson came to the offices of the Commission and reported in a meeting with the Directors of Legal Enforcement and Legal Compliance that she had recently discovered that Respondent Ashley Torres had once again, without the knowledge of Respondent Torres-Ferguson, stolen the committee debit card and made over $1,700 in additional unauthorized disbursements.

6. The Commission representatives advised Respondent Torres-Ferguson to report the disbursements as she would any other expenditure and submit a letter of explanation in connection with the filing.

7. Upon advice of the Commission representatives, Respondent Torres-Ferguson reimbursed the committee for an additional $1,747.15," which payment represented a total reimbursement, plus $0.23, submitted amended Itemized Campaign Finance Disclosure Statements (SEEC Form 30) for the period covering October 1, 2008 to January 1, 2009 reporting the unauthorized disbursements, and then canceled the

committee debit card. However, she did not submit a letter of explanation with her filing.

8. According to the amended Itemized Campaign Finance Disclosure Statements (SEEC Form 30) filed by the "Donovan '08" candidate committee, thirty-three (33) unauthorized disbursements were made by Respondent Ashley Torres from November 17, 2008 through December 24, 2008, totaling $2,188.80, which included such non-campaign expenses as nail salon services and clothing. All such unauthorized disbursements were reimbursed to the committee by Respondent Torres-Ferguson. According to Respondent Torres-Ferguson, all of the reimbursements were all made out of a "college fund" that she kept for her daughter.

9. General Statutes § 9-607 (a) provides, in pertinent part:

> (a) No financial obligation shall be incurred by a committee unless authorized by the campaign treasurer, except that certain expenditures of a candidate's personal funds may be reimbursed as provided in subsection (k) of this section.
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> . . .
>
> (g) Permissible expenditures. (1) As used in this subsection, (A) "the lawful purposes of his committee" means: (i) For a candidate committee or exploratory committee, *the promoting of the nomination or election of the candidate who established the committee*, except that after a political party nominates candidates for election to the offices of Governor and Lieutenant Governor, whose names shall be so placed on the ballot in the election that an elector will cast a single vote for both candidates, as prescribed in section 9-181, a candidate committee established by either such candidate may also promote the election of the other such candidate; (ii) for a political committee, the promoting of the success or defeat of candidates for nomination and election to public office or position subject to the requirements of this chapter, or the success or defeat of referendum questions, provided a political committee formed for a single referendum question shall not promote the success or defeat of any candidate, and provided further a legislative caucus committee may expend funds to defray costs of its members for conducting legislative or constituency-related business which are not reimbursed or paid by the state; and (iii) for a party committee, the promoting of the party, the candidates of the party and continuing operating costs of the party, and (B) "immediate family" means a spouse or dependent child of a candidate who resides in the candidate's household.
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> [Emphasis added.]

10. The Commission finds, and Respondent Torres-Ferguson acknowledges, that the aforementioned disbursements were not permissible expenditures of a candidate

committee as they did not promote the nomination or election of the candidate who established the committee. But, there is also no evidence that they were authorized by the treasurer, per General Statutes § 9-607 (a).

11. Accordingly, the Commission finds that Respondent Mildred Torres-Ferguson did not violate General Statutes § 9-607 (g), but that her daughter, Respondent Ashley Torres, did violate General Statutes § 9-607 (a) by causing financial obligations to be incurred by the committee without the authorization of the campaign treasurer.

12. However, the Commission also considers as compelling that it appears that these unauthorized disbursements were made by an individual who is a very troubled young woman. Respondent Torres-Ferguson stated that her daughter, who was 19 years old at the time of the thefts of the debit card, has a history of depression and mental illness. Additionally, the Commission takes note that Respondent Torres-Ferguson also indicated that she deducted the value of the two reimbursements from out of her daughter's college fund. She took responsibility for the transgressions of her daughter, repaid the committee for the entire theft and the Citizens Election Fund has been made whole by her acts.

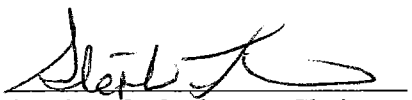
13. Considering the foregoing findings, facts and circumstances, the Commission declines to pursue the matter further as against either Respondent Torres-Ferguson or her daughter.

ORDER

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

That the Complaint be dismissed.

Adopted this 24th day of March of 2010 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission