

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Preston D. Shultz, Woodstock

File No. 2009-054

AGREEMENT CONTAINING CONSENT ORDER

This agreement, by and between Tamara Doyon, Town of Killingly (Danielson), County of Windham, State of Connecticut (hereinafter the "Respondent") and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Respondent at all times relevant to this complaint was employed as a teacher's aide by the Town of Woodstock.
2. On May 13, 2009, the Woodstock Board of Selectmen set a referendum for June 9, 2009 as required in the Town Charter and ordinances of the Town of Woodstock. The proposed ordinance would have cut short the terms of the then-serving Woodstock Board of Education and reconfigured the election and composition of the Board of Education. Woodstock voters rejected the measure.
3. Complainant alleged various violations in relation to activities by opponents of the June 9, 2009 referendum in the Town of Woodstock. Specifically, Complainant alleged:
 - (a) That John and Becki Leavitt placed an advertisement in the *Shopper's Guide* that did not comply with attribution requirements.
 - (b) That teachers and aides were handing out flyers advocating for a "no" vote on a referendum.
 - (c) That teachers and aides were verbally advocating for a "no" vote for a referendum.
4. Complainant attached to his complaint a flyer with the header: "*The Woodstock PTO asks you to please VOTE NO on Tuesday, June, 9, 2009.*" The aforementioned flyer contained the attribution: "*Paid for by: The Woodstock PTO – Patty Garceau, Treasurer.*"
5. The allegation in paragraph 3a above, as it pertains to John Leavitt and Becki Leavitt, is addressed in a separate document.

6. General Statutes § 9-369b, provides in pertinent part:

(a) Except as provided in subsection (b) of this section, any municipality may, by vote of its legislative body, authorize the preparation and printing of concise explanatory texts of local proposals or questions approved for submission to the electors of a municipality at a referendum. ... Except as provided in subsection (d) of this section, ***no expenditure of state or municipal funds shall be made to influence any person to vote for approval or disapproval of any such proposal or question.***

[Emphasis added.]

7. Upon investigation, the Commission finds that on or about June 8, 2009, Respondent distributed the flyer, as described in paragraph 4 above, to at least one student at the Woodstock Middle School during dismissal at the end of the school day.
8. The Commission further finds that Respondent was directed *not* to distribute the flyer detailed herein by a teacher at the Woodstock Middle School, and subsequently complied with that instruction. There is a lack of evidence to determine how many flyers were distributed to students by Respondent before she ceased distribution.
9. The Commission has historically concluded that “[t]he use of schoolchildren as couriers to deliver advocacy material to parents is a prohibited expenditure in violation of General Statutes Section 9-369b.” *See A Guide to Financing a Referendum Question*, at page 32.
10. The Commission concludes, based on the findings and reasons in 7 through 9 above, that the distribution by Respondent of the Woodstock PTO flyer to a student at the Woodstock Middle School was a prohibited expenditure pursuant to General Statutes § 9-369b. The Commission accordingly concludes that Respondent violated § 9-369b on or about June 8, 2009 by distributing advocacy materials to school children pertaining to the June 9, 2009 Woodstock referendum.
11. Regarding the allegation detailed in paragraph 3c above, the Commission, upon investigation, finds a lack of evidence to substantiate such allegation and therefore dismisses the allegation.
12. The Commission notes that the Respondent has no prior history with the Commission and cooperated with instructions to cease distributing the flyer as detailed herein.
13. 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 Section 9-7b-56 of the Regulations of Connecticut State Agencies.

14. 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 Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.

15. 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 Order entered into pursuant to this agreement.

16. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent pertaining to this matter.

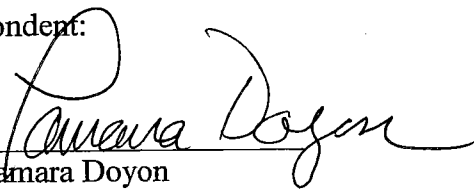
ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-369b.

Respondent:

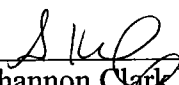
For the State of Connecticut

BY:


Tamara Doyon
146 Prospect Avenue
Danielson, Connecticut

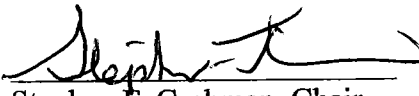
1-20-2012
Dated

BY:


Shannon Clark Kief, Esq.
Legal Program Director,
and Authorized Representative
Of the State Elections
Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

1-26-12
Dated

Adopted this 18th day of January, 2012 at Hartford, Connecticut by vote of the Commission.


Stephen F. Cashman, Chair
By Order of the Commission