

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Daniel R. Gaita, Bethel

File No. 2009-083

AGREEMENT CONTAINING CONSENT ORDER FOR
VIOLATIONS OF GENERAL STATUTES

This Agreement, by and between S. Lawrence Craybas, hereinafter referred to as the "Respondent," of the Town of Bethel, County of Fairfield, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with General Statutes § 4-177(c) and section 9-7b-54 of the Regulations of Connecticut State Agencies.

In accordance herewith, the parties agree that:

1. The Complainant filed this complaint alleging multiple campaign finance violations by Respondent, regarding his candidate committee for First Selectman at the November 3, 2009 municipal election in the Town of Bethel.
2. On August 5, 2009 Respondent filed with the Bethel town clerk an initial *Registration by Candidate* (SEEC Form 1), for his candidacy for First Selectman designating Nicholas J. Gazetos as treasurer of his candidate committee "Craybas '09." On that same day, Respondent filed with the Bethel town clerk a *Certificate of Exemption from Forming a Candidate Committee* (SEEC Form 1B), for his candidacy for First Selectman designating Craybas '09 as his slate of candidates.
3. On August 16, 2009, Respondent made contribution in the amount of \$1,000.00 to Craybas '09.
4. On September 8, 2009 a *Political Committee (PAC) Registration* (SEEC Form 3) was filed with the Bethel town clerk's by Robert J. Legnard of Bethel as chairperson and Mr. Gazetos as treasurer. The aforementioned committee supported Respondent and Paul R. Szatkowski as candidates and was also designated as "Craybas '09."
5. Complainant specifically alleged:
 - a. That Respondent registered a candidate committee 33 days late, in violation of General Statutes §§ 9-602 and 9-604;

- b. That Respondent made an August 16, 2009 \$1000 individual donation to his own committee in excess of the maximum allowable \$750 individual contribution limit to the political slate committee in violation of General Statutes § 9-612;
6. The Commission details and addresses allegations in this complaint pertaining to additional Respondents under separate respective documents.
7. General Statutes § 9-602 provides in pertinent part:

(a) ***Except with respect to an individual acting alone, or with respect to a group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate, no contributions may be made, solicited or received and no expenditures may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual or any party or referendum question, unless (1) the candidate or chairman of the committee has filed a designation of a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds, or (2) the candidate has filed a certification in accordance with the provisions of section 9-604. In the case of a political committee, the filing of the statement of organization by the chairman of such committee, in accordance with the provisions of section 9-605, shall constitute compliance with the provisions of this subsection.***
[Emphasis added.]

8. Similarly, 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; (2) the candidate finances the candidate's campaign entirely from personal funds and does not solicit or receive contributions, provided if said candidate personally makes an expenditure or expenditures in excess of one thousand dollars to, or for the benefit of, said candidate's campaign for nomination at a primary or election to an office or position, said candidate shall file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a candidate committee under section 9-608; (3) the candidate does not receive or expend funds in excess of one thousand dollars; or (4) the candidate does not receive or expend any funds, including personal funds, for the candidate's campaign. If the candidate no longer qualifies for the exemption under any of these conditions, the candidate shall comply with the provisions of subsection (a) of this section, not later than three business days thereafter and shall provide the candidate's designated campaign treasurer with all information required for completion of the treasurer's statements and filings as required by section 9-608. If the candidate no longer qualifies for the exemption due to the condition stated in the candidate's certification but so qualifies due to a different condition specified in this subsection, the candidate shall file an amended certification with the proper authority and provide the new condition for the candidate's qualification not later than three business days following the change in circumstances of the financing of the candidate's campaign. The filing of a certification under this subsection shall not relieve the candidate from compliance with the provisions of this chapter.
[Emphasis added.]

9. Regarding the allegation in paragraph 5a, Complainant relies on a September 9, 2009 filing of a SEEC Form 3 registering a political committee in support of Respondent and Mr. Szatkowski, to allege a late candidate committee registration by Respondent.
10. However, the Commission notes that Respondent's initial registration statement, detailed in paragraph 2 above, was dated August 5, 2009. Specifically, the Commission finds that on August 5, 2009 Respondent filed an initial SEEC Form 1 *and* a SEEC Form 1b with the Bethel town clerk's office designating Craybas '09 his candidate committee. The Commission further finds that the filing of *both* the SEEC Form 1 and the SEEC Form 1b by Respondent was in error.
11. Pursuant to General Statutes § 9-602, and with certain exceptions, individuals must register a candidate committee *or* file an exemption from forming such a committee with the respective town clerk if they are candidates for municipal office before receiving, soliciting and expending funds for their election.
12. The Commission finds that pursuant to General Statutes § 9-604 (b) (1), Respondent was required to designate a political committee formed for a single election as his "sponsoring committee," or in the alternative that Respondent could have designated a party committee as his sponsoring committee, when he became a candidate for First Selectman.
13. The Commission finds, as detailed in paragraphs 10 through 12 above, that Respondent by filing both a SEEC Form 1 and SEEC Form 1b failed to properly register a candidate committee, *or* file an exemption from forming a candidate committee as required by General Statutes §§ 9-602 and 9-604.
14. The Commission concludes, for the reasons detailed in paragraphs 9 through 12 above, that Respondent violated General Statutes §§9-602 and 9-604 by filing in error both a SEEC Form 1 and SEEC Form 1b with the Bethel town clerk's office and thereby failing to properly register a candidate committee or sponsoring committee for his candidacy for First Selectman for the November 3, 2009 election in the Town of Bethel.
15. The Commission notes for purposes of this agreement, and as it pertains to allegation 5a, that the filing on September 9, 2009 of a SEEC Form 3 that purportedly supported Respondent was *not* a proper amendment for Respondent's attempted candidate committee registration, and therefore the timing of that filing (some 35 days after the August 5, 2009 filing) is not relevant for the Commission's analysis.

16. Upon investigation, the Commission finds that On August 16, 2009, Mr. Craybas made a \$1,000 contribution to Craybas '09 that was deposited by the committee. At the time of that contribution the registration of Craybas '09, as detailed in paragraphs 9 through 13, was not correct. The Commission further finds that the aforementioned contribution was made some 23 days *prior* to Respondent's attempt to register Craybas '09 as a political slate committee with the filing of an SEEC Form 3 with the Bethel town clerk's office as detailed herein.
17. Regarding the allegation in paragraph 5b above, the Commission finds that regardless of the conclusion that Craybas '09 was not correctly registered as either a candidate committee or other sponsoring committee, it nevertheless was *not* a political slate committee at the time of the Respondent's August 16, 2009 \$1,000 contribution detailed in paragraph 16 above.
18. The Commission concludes therefore, for the reasons detailed in paragraphs 16 and 17 above that Respondent did *not* make an excessive contribution to a political slate committee pursuant to § 9-612 as alleged in paragraph 5b above and therefore the Commission dismisses the aforementioned allegation.
19. 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 Regulations of Connecticut State Agencies § 9-7b-56.
20. It is understood 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 the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
21. 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 challenge or contest the validity of this Agreement or Order hereinafter stated.
22. 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 henceforth strictly comply with the requirements of General Statutes §§ 9-602 and 9-604.


The Respondent:

For the State Elections Enforcement Commission:

By:


S. Lawrence Craybas
15 Kellogg Street
Bethel, CT 06801

By:


Shannon Clark Kief, Esq.
Legal Affairs Program Director
and Authorized Representative of the
State Elections Enforcement Commission
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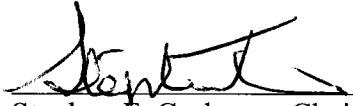
Dated:

02/14/2012

Dated:

2/27/12

Adopted this 15th day of February, 2012 at Hartford, Connecticut



Stephen F. Cashman, Chair
By Order of the Commission