

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 Paul R. Szatkowski, 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 that on August 5, 2009 Respondent filed a SEEC form 1B stating exemption from filing a candidate committee and incorrectly designating Craybas '09 as his sponsoring committee in violation of § 9-602.
2. On August 5, 2009 S. Lawrence Craybas 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, Mr. Craybas and Respondent each filed with the Bethel town clerk’s office a *Certificate of Exemption from Forming a Candidate Committee* (SEEC Form 1B), for their candidacies for First Selectman and Selectman respectively.
3. The Commission addresses allegations in this complaint as they pertain to additional Respondents under separate respective documents.
4. 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.]

5. 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.]

6. 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 their respective town clerk's office if they are candidates for municipal office before receiving, soliciting and expending funds for their election.
7. Pursuant to General Statutes § 9-604 (b) (1), Respondent as a candidate for Bethel Selectman at the November 3, 2009 election was entitled to designate a political committee formed for a single election as his "sponsoring committee," or in the alternative Respondent could have designating a party committee.
8. The Commission finds that Respondent as a candidate for Bethel Selectman at the November 3, 2009 election was required to register a candidate committee or designating a political slate committee as his funding source, pursuant to General Statutes §§9-602 and 9-604.
9. Upon investigation, the Commission finds that Respondent filed an SEEC Form 1B with the Bethel town clerk's office, which designated Craybas' 09 as his sponsoring committee. Furthermore, the Commission finds that the designation of a political committee as a sponsoring committee presupposes that such political committee is duly registered.

10. The Commission finds, as detailed in paragraph 2, that Craybas '09 was registered using a *Registration by Candidate* (SEEC Form1), and therefore the Commission finds that Craybas '09 was not registered by the filing of a *Political Committee (PAC) Registration* (SEEC Form 3) and therefore was *not* a duly registered political committee.
11. The Commission concludes, for the reasons detailed in paragraphs 8 through 10 above, that Respondent violated General Statutes §§ 9-602 and 9-604, by incorrectly filing a Form 1B designating Craybas '09 his sponsoring committee, and by otherwise failing to register a candidate committee for his candidacy for Bethel Selectman at the November 3, 2009 election.
12. 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.
13. 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.
14. 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.
15. 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:

By:

Paul R. Szatkowski
24 Winthrop Road
Bethel, CT 06801

For the State Elections Enforcement Commission:

By:

Shannon Clark Kief, Esq.
Legal Affairs Program Director
and Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, CT 06106

Dated: FEBRUARY 13, 2012 Dated: 2/14/12

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



Stephen F. Cashman, Chair
By Order of the Commission