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ENFORCEMENT
COMMISSION

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Margaret A. West, Oxford

File No. 2009-099

AGREEMENT CONTAINING CONSENT ORDER
FOR A VIOLATION OF GENERAL STATUTES § 9-603

This Agreement, by and between Thomas Kelly (hereinafter referred to as "Respondent") of the Town of Oxford, County of New Haven, 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 Regulations of Connecticut State Agencies § 9-7b-54.

In accordance herewith, the parties agree that:

1. The Complainant, the Town Clerk of Oxford, Connecticut, alleged that the Oxford Republican Town Committee failed to file a copy of its amended Party Committee Registration Statement (SEEC Form 2) as required by law.
2. The Oxford Republican Town Committee (hereinafter the "Committee") is a "party committee" as defined in General Statutes § 9-601 (2).
3. Thomas Kelly was the chairperson of that Committee at all times relevant to this matter and continues in said role.
4. General Statutes § 9-609 (c) states in relevant part that:

The chairman of each party committee shall designate a campaign treasurer
The campaign treasurer . . . shall sign a statement accepting the designation, which shall be filed with the proper authority with the statement of designation required under subdivision (1) of subsection (a) of section 9-602. . . .

5. General Statutes § 9-602 (a)(1) provides in pertinent part as follows:

Except with respect to an individual acting on his own, 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 campaign treasurer

6. As chairperson, the Respondent was therefore the individual responsible for filing all amendments to the Committee's Registration Statement.

7. On September 23, 2009, the Commission received an amended Party Committee Registration (SEEC Form 2) from the Committee replacing William Neary as treasurer.
8. That Registration Statement was signed by the Respondent. The Respondent did not, however, file a copy of said statement with the Town Clerk's Office until October 19, 2009.
9. General Statutes § 9-603 (a) provides in relevant part as follows:

Statements filed by party committees . . . shall be filed with the State Elections Enforcement Commission. **A copy of each statement filed by a town committee shall be filed at the same time with the town clerk of the municipality in which the committee is situated.** . . . [Emphasis added.]
10. The Respondent failed to file timely a copy of the statement with the Oxford Town Clerk. That failure was, however, the result of a good faith error rather than an intentional violation of the law.
11. Nevertheless, the Commission concludes that the Respondent violated General Statutes § 9-603 by failing to file a copy of the amended Registration Statement with the Oxford Town Clerk on the same day that he filed the original amendment with the Commission.
12. The Commission also notes that because this matter concerned the Respondent's failure to file a *copy* of the Statement with the Oxford Town Clerk, the notice requirements of General Statutes § 9-623 do not apply. *See Complaint of Lourena Helt, New Hartford, File No. 96-111.*
13. The Respondent has no prior cases before the Commission.
14. 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.
15. 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.
16. 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.

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

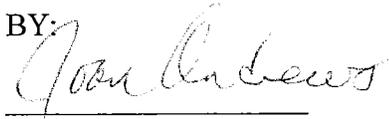
ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with General Statutes § 9-603.

For the State of Connecticut

Dated: ~~12/15/2009~~
1/8/10

BY:



Joan M. Andrews, Esq.
Director of Legal and
Enforcement Unit and
Authorized Representative
of the State Elections
Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

The Respondent

Dated: 12/15/2009



Thomas Kelly
Oxford, CT

Adopted this 20th day of ~~December~~, ^{January} 2010, 2009 at Hartford, Connecticut



Stephen F. Cashman, Chair
By Order of the Commission