

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
James Castelot, Stratford

File No. 2009-107

**AGREEMENT CONTAINING CONSENT ORDER FOR VIOLATIONS OF
CONNECTICUT GENERAL STATUTES**

This agreement, by and between Barbara Dybas, of the City of Derby, County of New Haven, State of Connecticut, hereinafter "Respondent," and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with the Regulations of Connecticut State Agencies § 9-7b-54 and Connecticut General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. The Respondent was the legally designated treasurer of the "Staffieri for Mayor" committee (hereinafter the "Committee"), at all times relevant to this complaint. Pursuant to General Statutes § 9-606 (a), as treasurer, the Respondent was responsible for receiving all contributions made to that committee and reporting those contributions in accordance with the requirements of § 9-608.
2. Complainant, alleged that the Committee, the mayoral candidate committee of Anthony Staffieri for the November 8, 2009 municipal election in the City of Derby, violated campaign finance laws.
3. Specifically, Complainant alleged that (a) Respondent, accepted an August 28, 2009 contribution from Richard Antonoucci in the amount of \$400.00 and failed to disclose whether the contributor had a contract with the municipality valued at more than \$5,000.00; and (b) Respondent accepted a September 14, 2009, contribution from the same Mr. Antonoucci in the amount of \$250.00 and this time incorrectly indicated that the aforementioned did not have a contract with the City of Derby valued at more than \$5,000.00.

4. General Statutes § 9-608 provides, in pertinent part, as follows:

(c) (1) ***Each statement*** filed under subsection (a), (e) or (f) of this section: (A) ***shall include, but not be limited to An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution;*** ... (G) for each individual who contributes in excess of one hundred dollars but not more than one thousand dollars, in the aggregate, to the extent known, the principal occupation of such individual and the name of the individual's employer, if any; ... and (J) ***for each individual who contributes in excess of four hundred dollars in the aggregate to or for the benefit of any candidate's campaign for nomination at a primary or election to the office of chief executive officer of a town, city or borough, a statement indicating whether the individual or a business with which he is associated has a contract with said municipality that is valued at more than five thousand dollars.*** ...
[Emphasis added.]
5. Upon investigation, the Commission finds that Mr. Antonoucci made a contribution in the amount of \$400.00 to the Committee on August 20, 2009. Further, the Commission finds that the aforementioned individual made a contribution in the amount of \$250.00 on September 14, 2009.
6. The Commission finds that Mr. Antonoucci made contributions to the Committee in the aggregate amount of \$650.00 as detailed in paragraph 5 above, on September 14, 2009, and consequently reported his contracts with the City of Derby in excess of \$5,000.00, which he held in connection with his business Annex Associates, LLC.
7. The Commission finds that Respondent did not disclose on the Committee's October 27, 2009 *Itemized Campaign Finance Disclosure Statement* (SEEC Form 20) the contract between Annex Associates LLC and the City of Derby, as it pertained to Mr. Antonoucci's September 14, 2009 contribution.
8. The Commission concludes that pursuant to General Statutes § 9-608 (c) (J), Respondent, with receipt of the September 14, 2009 contribution from Mr. Antonoucci in the amount of \$250.00, which resulted in an aggregate contribution of \$650.00 to the Committee as described in paragraph 5 above, which was "in excess of four hundred dollars in the aggregate," had the obligation of disclosing whether the contributor had a contract with the City of Derby that was "valued at more than five thousand dollars." General Statutes § 9-608 (c) (J).

9. The Commission concludes that that Respondent violated § 9-608 (c) (J) by failing to disclose that Mr. Antonoucci who as of September 14, 2009 had contributed in excess of \$400.00 *and* had a contract through his company Annex Associates LLC with the City of Derby valued at more than five thousand dollars.
10. The Commission notes that Respondent did not violate § 9-608 by failing to disclose the contributor's August 20, 2009 \$400.00 contribution as alleged, because at that time Mr. Antonoucci's aggregate giving to the Committee was not in excess of \$400.00 and no such reporting of city contracts was required at that time pursuant to General Statutes § 9-608 (c) (J).
11. The Commission further notes that, upon investigation, Respondent indicated that when receiving the contributions that are the subject of this complaint and detailed in paragraph 5 above Mr. Antonoucci had disclosed as the contributor that his principal occupation was "Lowries Café," which Respondent took to mean, as it was explained to her, that he was manager and part owner of Lowries Café. Subsequently, Respondent disclosed the business and Mr. Antonoucci as "manager" in reporting the contributions.
12. The Commission finds that there was a lack of evidence to indicate that there was any attempt to mislead the campaign when the aforementioned contributor provided his principal occupation and employer, or by Respondent in originally disclosing the same on the Committee's October 27, 2009 SEEC Form 20. Furthermore, *prior* to the filing of this complaint, the Commission finds that Respondent refunded the entire \$650.00 in contributions from Mr. Antonoucci and subsequently disclosed it on the Committee's October 27, 2009 SEEC Form 20, filed with the Derby City Clerk's office, to avoid, as Respondent asserts, even the appearance of impropriety.
13. In the course of the investigation Respondent admitted her errors to the Commission and fully cooperated with the Commission in its investigation. Furthermore, the Respondent has no prior history with 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 the Regulations of Connecticut State Agencies § 9-7b-56.
15. 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 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 to challenge or contest the validity of the Order entered into pursuant to this agreement.

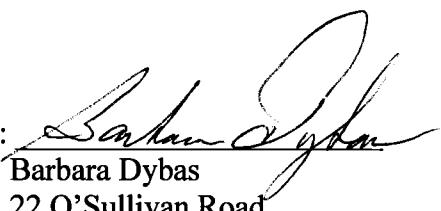
17. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent with respect to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent henceforth strictly comply with General Statutes § 9-608.

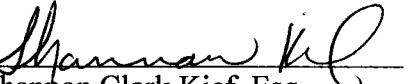
Adopted this 14th day of December, 2011 at Hartford, Connecticut by vote of the Commission.

The Respondent:

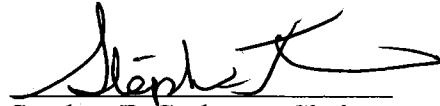
By: 
Barbara Dybas
22 O'Sullivan Road
Derby, CT 06418

Dated: 12/14/2011

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: 12/20/11


Stephen F. Cashman, Chairman
By Order of the Commission