

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Donald Steinbrick, et al., Putnam

File No. 2010-006

FINDINGS AND CONCLUSIONS

Complainant, Donald Steinbrick, brings this complaint pursuant to Connecticut General Statutes § 9-7b and asserts that Robert Viens (hereinafter "the Respondent") sent an email communication using an email account paid for by the Town of Putnam to four individuals within three months of the November, 2009 municipal election in which the Respondent was a candidate for Mayor. Complainant Steinbrick further alleges that the Respondent advocated his reelection in said communication. Complainant John S. Smith, Jr. also brings this complaint pursuant to General Statutes § 9-7b and alleges facts which mirror Complainant Steinbrick's allegations.

After the investigation of the complaint, the Commission makes the following findings and conclusions:

1. Complainant Steinbrick specifically alleges as follows: "Enclosed please find a letter generated from the Putnam Mayor's office, asking people to be sure and vote on November 3rd 2009. If elected he is confident that he will be able to save money on their curb side trash pick up." The Complainant further alleges that the email/letter at issue was generated shortly before the November, 2009 municipal election.
2. Complainant Steinbrick submitted a copy of the alleged email in support of his Complaint. That email contained the following text:

October 29, 2009

Putnam Condos

From: "Robert Viens" RViens@putnamct.us

To: mizae@aol.com, usmc65vn@yahoo.com, beaudryfam@excite.com

Cc: "Denise Roireau" DRoireau@putnamct.us

Hello Rene, Joe and Bob,

I have had the opportunity to sit and speak with each of you and your respective Boards regarding the potential for cost savings with your Homeowners' Associations. I am confident that as your Mayor, I will be able to help you realize some cost savings. I have had preliminary conversations with our curb side trash hauler and the other vendors with whom the town already does business. They are intrigued by the idea of increasing their customer base while providing more efficient and cost effective services. I feel that the next step should be that all of the Association Presidents and myself sit down to have a joint meeting so that I can be sure that I am addressing as many of your requests of your individual associations as possible. Please contact my office @ 963-6800 and speak with Denise who will be able to schedule a time that is convenient for all.

As your Mayor, I am confident that we can move forward with these cost savings initiatives. A positive outcome on the November 3rd Election will ensure that we can continue this work together.

Please forward this message to your respective Association Member, so they too will know of the work we are doing together to help them contain costs and improve services.

Remember to vote on November 3rd.

Best Regards,

Bob

3. General Statutes § 9-610 (d) (1) provides as follows:

No incumbent holding office shall, during the three months preceding an election in which he is a candidate for reelection or election to another office, use public funds to mail or print flyers or other promotional materials intended to bring about his election or reelection.

4. The Respondent acknowledges that he sent the email in question using an email account paid for by the Town of Putnam. He also maintains that the communication was a response to an email communication sent to him from a member of a Putnam condominium association. He further states that it was not sent to the entire town of Putnam but rather to presidents of the condominium associations in Putnam and his administrative assistant. Finally, he asserts that the email at issue was not intended to bring about his reelection but rather, it was to let the recipients know that he was up for reelection for Mayor in November of 2009 and would not be able to address their concerns if he were no longer in office.
5. The Respondent maintains that at the time of the email, he had no idea that email could be considered a violation of the law but, in the future, would not include any language in his communications with constituents that would run afoul of the election law.
6. The Commission concludes that, while the Respondent's actions in the present matter fall within the aforementioned provision, given the *de minimus* value of a single email, what appears to have been a good faith error on the Respondent's part, and his acknowledgement that he would not email promotional materials intended to bring about his election or reelection within three months preceding an election in which he is a candidate for reelection or election to another office, no further action will be taken concerning the allegations set forth in the complaint as they pertain to General Statutes § 9-610 (d)(1).
7. That said, the Commission strongly advises the Respondent to be mindful of the prohibition on the use of public funds as set forth in this General Statutes § 9-610 (d) when he uses those funds to communicate to constituents in the future.

8. Complainant Smith asserts that the Respondent's email communication constituted an illegal practice pursuant to General Statutes § 9-622 (1). That provision provides in relevant part as follows:

The following persons shall be guilty of illegal practices and shall be punished in accordance with the provisions of section 9-623:

(1) Any person who, directly or indirectly, individually or by another person, gives or offers or promises to any person any money, gift, advantage, preferment, entertainment, aid, emolument or other valuable thing for the purpose of inducing or procuring any person . . . to vote or refrain from voting for or against any person or for or against any measure at any election


9. The Commission concludes that the evidence is insufficient to establish that the Respondent's email communication constituted an illegal practice pursuant to General Statutes § 9-622 (1) as alleged by Complainant Smith.

ORDER

The following Order is recommended on the basis of the aforementioned findings:

That no further action be taken.

Adopted this 22nd day of September, 2010 at Hartford, Connecticut.



Stephen F. Cashman, Chairperson
By Order of the Commission