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STATE ELECTIONS

JUN 14 2011

ENFORCEMENT COMMISSION

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Roger Szendy, New Milford

File No. 2010-054

**AGREEMENT CONTAINING HENCEFORTH ORDER
FOR VIOLATION
OF CONNECTICUT GENERAL STATUTES §§ 9-604 (a) and 9-621 (a)**

This Agreement, by and between William DeFeo of New Fairfield, Connecticut (the "Respondent"), and the authorized representative of the State Elections Enforcement Commission (the "Commission") is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. At a time beginning no later than December 15, 2009, the Respondent made expenditures from his personal funds in furtherance of his nomination or election as Judge of Probate.
2. The Respondent made expenditures for printing and posting correspondence promoting the success of his nomination or election for Judge of Probate, including, but not limited to, correspondence to members of the New Milford Republican Town Committee (the "correspondence").
3. The Respondent admits that, although the correspondence was funded by him personally, to the reasonable observer it had the appearance of being issued on Connecticut Probate Court stationary.
4. Although the Respondent signed the correspondence, it contained no attribution stating who paid for the correspondence.
5. The Respondent did not file a SEEC Form 1B, claiming an exemption from the requirement to form a candidate committee.
6. No later than May 12, 2010, the Respondent's campaign treasurer filed SEEC Form 1A, Registration by a Candidate, with the Commission.
7. Pursuant to General Statutes § 9-601 (11), for purposes of the campaign finance statutes, "'Candidate' means an individual who seeks nomination for election or election to public office whether or not such individual is elected ... an individual shall be deemed to seek nomination for election or election if such individual has ... made expenditures."
8. Pursuant to General Statutes § 9-601b (a) (1), for purposes of the campaign finance statutes, "Expenditure" includes, "Any purchase, payment, ... or anything of value, when made for the purpose of influencing the nomination for election, or election, of any person"

9. Pursuant to General Statutes § 9-604 (a), “Each candidate for a particular public office ... 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 [Commission].”
10. The Respondent admits to the violation of § 9-604 (a). Specifically, that due to his expenditures, made no later than December 15, 2009, he was a candidate no later than this date. As such, the Respondent was required to form a candidate committee and appoint a treasurer, or file an exemption from forming a candidate committee, no later than December 25, 2009, ten days after becoming a candidate.
11. General Statutes § 9-621 (a), provides, in relevant part:

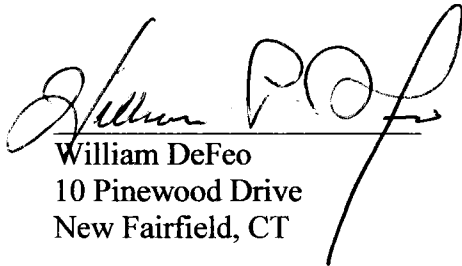
[N]o candidate or committee shall make or incur any expenditure ... for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or promotes ... unless such communication bears upon its face (1) the words "paid for by" and the following: (A) In the case of such an individual, the name and address of such individual....
12. The Respondent admits to the violation of § 9-621 (a). Specifically, that the correspondence must have contained an attribution stating that it was paid for by the Respondent.
13. 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 Section 9-7b-56 of the Regulations of Connecticut State Agencies.
14. 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.
15. The Respondent waives: any further procedural steps; the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and all rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this Agreement.
16. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

17. The Commission notes that this matter represents an aggravated § 9-621 (a) violation because of the public interest in making official government correspondence and privately funded campaign communications readily distinguishable.

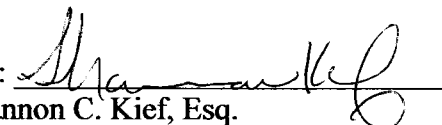
ORDER

IT IS HEREBY ORDERED that Respondent, William DeFeo, will henceforth strictly comply with the requirements of Connecticut General Statutes §§ 9-604 and 9-621 and remit a civil penalty in the amount of \$200.00 for his violation of § 9-604 (a) and \$200.00 for his violation of § 9-621 (a) for a total of \$400.00.

The Respondent:


William DeFeo
10 Pinewood Drive
New Fairfield, CT

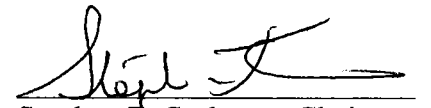
For the State of Connecticut:

BY: 
Shannon C. Kief, Esq.
Legal Program Director
& Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: 6/13/11

Dated: 6/16/11

Adopted this 22nd day of June of 2011 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission