

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

ENFORCEMENT COMMISSION
FEB 14 2011

In the Matter of a Complaint by
Donna J. McCalla, Amston (Hebron)

RECEIVED
STATE ELECTIONS
File No. 2010-055

AGREEMENT CONTAINING HENCEFORTH ORDER

This agreement, by and between Rhonda Thicsen of the Town of Hebron, County of Tolland, State of Connecticut (hereinafter referred to as the Respondent) and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Complainant alleged that the Hebron PTA violated Campaign Finance Law by distributing flyers that advocated a "yes" vote at the May 4, 2010 municipal and Elementary School budget referendum in the Town of Hebron.
2. Specifically, Complainant alleged that the Hebron PTA did not register an ongoing political committee; that the flyer did not have the correct disclaimer; and PTA funds were used for the alleged prohibited flyers.
3. Respondent was the President of Hebron PTA (hereinafter "PTA"), a parent-teacher association existing prior to and independent of the May 4, 2010 Hebron budget referendum. The municipal and Elementary school budget referendum failed with 639 "yes" votes and 1127 "no" votes on May 4, 2010.
4. The PTA flyer that is subject of this complaint read in part: *Support Our Community – Maintain the Excellence that we know as Hebron Public Schools – Vote Yes on May 4th – Paid for by Hebron PTA.*
5. General Statutes § 9-621, provides in pertinent part:

(c) No business entity, organization, *association*, committee, or group of two or more individuals who have joined solely to promote the success or defeat of a referendum question and is required to file a certification in accordance with subsection (d) of section 9-605, *shall make or incur any expenditure for any written, typed or other printed communication which promotes the success or defeat of any referendum question unless such communication bears upon its face the words "paid for by" and the following:* (1) In the case of a business entity, organization or *association*, the name of the entity, organization or association *and the name of its chief executive officer*; (2) in the case of a political committee, the name of the committee and the name of its campaign treasurer; (3) in the case of a party committee, the name of the committee; or (4) in the case of such a group of two or more individuals, the name of the group as it

appears on the certification filed in accordance with subsection (d) of section 9-605, and the name and address of its agent.
[Emphasis added.]

6. The Respondent asserts, and the investigation revealed no facts to the contrary, that the PTA did not solicit or raise funds to advocate for the aforementioned referendum, and that the total in goods and services provided by a PTA member was less than \$1,000.00 in producing approximately 1,500 copies of the flyer, of which approximately half of those were distributed. Respondent admits that she filed no registration statement or exemption as President of the PTA in relation to the aforementioned activities.
7. The Commission finds that while the communication that is subject to this complaint included the name of the association and the words "paid for by," it failed to include the name of its Chief Executive Officer as required by General Statutes § 9-621 (c). The Commission further finds therefore that the attribution should have included the name of Respondent as PTA President, and chief executive officer, pursuant to General Statutes § 9-621 (c).
8. It is concluded that Respondent violated General Statutes § 9-621 (c) by failing to include, as chief executive officer, her name as President within the attribution on the communication subject to this complaint.
9. The Commission notes that because the communication described in paragraphs 4 and 6 above included the words "paid for by" and the name "Hebron PTA" there was no question or confusion as to the source of this literature, or attempt by Respondent to obscure or conceal the PTA's role in its production and dissemination.
10. With regard to the allegation pertaining the PTA's failure to register as an ongoing political committee in relation to advocating for a referendum, the Commission finds that the PTA as an association had a prior independent existence apart from advocating for the May 4, 2010 budget referendum; expended less than \$1,000 from its treasury funds for the flyer subject to this complaint; and did not solicit additional funds to advocate for the referendum.
11. The Commission concludes based on the findings detailed in paragraph 10 above that the PTA was not required to file an exemption pursuant to General Statutes §§ 9-613 (c), 9-620 (d) and 9-614 (a). The Commission therefore concludes that there was no violation regarding registration of an ongoing political committee and therefore dismisses this allegation.
12. While the Complainant included an alleged violation of General Statutes, Chapter 170, § 10-237 pertaining to the use of PTA funds for the subject flyer, the Commission finds that because its jurisdiction is limited by § 9-7b, it has no jurisdiction over Chapter 170. The Commission declines therefore to address that allegation in this agreement, or by other means, and takes no action regarding the same for the reasons so stated.

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:
 - (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.
16. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-621 (c).

The Respondent:

Rhonda Thiesen
Rhonda Thiesen
340 Eastern Street
Hebron, Connecticut

For the State of Connecticut:

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

Dated: 02/11/11

Dated: 2/16/11

Adopted this 16th day of February of 2011 at Hartford, Connecticut

Stephen F. Cashman
Stephen F. Cashman, Chairman
By Order of the Commission