

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint Susan Lavelli-Hozempa, Enfield

File No. 2010-070

FINDINGS AND CONCLUSIONS

The Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b and alleged that the Enfield Republican Town Committee held a fundraiser and failed to report the contributions received from a Committee fundraiser.

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

1. On or about March 13, 2009, the Enfield Republican Town Committee (“ERTC”) held a fundraising event at the home of JoMarie and Ken Nelsen to honor the annual “Republican of the Year,” ERTC member Robert Tkacz.
2. In the Itemized Campaign Finance Disclosure Statement Covering the relevant period, the ERTC reported expenditures of the committee of \$93.90 for food and beverages and \$60 in food and beverages from the homeowner, Mr. Nelsen, as “In-kind Donations not Considered Contributions.”
3. The Complaint alleges that attendees purchased \$10 tickets for the event and were encouraged to donate wine as well, but that Respondent Jason Jones, treasurer of the ERTC, violated General Statutes § 9-608 (c) by failing to report the contributions of either the \$10 ticket price or the wine brought to the fundraising event.
4. General Statutes § 9-608 (Rev. to 2011) reads, in pertinent part:

(a) (1) Each campaign treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, . . . The statement shall be complete as of the last day of the month preceding the month in which the statement is required to be filed, except that for the statement required to be filed on the seventh day preceding the election, primary or referendum, the statement shall be complete as of seven days immediately preceding the required filing day. The statement shall cover a period to begin with the first day not included in the last filed statement. . . .

(c) Content of statements. (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution; (B) in the case of anonymous contributions, the total amount received and the denomination of the bills; (C) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; (D) an itemized accounting of each expense incurred but not paid, provided if the expense is incurred by use of a credit card, the accounting shall include secondary payees, and the amount owed to each such payee; (E) the name and address of any person who is the guarantor of a loan to, or the cosigner of a note with, the candidate on whose behalf the committee was formed, or the campaign treasurer in the case of a party committee or a political committee or who has advanced a security deposit to a telephone company, as defined in section 16-1, for telecommunications service for a committee; (F) for each business entity or person purchasing advertising space in a program for a fund-raising affair, the name and address of the business entity or the name and address of the person, and the amount and aggregate amounts of such purchases; (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; (H) for each individual who contributes in excess of one thousand dollars in the aggregate, the principal occupation of such individual, the name of the individual's employer, if any; (I) for each itemized contribution made by a lobbyist, the spouse of a lobbyist or any dependent child of a lobbyist who resides in the lobbyist's household, a statement to that effect; 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. Each campaign treasurer shall include in such statement (i) an itemized accounting of the receipts and expenditures relative to **any**

testimonial affair held under the provisions of section 9-609 or any other fund-raising affair, which is referred to in subsection (b) of section 9-601a, and (ii) the date, location and a description of the affair.

...

(4) Contributions from a single individual to a campaign treasurer in the aggregate totaling fifty dollars or less need not be individually identified in the statement, but a sum representing the total amount of all such contributions made by all such individuals during the period to be covered by such statement shall be a separate entry, identified only by the words "total contributions from small contributors" (Emphasis added.)

5. Turning first to the Complainant's allegation regarding the monetary contributions, the Respondent denies that the committee failed to report these contributions. Rather, the contributions were not required to be separately *itemized*, but were correctly reported in aggregate in the "total contributions from small contributors" section of the Itemized Campaign Finance Disclosure Statement covering the relevant period.
6. The Respondent submitted evidence, including an itemized list of 22 contributions from party attendees, including the names and addresses of each contributor, the amount each gave, the method of payment, and whether or not the contributor was a lobbyist. The contributions ranged from \$10 to \$20 and totaled \$250 for the event.
7. After review of each of the 22 contributors as well as the Statements covering the calendar year, the Commission finds that the evidence shows that no contributor had given \$50 or more in the aggregate during the calendar year to date of the relevant reporting period.
8. As such, the Commission concludes that the \$10-20 contributions at the event were properly reported. This allegation should be dismissed.
9. Turning next to the Complainant's allegation regarding donations of wine to the event, the Complainant alleges that the Chair of the ERTC, Mary Ann Turner, solicited "donations" of wine from attendees via e-mail to the invitees.
10. The Commission finds as an initial matter that whether or not the wine was for the use and enjoyment of all or some of the attendees or for only the purchasing attendee's own use, such wine would still have been a donation in-kind to the event. That is, an examination of who specifically consumed the beverage is not relevant to its character as an in-kind contribution to the event and the committee benefitted by the event.
11. However, the Commission also finds that the evidence submitted by the Complainant concerning this allegation is insufficient to show with any specificity how much wine, if

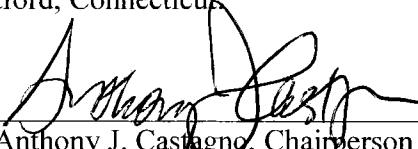
any, was actually donated to the event. Other beverages were provided by the ERTC and the event was relatively small and intimate in character. Considering the above, it is likely that the donations of wine, if any, were correspondingly small. As the resources necessary to further pursue this allegation are disproportionate to the likelihood of finding any substantial violation of General Statutes § 9-608, the Commission will take no further action as to this allegation.

ORDER

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

That the matter is dismissed.

Adopted this 20th day of March, 2013 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission