

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
John C. Gogliettino, Danbury

File No. 2010-076

FINDINGS AND CONCLUSIONS

The Complainant brings this complaint pursuant to Connecticut General Statutes § 9-7b and asserts that the Hat City Victory PAC failed to report \$3899.43 in monetary receipts.

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

1. On its amended Political Committee Registration (SEEC Form 3) filed with the Commission on January 23, 2007, the Hat City Victory PAC (hereinafter, the "Committee") registered itself as an on-going political committee authorized to make expenditures in connection with state and municipal elections.
2. Franklin H. Anders is the designated treasurer of that Committee and thus was responsible for filing all disclosure statements on behalf of the Committee pursuant to General Statutes §§9-603, 9-606 and 9-608.
3. The Complainant alleges that the Committee failed to disclose the source of \$3899.43 in monetary receipts on or about January 1, 2009, in connection with its January, 2009 filing.
4. General Statutes § 9-608 (c)(1), provides as follows in pertinent part:

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 . . . (C) an itemized accounting of each expenditure . . . and a statement of the balance on hand or deficit, as the case may be

5. The Commission finds that Mr. Anders disclosed a \$0.00 balance on hand at the beginning and close of the October 28, 2008 filing period. He disclosed that on an Itemized Campaign Finance Disclosure Statement (SEEC Form 20) that he filed with the Commission via the eCRIS filing system. However, Mr. Anders admits that the Committee actually had a \$3899.43 balance on hand at those times.
6. Mr. Anders asserts that he reported \$0.00 balances instead of the Committee's actual \$3899.43 balances because he had no prior experience using the eCRIS filing system for Itemized Disclosure Statements and could not figure out how to enter the proper Committee balances into that system. This was the first itemized statement he filed using the eCRIS system. He vehemently asserts that his failure to report the proper balances on hand was not an attempt to hide the

source of the Committee's monetary receipts, which had already been reported in a prior disclosure statement. The Commission has not uncovered any evidence to the contrary.

7. In fact, Mr. Anders had filed a Short Form Campaign Finance Disclosure Statement (SEEC Form 21) for the October 28, 2008 filing, but had been advised by Commission staff that the Itemized Campaign Finance Disclosure Statement (SEEC Form 20) was required by November 18, 2008 or he would be referred to the Commission's Enforcement Unit. He filed the zero report in an attempt to avoid that referral.
8. The Commission notes that Mr. Anders has since amended the Committee's October 28, 2008 filing to reflect a \$3899.43 balance on hand at the beginning and close of the October 28, 2008 filing period.
9. Furthermore, the Commission finds that Mr. Anders failure to report the balance on hand was not an intentional attempt to evade disclosure of \$3899.43 in monetary receipts. In fact, the Commission finds that Mr. Anders did properly disclose the source of those funds when he reported \$4634.93 in monetary receipts in April of 2007. At that time, the Committee also reported a closing balance of \$4399.43 which was later reduced by \$500 in expenditures resulting in a balance of \$3899.43 – the exact beginning balance reported by the Committee in its recently amended October 28, 2008 filing.
10. As such, the Commission concludes that the Complainant's allegation that the Hat City Victory PAC failed to disclose \$3899.43 in funding is without merit. Furthermore, while Mr. Anders did initially fail to disclose the Committee's accurate balance on hand at the beginning and close of the October 28, 2008 filing period, the Commission declines to take further action against Mr. Anders since he did not intentionally attempt to deceive the public and has since filed amended October 28, 2008 that reflects the correct balances on hand for that filing period.

ORDER

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

That the case be dismissed.

Adopted this 18th day of August, 2010 at Hartford, Connecticut.



Stephen F. Cashman, Chairperson
By Order of the Commission