

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by a SEEC Elections Officer

RESPONDENT:  
Turk Edwards  
2 Warner Place  
Waterbury, CT 06704

File No. 2010-092 CNF

**FINAL DECISION**

This matter was heard as a contested case on May 6, 2011 pursuant to Chapter 54 of the Connecticut General Statutes, § 9-7b of the Connecticut General Statutes and § 9-7b-35 of the Regulations of Connecticut State Agencies, at which time Attorney Patrick Lamb appeared on behalf of the State of Connecticut and the Respondent, Turk Edwards, appeared *pro se*. Documentary and testimonial evidence was presented by both sides.

After careful consideration of the entire record, the following facts are found and conclusions of law are made:

1. This matter was referred to the Enforcement Unit of the State Elections Enforcement Commission (hereinafter the "Commission") by Elections Officer Nancy Staniewicz on or after July 13, 2010. *State's Exhibit 11.*
2. Albert P. Lenge was designated as Hearing Officer on April 13, 2011 by order of the State Elections Enforcement Commission. The designation of Hearing Officer Lenge and accompanying Notice of Hearing and Order to Show Cause were delivered to the Respondent on April 14, 2011. *State's Exhibit 1.*
3. The facts are not in dispute. On May 19, 2010, Mr. Edwards accepted the nomination of the Republican Party for the 72<sup>nd</sup> district seat of the Connecticut General Assembly. *State's Exhibits 5 and 12.* He accepted the nomination with the understanding that he would be serving as a "placeholder" candidate until a replacement could be found. *Testimony of Mr. Edwards, Respondent's Exhibit 1.* No replacement was ever put forward, and Mr. Edwards appeared on the ballot on November 2, 2010. *Testimony of Mr. Edwards, State's Exhibit 12, Respondent's Exhibit 1.*
4. General Statutes § 9-604 (a) provides, in relevant part, as follows: "**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 proper authority as required by section 9-603 . . . ." (Emphasis added.)
5. General Statutes § 9-604 (b) provides, in relevant part, as follows: "**The formation of a candidate committee by a candidate** and the filing of statements pursuant to section 9-608 **shall not be required if the candidate files a certification** with the

proper authority required by section 9-603, **not later than ten days after becoming a candidate**, and any of the following conditions exist for the campaign: (1) The candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election or primary and expenditures made on behalf of the candidate's campaign are reported by the committee sponsoring the candidate's candidacy; (2) the candidate finances the candidate's campaign entirely from personal funds and does not solicit or receive contributions, provided if said candidate personally makes an expenditure or expenditures in excess of one thousand dollars to, or for the benefit of, said candidate's campaign for nomination at a primary or election to an office or position, said candidate shall file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a candidate committee under section 9-608; (3) the candidate does not receive or expend funds in excess of one thousand dollars; or (4) the candidate does not receive or expend any funds, including personal funds, for the candidate's campaign." (Emphasis added.)

6. General Statutes § 9-623 (b) provides as follows: "(1) If any campaign treasurer fails to file any statement required by section 9-608, or if any candidate fails to file either (A) a statement for the formation of a candidate committee as required by section 9-604, or (B) a certification pursuant to section 9-603 that the candidate is exempt from forming a candidate committee as required by section 9-604, within the time required, the campaign treasurer or candidate, as the case may be, shall pay a late filing fee of one hundred dollars. (2) In the case of any such statement or certification that is required to be filed with the State Elections Enforcement Commission, the commission shall, not later than ten days after the filing deadline is, or should be, known to have passed, notify by certified mail, return receipt requested, the person required to file that, if such statement or certification is not filed not later than twenty-one days after such notice, the person is in violation of section 9-603, 9-604 or 9-608."
7. Ms. Staniewicz, having been notified, via the Secretary of State's Office, on or about June 2, 2010, of the Republican Party's filing of a Certificate of Party Endorsement containing the designation of Mr. Edwards as a candidate, sent a letter to Mr. Edwards. *State's Exhibits 5 and 11*. Her letter, dated June 3, 2010, stated that Mr. Edwards had a responsibility to register as a candidate with the Commission within ten days of the June 2, 2010 date, or a \$100 fine would be imposed. *State's Exhibits 6 and 11*.
8. Ms. Staniewicz, having not received any response to her letter or any candidate registration from the Respondent within ten days, sent a second letter to Mr. Edwards on June 22, 2010. Pursuant to General Statutes § 9-623 (b) (2), this letter informed Mr. Edwards that the matter would be referred to the Enforcement Unit of the Commission if no registration was filed within 21 days. *State's Exhibit 11*.
9. After 21 days had expired, and no registration was filed, Ms. Staniewicz referred the matter to the Enforcement Unit of the Commission. *State's Exhibit 11*. Failure to file within the prescribed time period after notice is given is a *per se* violation of General Statutes § 9-604. See General Statutes § 9-623 (b) (2).


10. On November 2, 2010, Mr. Edwards' name appeared on the ballot for 72<sup>nd</sup> Assembly District seat of the House of Representatives. *Testimony of Mr. Edwards, State's Exhibits 11 and 12.*
11. On May 4, 2011, Mr. Edwards filed SEEC Forms 1 and 1B with the Commission. *State's Exhibits 10 and 11.* The SEEC Forms 1 and 1B register the candidate with the Commission and exempt him from the requirement to form a candidate committee.
12. It is concluded that the Respondent violated General Statutes § 9-604 by failing to form either a candidate committee or file an exemption from the requirement to form a candidate committee within 10 days after having become a candidate and by failing to file within the 21 days after Ms. Staniewicz's notice.
13. It is also concluded that the Respondent has, subsequently, filed the appropriate registration information. Evidence was presented, and it was uncontroverted, that Mr. Edwards did not spend or receive any funds in furtherance of his candidacy and was therefore eligible for the exemption from the requirement to form a candidate committee. *Testimony of Mr. Edwards, State's Exhibit 10.*
14. Mr. Edwards testified and presented evidence that he was indeed asked to become a "placeholder" candidate by members of the Waterbury Republican Town Committee. Nevertheless, even if accepting this as true—and, in fact, this was not disputed—this does not absolve Mr. Edwards of the responsibility to file a registration statement with the Commission. *See* General Statutes § 9-623 (b) (1). This is especially so given Ms. Staniewicz's repeated attempts to contact him about this responsibility.
15. The fact that the candidate spent no money in furtherance of his candidacy does, however, partially ameliorate any other concerns regarding the failure to disclose the candidate's campaign finances between the time he became a candidate and the time he registered as one, because there were none to disclose.
16. General Statutes § 9-7b (2) provides, in pertinent part, that the Commission shall have the power to levy a civil penalty not to exceed "two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155 or 157." The Commission may levy a civil penalty against any person only after giving the person an opportunity to be heard at a hearing. General Statutes § 9-7b (2).
17. General Statutes § 9-623 (b) (4) provides, in pertinent part, that "[t]he penalty for any violation of section . . . 9-604 . . . shall be a fine of not less than two hundred dollars or more than two thousand dollars or imprisonment for not more than one year, or both."
18. In consideration of the factors listed in § 9-7b-48, Regs., Conn. State Agencies, it is found that (1) the Respondent had no history of campaign finance violations—indeed this was his first candidacy, (2) as of the date of the hearing, he had substantially complied with the registration requirements, and (3) the Respondent did not spend or receive any money in connection with his candidacy and therefore any public harm suffered by lack of disclosure was minimal.

The following Order is adopted on the basis of these findings and conclusions:

**ORDER**

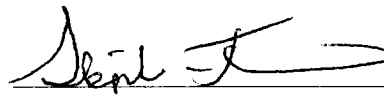
IT IS HEREBY ORDERED THAT the Respondent shall pay a civil penalty in the amount of \$200.00, payable to the State Elections Enforcement Commission, within 30 days of notice of this decision, for violation of General Statutes § 9-604.

Adopted this 22<sup>nd</sup> day of June 2011 at Hartford, Connecticut by vote of the Commission.



Stephen F. Cashman, Chairman  
By order of the Commission

I certify the preceding final decision was sent to Respondent Turk Edwards, 2 Warner Place, Waterbury, CT 06704, via first-class mail on June \_\_, 2011 with delivery confirmation tracking and certified mail, return receipt requested.



MaryAnn Stratton  
Acting Clerk of the Commission