

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by  
John Moise, Southington

File No. 2010-098

**FINDINGS AND CONCLUSIONS**

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, alleging that Matthew J. Jalowiec, a candidate for Probate Judge for District 18, violated General Statutes § 9-621, by failing to include an attribution and the words "Paid for by" on a truck wrapped in candidate committee signs; and violated § 9-608, by failing to disclose expenditures for the aforementioned vehicle used for campaign advertising.

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

1. Matthew J. Jalowiec was a candidate for Judge of Probate for District 18 at the November 02, 2010 election. On April 7, 2010, Mr. Jalowiec registered "Jalowiec for Probate 2010" (hereinafter "Jalowiec") as his candidate committee and designated Matthew H. Schmidt treasurer.
2. Complainant alleged that Mr. Jalowiec violated campaign finance laws by not including the words "Paid for by" or an attribution "anywhere on his lettered mobile billboard box truck which clearly exceeds 32 square feet."
3. Furthermore, Complainant alleged that Mr. Jalowiec failed to disclose on its June 29, 2010 *Itemized Campaign Finance Disclosure Statement* (SEEC Form 20) either an expenditure or "in-kind" contribution for the use of the truck for political advertising.
4. Complainant included two photographs of the truck which is subject of this complaint detailing two sides of the truck which clearly display advertising for Matt Jalowiec's candidacy for Judge of Probate.
5. Complainant asserts that the photos detailed in paragraph 4 above were taken on July 22, 2010, which Mr. Jalowiec does not dispute.

6. General Statutes § 9-621, provides in pertinent part:

(a) No individual shall make or incur any expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, no group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee shall make or incur any expenditure, and ***no candidate or committee shall make or incur any expenditure*** including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, ***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 or opposes any political party or solicits funds to benefit any political party or committee unless such communication bears upon its face (1) the words "paid for by" and the following: ... ***(B) in the case of a committee other than a party committee, the name of the committee and its campaign treasurer; ... and (2) the words "approved by" and the following:*** (A) In the case of an individual, group or committee other than a candidate committee making or incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, the name of the candidate; or ***(B) in the case of a candidate committee, the name of the candidate.*** [Emphasis added.]

7. Upon investigation the Commission finds that the advertisement, detailed in paragraph 4 above was purchased by Jalowiec 2010 for \$1,323.00. The Commission further finds that the aforementioned purchase price was for the advertising signs and exclusive of the price for use of the truck to which the signs were attached.
8. Upon investigation the Commission finds that the attribution "*Paid for by Jalowiec for Probate 2010, Matt Schmidt Treasurer*" appeared on the truck that is the subject of this complaint as detailed herein in at least two locations, that were not incorporated by Complainant's photos.

9. The Commission concludes, for the reasons detailed in paragraph 8 above, that because attributions were included on the truck that was covered by signs supporting Matt Jalowiec for Judge of Probate as required by General Statutes § 9-621 (a), that no violation of the aforementioned statute occurred, and therefore the allegation described in paragraph 2 above is dismissed.
10. Upon investigation the Commission concludes that Jalowiec 2010 reported a November 15, 2010 expenditure in the amount of \$2,5000.00 on an amendment to its January 10, 2011, SEEC Form 20, with the description of “Truck Rental,” filed on February 7, 2011.

11. General Statutes § 9-608, provides in pertinent part:

(c) (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; ...***

[Emphasis added.]

12. Upon investigation the Commission finds that the advertising that is subject to this investigation was in use on or about July 22, 2010, as indicated in paragraph 5 above.
13. The Commission finds that the Jalowiec 2010 did *not* disclose unpaid expenses incurred by the committee for use of the truck prior to February 7, 2010, when it disclosed the November 15, 2010 expenditure detailed in paragraph 10 above.

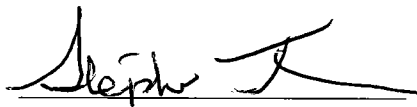
14. The Commission finds, upon investigation, the evidence is inconclusive as to whether Jalowiec 2010 was required to disclose the expenditure *by* June 29, 2010 as alleged by Complainant, and for the reasons so stated therefore declines to take further action regarding this allegation.
15. The Commission finds that because the advertising truck described herein was in use as early as July 22, 2010, that General Statutes § 9-608 (c) (D) required, at a minimum, the disclosure by Jalowiec 2010 of *an expense incurred but not paid* for the truck the for reporting period July 1<sup>st</sup> through July 27<sup>th</sup>, which was due the 7<sup>th</sup> day preceding the August 10, 2010 Republican primary, or August 3, 2010.
16. The Commission, for the reasons herein, therefore has determined to:
  - a. Dismiss the allegation regarding a violation of § 9-621, in that it was not supported by the evidence upon investigation; and,
  - b. Decline to take further action regarding a failure to comply with § 9-608.

### ORDER

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

That the complaint is dismissed with no further action.

Adopted this 21<sup>st</sup> day of March, 2012 at Hartford, Connecticut.



Stephen F. Cashman, Chairman  
By Order of the Commission