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STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Christopher Watts, Windsor

File No. 2010-100

AGREEMENT CONTAINING CONSENT ORDER AND
PAYMENT OF A CIVIL PENALTY FOR VIOLATION OF
CONNECTICUT GENERAL STATUTES § 9-718 (d)

This Agreement, by and between Rosemary Hogan, of the Town of Windsor Locks, County of Hartford, State of Connecticut, Brendan J. Sayers of the Town of Bloomfield, County of Hartford, State of Connecticut and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Complainant alleges that the Windsor Locks Democratic Town Committee violated General Statutes § 9-718 (d) by making an organization expenditure in the form of a party candidate listing supporting the candidacy of incumbent Representative Margaret "Peggy" Sayers during the 2010 Democratic primary for state representative in the 60th General Assembly district.
2. Respondent Hogan was at all relevant times the treasurer of the Windsor Locks Democratic Town Commission ("WLDTC").
3. State Representative Margaret "Peggy" Sayers was at all relevant times a candidate in the 2010 Democratic primary for state representative in the 60th General Assembly district and was a "participating candidate" in the Citizens Elections Program, as that term is defined in General Statutes § 9-703.
4. Respondent Brendan Sayers was at all relevant times the treasurer of "Re-elect Sayers," the candidate committee associated with Representative Sayers' campaign. Prior to the events of the instant Complaint, the Commission approved the "Re-elect Sayers" application for a public financing grant.
5. As reported in the July 30, 2010 Itemized Campaign Finance Disclosure Statement (SEEC Form 20) for the WLDTC, Respondent Hogan approved an expenditure of \$672 by the WLDTC to produce a "party candidate listing," as that term is defined in General Statutes § 9-601 (25) (A), in the form of an insert in the July 27, 2010 edition of the "Windsor Locks Reminder," a local newspaper. The insert advocates for Representative Sayers' candidacy in the upcoming Democratic primary.
6. General Statutes § 9-601 (25) (Rev. to Aug. 13, 2010) reads in pertinent part:

"Organization expenditure" means an expenditure by a party committee, legislative caucus committee or legislative leadership

committee for the benefit of a candidate or candidate committee for:

(A) The preparation, display or mailing or other distribution of a party candidate listing. As used in this subparagraph, "party candidate listing" means any communication that meets the following criteria: (i) The communication lists the name or names of candidates for election to public office, (ii) the communication is distributed through public advertising such as broadcast stations, cable television, newspapers or similar media, or through direct mail, telephone, electronic mail, publicly accessible sites on the Internet or personal delivery, (iii) the treatment of all candidates in the communication is substantially similar, and (iv) the content of the communication is limited to (I) for each such candidate, identifying information, including photographs, the office sought, the office currently held by the candidate, if any, the party enrollment of the candidate, a brief statement concerning the candidate's positions, philosophy, goals, accomplishments or biography and the positions, philosophy, goals or accomplishments of the candidate's party, (II) encouragement to vote for each such candidate, and (III) information concerning voting, including voting hours and locations; . . .

7. General Statutes § 9-718 (d), as amended by Public Act 10-187, reads in pertinent part:

Notwithstanding any provision of the general statutes, no party committee, legislative caucus committee or legislative leadership committee shall make an organization expenditure for the purposes described in subparagraph (A) of subdivision (25) of section 9-601, as amended by this act, for the benefit of a participating candidate or the candidate committee of a participating candidate in the Citizens' Election Program for the office of state representative for the primary campaign. . . .

8. By making an organization expenditure for the benefit of a participating candidate in a primary race, Respondent Hogan, treasurer for the WLDTC, violated General Statutes § 9-718 (d).
9. The Respondents admit that the expenditure for the insert was made with the consent, coordination, or consultation of Representative Sayers, the candidate. The Respondents maintain that they were unaware that it was not permissible for a town committee to make an organization expenditure for a party candidate listing supporting a participating candidate in a primary race, as Representative Sayers did not have a primary opponent in her previous campaign in 2008—the first year in which the § 9-718 restrictions on such organization expenditures applied.

10. Respondent Sayers maintains that the "Re-elect Sayers" candidate committee had more than enough funds in its account and that it could have paid for the insert many times over. The Itemized Campaign Finance Disclosure Report for "Re-elect Sayers" filed on or about September 9, 2010 supports this assertion. The statement shows that the committee had over \$8000 in its account as of August 22, 2010, 12 days after the primary (prior to receipt of the general election grant).
11. Attendant to the instant agreement, Respondent Sayers agrees to forfeit \$672 to the Citizens' Election Fund from the campaign account of the "Re-elect Sayers" candidate committee.
12. Respondents admit all jurisdictional facts and agree 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. Respondents shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
13. 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 either Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
14. The Respondents waive:
 - 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
15. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

ORDER

IT IS HEREBY AGREED that Respondent Sayers shall forfeit \$672 to the Citizens' Election Fund from the campaign account of the "Re-elect Sayers" candidate committee and will henceforth strictly comply with the requirements of Connecticut General Statutes § 9-718.

IT IS HEREBY ORDERED that Respondent Hogan shall pay a civil penalty of \$200 and will henceforth strictly comply with the requirements of Connecticut General Statutes § 9-718.

The Respondents:

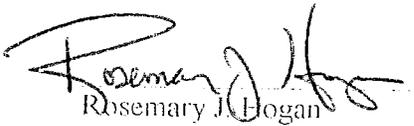
For the State of Connecticut:


Brendan J. Sayers
21 High Wood Road
Bloomfield, CT

Dated: 11/2/10

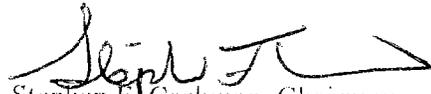
BY: 
Shannon C. Kiel, Esq.
Legal Program Director
& Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: _____


Rosemary J. Logan
61 Pershing Road
Windsor Locks, CT

Dated: 10-30-10

Adopted this 17th day of November of 20 10 at Hartford, Connecticut


Stephen P. Cashman, Chairman
By Order of the Commission