

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

In the Matter of a Complaint by Jeffrey Shorts,  
Coventry

File No. 2010-106

**AGREEMENT CONTAINING A CONSENT ORDER**

The parties, Paul F. Jatkowski, of the Town of Coventry, State of Connecticut, hereinafter referred to as the Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

1. Complainant Jeffrey Shorts filed this complaint with the Commission alleging that the candidate committee for the Joan Lewis campaign had failed to adequately report and pay for prior assets used by the candidate committee in the 2010 election cycle.
2. Respondent served as campaign treasurer for the *Joan Lewis for State Representative* candidate committee, which participated in the Citizens' Election Program and received a grant from the Citizens' Election Fund for \$26,000. The candidate committee reported that it received no personal funds from the candidate that would have been offset against the grant the committee received.
3. According to the complaint, Respondent failed to report use of leftover campaign material from prior election years. The Commission received this complaint on August 9, 2010.
4. On or about August 11, 2010, the Commission sent a copy of the complaint to the Respondent, noticing him of the pendency of this complaint.
5. In a letter dated August 16, 2010, Respondent replied to the allegations in the complaint.
6. On or about August 16, 2010, Respondent also contacted the Commission's Compliance Unit for advice about how to pay for prior assets that the committee was using in its ongoing campaign. Respondent did not, however, inform the compliance staff about the pending complaint involving the same issues.

7. On or about September 24, 2010, pursuant to the advice of the Commission's Compliance Unit, Respondent wrote a check to the CEF for \$447.88 and included in the memo line that the check was for "'prior assets' (lawn signs, banner, stickers)."
8. General Statutes § 9-710 (c) limits the amount of personal funds that participating candidates may provide to their candidate committees. For a candidate running for state representative, like Lewis in this case, the limit stands at \$1,000. *See* General Statutes § 9-710 (c) (establishing \$1,000 limit on personal funds that candidate may provide to state representative candidate committee). If the candidate provides up to \$1,000 in personal funds to the candidate committee, the Commission will reduce the candidate committee's grant by an equivalent amount. *See* General Statutes § 9-7-05 (j) (1) (stating that qualified candidate committee's grant amount will be reduced by any personal funds that candidate provided to committee).
9. The Commission issued Advisory Opinion 2008-2 to respond to questions from participating candidate committees about how they could use assets they had acquired in previous election cycles. The Commission explained that use of these "prior assets" was permissible but that the candidate committees would need to account for these assets to ensure that they complied with the relevant expenditure limits that accompanied participation in the Citizens' Election Program. *See* Advisory Opinion 2008-002 "Treatment of Prior Assets Used by Candidate Committee in Current Election Cycle," (State Elections Enforcement Comm'n, Sept. 4, 2008).
10. In 2010, the General Assembly created a statutory mechanism for candidate committees to account for lawn signs. That statute required the reduction in a state representative candidate committee's grant of \$250 if that committee had fifty or more lawn signs from prior campaigns. This calculation, which was effective prospectively after its adoption on August 13, 2010, applied only to lawn signs not to other campaign paraphernalia that a candidate committee may have stockpiled from prior campaigns, such as bumper stickers, pins, etc. *See* General Statutes § 9-705 (j) (5) (creating mechanism for candidates to offset flat dollar amount for lawn signs from CEP grant).
11. Respondent here only attempted to reimburse the CEF for the committee's use of "prior assets" after this complaint was filed.

12. As enumerated in § 9-7b-48 of the Regulations of Connecticut State Agencies:

In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances:

- (1) the gravity of the act or omission;
- (2) the amount necessary to insure immediate and continued compliance;
- (3) the previous history of similar acts or omissions; and
- (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.

Regulations, Connecticut State Agencies, § 9-7b-48.

13. Respondent admits all jurisdictional facts and agree that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.

14. The Respondent waives:

- 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 agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him concerning this matter.

16. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if one becomes necessary.

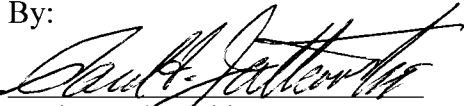
**ORDER**

IT IS HEREBY ORDERED THAT Respondent pay a civil penalty of \$400 for the violation of General Statutes § 9-706 in relation to accounting for prior assets of the candidate. Respondent further agrees henceforth to comply strictly with the requirements of General Statutes § 9-706.

The Respondent

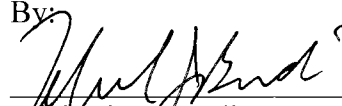
For the State of Connecticut

By:



Paul F. Jatkowski  
91 Upton Drive  
Coventry, CT 06238

By:



Michael J. Brandi, Esq.  
Executive Director and General Counsel  
and Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St., Suite 101  
Hartford, CT 06106

Dated:

5/23/2013

Dated:

5/28/13

Adopted this 19 day of June, 2013 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman  
By Order of the Commission