

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In Re: "John Rigby for 63rd"

File No. 2010-116

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between John B. Rigby of Colebrook, Connecticut, hereinafter referred to as the Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. This Commission initiated an investigation into this matter on September 22, 2010. Specifically, the Commission authorized an investigation into whether John Rigby, a candidate for State Representative of the 63rd District, and/or his candidate committee treasurer Richard Lavieri violated General Statutes §§ 9-606, 9-607, CEP program statutes, regulations or requirements based up on the information discovered during the audit of "John Rigby for 63rd" candidate committee (hereinafter the "Committee"). In that audit, a finding was made that twenty-five committee checks totaling \$27,541.26 were signed by John Rigby who was not the designated Committee treasurer or deputy treasurer.
2. The evidence establishes that twenty-five committee checks totaling \$27,541.26 were signed by John Rigby who was not the designated Committee treasurer or deputy treasurer. There is no evidence that establishes that those expenditures were impermissible pursuant to General Statutes § 9-607 (g).
3. General Statutes § 9-606 (a) (2) does, however, provide that the *campaign treasurer* of each committee shall be responsible for making expenditures. (Emphasis added.) In addition, § 9-606 (d) prohibits any person from acting as a campaign treasurer unless a statement signed by the candidate in the case of a candidate committee, designating the person as campaign treasurer has been filed in accordance with section 9-603. Finally, General Statutes § 9-607 (d) and (g) provide that no payment in satisfaction of any financial obligation incurred by a committee shall be made by any person other than the campaign treasurer and that any such payment shall be by check *drawn by the campaign treasurer*, on the designated depository authorization issued pursuant to subsection (a) of this section. (Emphasis added.)
4. Here, the evidence establishes that the twenty-five Committee checks at issue were drawn by Respondent Rigby. According to the Committee's Registration Statement (SEEC Form 1) filed with the Commission on May 15, 2008, Respondent Rigby was not the duly designated treasurer or deputy treasurer of the Committee.
5. The Commission therefore concludes that Respondent Rigby violated General Statutes §§ 9-606 (d) and 9-607 (d) and (e).

6. The Respondent admits all jurisdictional facts and agrees 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.
7. 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.
8. 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 or the findings that appear in the Final Audit Report for the 2008 "John Rigby for 63rd" campaign.
9. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

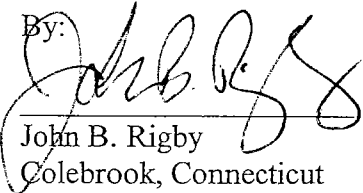
ORDER

IT IS HEREBY ORDERED THAT the Respondent shall pay a civil penalty of two hundred fifty dollars (\$250.00) to the Commission and shall henceforth strictly comply with the requirements of General Statutes §§ 9-606 (d) and 9-607 (d) and (e).


The Respondent

For the State of Connecticut

By:


John B. Rigby
Colebrook, Connecticut


By:


Shannon Clark Kief
Legal Program Director and Authorized
Representative of the State
Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut 06106

Dated: 2/9/2011

Dated: 4/4/11

Adopted this 13th day of April, 2011 at Hartford, Connecticut by vote of the Commission.


Stephen F. Cashman, Chairman
By Order of the Commission