

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re Audit Report for *Perkins 2008*

File No. 2010-158

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between the respondents, Duane E. Perkins and Benjamin Chianese of the City of Danbury, State of Connecticut, hereinafter referred to as Respondent Perkins and Respondent Chianese, 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 December 15, 2010. Specifically, the Commission authorized an investigation into whether Duane E. Perkins, and/or his campaign treasurer Benjamin Chianese violated General Statutes §§ 9-607 (a), 9-607 (e), CEP program statutes, regulations or requirements based up on the information discovered during the audit of *Perkins 2008* candidate committee (hereinafter the "Committee"). The Committee participated in the Citizens' Election Program and received a grant for the general election in the amount of \$85,000. The audit of the general election campaign found that twenty-four (24) checks totaling \$59,255.98 were signed by the candidate, who was not the designated treasurer or deputy treasurer of the Committee. The total amount of checks signed by the candidate represented 70 percent of the grant amount.
2. The investigation conducted by the Commission upon initiation of this matter established that twenty-four checks totaling \$59,255.98 were, in fact, signed by Respondent Perkins. There is no evidence that those expenditures were impermissible pursuant to General Statutes § 9-607 (g).
3. General Statutes § 9-606 (a) (2) does, however, require 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-four Committee checks at issue were drawn by Respondent Perkins. According to the Committee's Registration Statement (SEEC Form

- 1) filed with the Commission on April 21, 2008, Respondent Perkins was the candidate and neither the duly designated treasurer nor deputy treasurer of the Committee.
5. General Statutes § 9-606 (d) prohibits a candidate from serving as the campaign treasurer for the candidate's own candidate committee. General Statutes § 9-606 (d).
 6. By signing checks on behalf of the Committee, Respondent Perkins acted as its *de facto* campaign treasurer. The Commission therefore concludes that Respondent Perkins violated General Statutes §§ 9-606 (d) and 9-607 (d) and (e).
 7. In addition, the Commission concludes that Respondent Chianese violated General Statutes § 9-606 (a) (2) by allowing another to make expenditures on behalf of the Committee. As noted above, § 9-606 (a) (2) states that the campaign treasurer, which in this instance was Respondent Chianese is responsible for making all committee expenditures.
 8. The Commission finds that Respondent Chianese failed to exercise the appropriate controls over the Committee and failed to authorize all expenditures of the Committee and execute the instruments to satisfy the Committee's obligations, even though he knew that the candidate was making these expenditures.
 9. The 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 into after a full hearing and shall become final when adopted by the Commission.
 10. 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.
 11. Upon the Respondents' agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against them concerning this matter or the findings that appear in the Final Audit Report for the *Perkins 2008* candidate committee.
 12. 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 Respondent Perkins shall pay a civil penalty of three hundred dollars (\$300.00) to the Commission for his violation of General Statutes § 9-606 and that Respondent Chianese shall pay a civil penalty of two hundred dollars (\$200) for his violation of General Statutes §§ 9-606 and 9-607.

IT IS FURTHER ORDERED THAT the Respondents shall henceforth strictly comply with the requirements of General Statutes §§ 9-606 (d) and 9-607 (d) and (e).

The Respondent

By:


Duane E. Perkins
Danbury, Connecticut

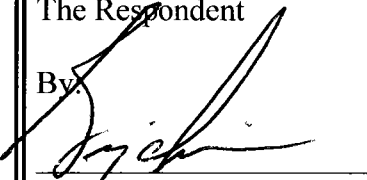
For the State of Connecticut

By:


Shannon Clark Kief
Legal Program Director and Authorized
Representative of the State

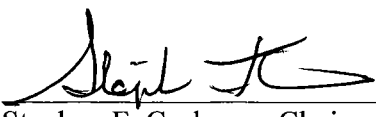
The Respondent

By:


Benjamin Chianese
Danbury, Connecticut

Dated: 12/14/11

Adopted this 16 day of Nov., 2011 at Hartford, Connecticut by vote of the Commission.


Stephen F. Cashman, Chairman
By Order of the Commission

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NOV 21 2011

**ENFORCEMENT
COMMISSION**