

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

*In re* Audit Report for *Kirkley-Bey 2008*

File No. 2011-003

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between Myron Congdon, campaign treasurer for the *Kirkley-Bey 2008* candidate committee, of the City of Hartford, State of 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. The Commission initiated an investigation on January 26, 2011 into whether Marie Lopez Kirkley-Bey, a candidate for the 5<sup>th</sup> Assembly seat, and/or her candidate committee campaign treasurers, Myron Congdon and Dominick Cristofaro, violated General Statutes §§ 9-607, 9-608, CEP program statutes, regulations or requirements based up on information discovered during the audit of *Kirkley-Bey 2008* candidate committee (hereinafter the "Committee"). The Committee participated in the Citizens' Election Program and received a grant of \$24,995 from the Citizens' Election Fund. By participating in the CEP, the Committee agreed to a voluntary expenditure limit of \$30,000, the limit placed on a participating candidate in a party-dominant, General Assembly district primary.
2. General Statutes § 9-608 (c) (1) (C) requires a campaign treasurer to itemize each expenditure made by the committee on financial disclosure statements filed periodically with the Commission. *See* General Statutes § 9-608 (c) (1) (C) (directing campaign treasurer to provide "itemized accounting of each expenditure, if any, including the full name and complete address of each payee, . . . 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 . . ."). To corroborate those expenditures, the treasurer must supply contemporaneous documentation of each expenditure. *See* General Statutes § 9-607 (f) (requiring treasurer to maintain "contemporaneous invoices, receipts, bills, statements, itineraries, or other written or documentary evidence showing the campaign or other lawful purpose of the expenditure"). The general statutes require the campaign treasurer of a candidate committee to retain all financial documentation from the committee for four years from the date of the last report that the candidate committee was required to file. *Id.*

3. The Commission's regulations also require all committees to execute a written contract for any services rendered valued at more than \$100 and to provide documentation showing what services were actually provided. *See* Regs., Conn. State Agencies § 9-607-1 (a) (1) and (2). Any expenditure made by a participating candidate committee for which the campaign treasurer lacks "contemporaneous detailed documentation" will be deemed by the Commission to be an impermissible expenditure. *See* Regs., Conn. State Agencies § 9-706-1 (b).
4. *Kirkley-Bey 2008* utilized two campaign treasurers during the 2008 campaign. Congdon served as treasurer from the inception of the committee until August of 2008. Cristofaro was named treasurer in August 2008 and continued in the capacity until the termination of the committee in February 2009. Cristofaro has since moved to Florida and was unavailable to assist with the audit process.
5. During the audit process, the Commission auditor identified 39 service agreements, each valued at more than \$100, for which the Committee had not provided a copy of the compensation agreement. Those compensation agreements totaled approximately \$17,000, or 68 percent of the grant money (\$24,995) provided to the candidate committee.
6. With the initiation of the enforcement action, Congdon, the *Kirkley-Bey 2008* committee's initial campaign treasurer, attempted to locate the missing documentation. The absence of Cristofaro frustrated Congdon's efforts to supply the back-up documentation to support those service agreements. Congdon was not able to locate the original documentation for those service agreements.
7. The legislature has vested the Commission with the authority to "inspect or audit at any reasonable time and upon reasonable notice the account or records of any campaign treasurer or principal campaign treasurer, as required by chapter 155 or 157[.]" General Statutes § 9-7b (a)(5). The Commission also has the authority to subpoena documents and seek enforcement of its subpoenas at the Superior Court in Hartford. *See* General Statutes § 9-7b (a) (1).
8. In addition to the service agreements, the Committee was unable to provide backup documentation to the Commission's auditors to support 13 expenditures with an aggregate value of \$6,077.44. After the initiation of this action, Congdon was able to supply adequate documentation to resolve sufficiently the issues raised in the audit, but that documentation should have been available during the audit phase of the Commission's post-election process, obviating the need for this enforcement action.

9. 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.
10. 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.
11. 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 any other matters that were the subject of the Final Audit Report for the *Kirkley-Bey 2008* campaign.
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.

RECEIVED  
STATE ELECTIONS

SEP 29 2011

ENFORCEMENT COMMISSION

**ORDER**

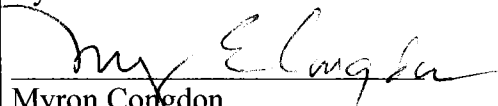
IT IS HEREBY ORDERED THAT the Respondent shall pay a civil penalty of \$200.00 to the Commission to settle this matter and shall henceforth strictly comply with the requirements of General Statutes §§ 9-606 and 9-607 as well as the requirements of the Citizens' Election Program.

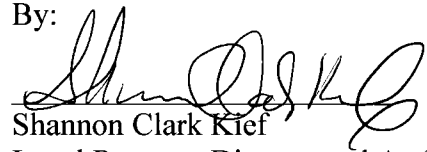
The Respondent

For the State of Connecticut

By:

By:

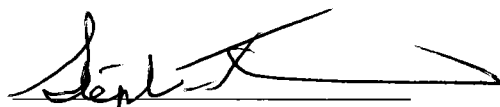
  
Myron Congdon  
Hartford, Connecticut

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

Dated: \_\_\_\_\_

Dated: 10.17.11

Adopted this 21<sup>ST</sup> day of Sept, 2011 at Hartford, Connecticut by vote of the Commission.

  
Stephen F. Cashman, Chairman  
By Order of the Commission