STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by a SEEC Elections Officer

RESPONDENT:
Lisa Hopkins
16 Frances Hunter Drive
New Haven, CT 06511

File Nos. 2010-188NF
and 2011-034NF

FINAL DECISION

These matters were heard as a contested case on May 6, 2011, pursuant to Chapter 54 of the Connecticut General Statutes, § 9-7b of the Connecticut General Statutes and § 9-7b-35 of the Regulations of Connecticut State Agencies, at which time Attorney Patrick Lamb appeared on behalf of the State of Connecticut and the Respondent, Lisa Hopkins, did not appear. Documentary and testimonial evidence was presented.

After careful consideration of the entire record, the following facts are found and conclusions of law are made:

1. These matters were referred to the Enforcement Unit of the State Elections Enforcement Commission (hereinafter the "Commission") by Elections Officer Nancy Staniewicz on or after November 29, 2010 and February 14, 2011, respectively. ***State's Exhibit 22.***

2. Albert P. Lenge was designated as Hearing Officer on April 13, 2011 by order of the State Elections Enforcement Commission. The designation of Hearing Officer and accompanying Notice of Hearing and Order to Show Cause were sent to the Respondent on April 14, 2011. ***State's Exhibit 1.***

3. "Winfield 2010" was registered as a candidate committee with the State Elections Enforcement Commission from March 8, 2010 to April 29, 2011. ***State's Exhibits 14 and 22.*** Ms. Hopkins served as treasurer of "Winfield 2010" from March 8, 2011 to April 29, 2011. ***State's Exhibits 14 and 22.***

4. General Statutes § 9-608 (a) provides, in relevant part, as follows: "(1) **Each campaign treasurer of a committee**, other than a state central committee, **shall file a statement**, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) **on the tenth calendar day in the months of January**, April, July and October, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day,. (B) **on the seventh day preceding each regular state election**, except that . . . (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date, and (C) if the committee has made or received a contribution or expenditure in connection with any other election, a primary or a referendum, on the seventh day preceding the election, primary or referendum." (Emphasis added.)

5. General Statutes § 9-623 (b) provides as follows: "(1) If any campaign treasurer fails to file any statement required by section 9-608, or if any candidate fails to file either (A) a statement for the formation of a candidate committee as required by section 9-604, or (B) a certification pursuant to section 9-603 that the candidate is exempt from forming a candidate committee as required by section 9-604, within the time required, the campaign treasurer or candidate, as the case may be, shall pay a late filing fee of one hundred dollars. (2) In the case of any such statement or certification that is required to be filed with the State Elections Enforcement Commission, the commission shall, not later than ten days after the filing deadline is, or should be, known to have passed, notify by certified mail, return receipt requested, the person required to file that, if such statement or certification is not filed not later than twenty-one days after such notice, the person is in violation of section 9-603, 9-604 or 9-608."

6. On October 26, 2010, the seventh day preceding the regular state election, Ms. Hopkins was required to file a financial disclosure statement on behalf of "Winfield 2010" per General Statutes § 9-608 (a) (1) (B), but did not. ***State's Exhibits 12 and 22.***

7. On November 5, 2010, Ms. Staniewicz sent a letter to Ms. Hopkins, stating that the Commission had not received an itemized financial disclosure statement from Ms. Hopkins that was due on October 26, 2010. ***State's Exhibits 7 and 22.*** The letter imposed a $100 late fine and requested that she file the statement within 21 days. ***State's Exhibit 7.*** The letter also informed Ms. Hopkins that if she did not submit the statement within 21 days, then pursuant to General Statutes § 9-623, Ms. Staniewicz would refer the matter to the Commission's Enforcement Unit where the penalty would automatically become at least $200. ***State's Exhibit 7.***

8. After 21 days had expired, and no disclosure statement for the seventh day preceding the November 2010 election was filed, Ms. Staniewicz referred the matter to the Commission's Enforcement Unit. ***State's Exhibit 22.*** Failure to file within the prescribed time period after notice is given is a *per se* violation of General Statutes § 9-608. *See* General Statutes § 9-623 (b) (2).

9. On January 10, 2011, Ms. Hopkins was required to file a financial disclosure statement on behalf of "Winfield 2010" per General Statutes § 9-608 (a) (1) (A), but did not. ***State's Exhibits 13 and 22.***

10. On January 21, 2011, Ms. Staniewicz sent a letter to Ms. Hopkins, stating that the Commission had not received an itemized financial disclosure statement from Ms. Hopkins that was due on January 10, 2011. ***State's Exhibits 8 and 22.*** The letter imposed a $100 late fine and requested that she file the statement within 21 days. ***State's Exhibit 8.*** The letter also informed Ms. Hopkins that if she did not submit the statement within 21 days, then pursuant to General Statutes § 9-623, Ms. Staniewicz would refer the matter to the Commission's Enforcement Unit where the penalty would automatically become at least $200. ***State's Exhibit 8.***

11. After 21 days had expired, and no disclosure statement for the January quarterly report was filed, Ms. Staniewicz referred the matter to the Commission's Enforcement Unit.

State's Exhibit 22. Failure to file within the prescribed time period after notice is given is a *per se* violation of General Statutes § 9-608. *See* General Statutes § 9-623 (b) (2).

12. On April 12, 2011, both the seventh day preceding the November 2010 election and the January quarterly reports were filed with the State Elections Enforcement Commission, but were not signed by the treasurer. ***State's Exhibits 15 and 16.*** On April 15, 2011, Ms. Staniewicz sent a letter, along with copies of each report, to Ms. Hopkins, requesting she resubmit them with her signature. ***State's Exhibit 19 and 22.*** On April 29, 2011, the Commission's offices received the two signed reports. ***State's Exhibit 11, 12, and 22.***

13. While Ms. Hopkins did not appear at the May 6, 2011 hearing, she submitted correspondence detailing her position, which the Hearing Officer accepted into evidence. ***State's Exhibit 24.*** In the correspondence, she explained that personal difficulties prevented her from being able to attend the hearing. ***State's Exhibit 24.***

14. It is concluded that the Respondent violated General Statutes § 9-608 by failing to timely file financial disclosure statements on the seventh day preceding the November 2010 election and on January 10, 2011, and by failing to file the statements within the 21 days after Ms. Staniewicz's respective notices.

15. It is also found that the Respondent filed the two financial disclosure statements on April 29, 2011. ***State's Exhibits 11, 12, and 22.***

16. General Statutes § 9-7b (2) provides, in pertinent part, that the Commission shall have the power to levy a civil penalty not to exceed "two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155 or 157." The Commission may levy a civil penalty against any person only after giving the person an opportunity to be heard at a hearing. General Statutes § 9-7b (2).

17. General Statutes § 9-623 (b) (4) provides, in pertinent part, that "[t]he penalty for any violation of section . . . 9-608 . . . shall be a fine of not less than two hundred dollars or more than two thousand dollars or imprisonment for not more than one year, or both."

18. In consideration of the factors listed in § 9-7b-48, Regs., Conn. State Agencies, it is found that (1) there was no evidence that the Respondent had a history of campaign finance violations, and (2) as of the date of the hearing, the Respondent had submitted the two filings.

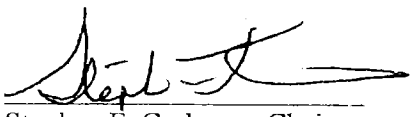
19. Evidence was presented at the hearing that the candidate for whom Ms. Hopkins was treasurer, Gary Winfield, had submitted a check in the amount of $500.00 to cover payment in an unrelated matter. ***State's Exhibits 20 and 21.*** The State testified that $200.00 of this amount was used to resolve this other matter and that the remaining $300.00 could be used to offset any penalties assessed against the Respondent in the current matters.

The following Order is adopted on the basis of these findings and conclusions:

ORDER

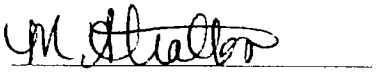
IT IS HEREBY ORDERED THAT the Respondent shall pay civil penalties of $200.00 for each of her violations, for a total amount of $400.00. Since $300.00 has already been paid on the Respondent's behalf, the Respondent shall pay the remaining balance of $100.00, payable to the State Elections Enforcement Commission, within 30 days of notice of this decision, for violations of General Statues § 9-608.

Adopted this 22nd day of June 2011 at Hartford, Connecticut by vote of the Commission.



Stephen F. Cashman, Chairman
By order of the Commission

I certify the preceding final decision was sent to Respondent Lisa Hopkins, 16 Frances Hunter Drive, New Haven, CT 06511, via first-class mail on June __, 2011 with delivery confirmation tracking and certified mail, return receipt requested.



MaryAnn Stratton
Acting Clerk of the Commission