

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by
Nancy Rossi, West Haven, CT

File No. 2011-096

**AGREEMENT CONTAINING CONSENT ORDER AND CIVIL PENALTY FOR A
VIOLATION OF CONNECTICUT GENERAL STATUTES**

This agreement by and between Michael DiMassa of West Haven, Connecticut, hereinafter referred to as the Respondent, and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. At all times relevant hereto, the Respondent, was a write-in candidate for West Haven City Council, 7th District, with a candidate registration, claiming exception from the requirement to form a candidate committee, (SEEC Form 1 and SEEC Form 1B) on file with the West Haven City Clerk's Office.
2. In the instant complaint, filed on August 16, 2011, the Complainant states that between September 16, 2009 and November 3, 2009 she was a direct witness to the distribution of the attached communications.
3. The Respondent acknowledges expending his own funds for the communications attached to the complaint (the "attached communications").
4. The attached communications consist of: (1) an "Open Letter to the Citizens of the 7th District", signed by the Respondent and stating that a vote for the Respondent is a "vote for stabilize taxes and keeping the City moving forward"; (2) a political cartoon depicting the Complainant as Congresswoman Nancy Pelosi and stating "Vote for me, 90 Days LATER I will have a TAX PLAN!!!" and "She MUST be AMBITIOUS"; and (3) a sample ballot stating "KEEP WEST HAVEN MOVING FORWARD" and "Write Michael DiMassa here in box 12F for Councilman."
5. Based on the above, the Commission concludes that the attached communications promoted the success or defeat of a candidate's campaign for election.

6. Although the "Open Letter" was signed by the Respondent, the attached communications contained no attribution identifying who paid for the communications, as prescribed by § 9-621(a).
7. The Respondent has provided copies of contemporaneous records for a purchase from Staples supporting the conclusion that the cost of the attached communications did not exceed \$50.00.
8. General Statutes § 9-621(a), provides in relevant part:

[No] candidate ... shall make or incur any expenditure ... for any written, typed or other printed communication, ... which promotes the success or defeat of any candidate's campaign for ... election ... unless such communication bears upon its face (1) the words "paid for by" and the following: (A) In the case of such an individual, the name and address of such individual ... and (2) the words "approved by" and the following: (A) In the case of an individual ... making or incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, ... the name of the candidate....
9. The Commission concludes that because the Respondent, a candidate, made the expenditures for printed communications, which promoted the success or defeat of any candidate's campaign, that the attached communications should have included the words "paid for by" and the name and address of the Respondent as well as the words "approved by Michael DiMassa."
10. The Respondent has no record of being found in violation of the state's election laws.
11. The Respondent has been fully cooperative in the course of the investigation.
12. 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 after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
13. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.

14. Respondent admits all jurisdictional facts and 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 compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

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ORDER

IT IS HEREBY ORDERED THAT the Respondent shall pay a civil penalty of one hundred dollars (\$100.00) for the violation of § 9-621(a).

IT IS FURTHER ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of Connecticut General Statutes § 9-621(a).

The Respondent:

For the State Elections Enforcement Commission:

By: Michael A. DiMassa
Michael Di Massa
136 Putney Drive
West Haven, CT 06516

By: Shannon Kief
Shannon Kief, Esq.
Legal Program Director
and Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, CT 06106

Dated: 12/7/2011

Dated: 12/14/11

Adopted this 14th day of December of 2011 at Hartford, Connecticut.

Stephen F. Cashman
Stephen F. Cashman, Chairman
By Order of the Commission

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STATE RECORDS

DEC 9 2011

ENFORCEMENT COMMISSION