

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

In the Matter of a Complaint by Larry Price  
Town of West Hartford

File No. 2011-130

**AGREEMENT CONTAINING A CONSENT ORDER**

The parties, Peter Martin, of the Town of West Hartford, State of Connecticut, hereinafter referred to as the Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

1. Complainant filed this complaint on October 24, 2011, alleging that the Respondent used a political committee that he controlled, *West Hartford GOPAC*, to make expenditures in the 2011 municipal elections, which benefitted him as a candidate for the West Hartford Town Council in that election.
2. Respondent is active in Republican Party politics in West Hartford. Since 2010, he has served as the chairman of the West Hartford Republican Town Committee. See SEEC Form 2 – Party Committee Registration (West Hartford Republican Town Committee, March 22, 2010) (naming Peter Martin as chairman of WHRTC). At all points relevant to this matter, Martin also served as the campaign treasurer for *West Hartford GOPAC*, a political committee authorized to make expenditures to benefit municipal candidates in West Hartford.
3. Respondent ran as a Republican candidate for the Nov. 8, 2011 municipal election for a seat on the Town Council. He registered as a candidate but did not form a candidate committee basing his exemption from forming a candidate committee on the fact that he planned neither to spend nor receive more than \$1,000 in support of his candidacy. See SEEC Form 1B. Respondent failed to win election to the Town Council but did receive 3,085 votes. See Statement of Vote, Sec’y of the State (Nov. 8, 2011).
4. General Statutes § 9-604 (b) (3) exempts candidates who do not raise or spend more than \$1,000 on their candidacies from the general requirement to form candidate committees. But if the candidate no longer qualifies for an exemption from the filing requirements – for

example, if the candidate raises or spends more than \$1,000 for his candidacy – then the candidate must register a candidate committee within three business days.

5. *West Hartford GOPAC* made expenditures that benefitted Republican candidates in general but did not direct those expenditures to promote a particular candidate. In July of 2011, according to Respondent, the political committee paid for polling to assess areas of interest to West Hartford voters. That polling cost a total of \$2,500.
6. On October 26, 2011, *West Hartford GOPAC* incurred an expenditure of \$8,811 for two postcards that were sent to voters in West Hartford. *See* Invoice No. 8588, from Tony Siciliani, Sacramento, CA, to *West Hartford GOPAC* (October 26, 2011). Those postcards did not advocate for a particular Republican candidate but rather were in opposition to the town council’s Democratic majority as well as Clare Kindall, a Democratic town council candidate who was then chairman of the West Hartford Board of Education.
7. Respondent accepts the facts as stated above.
8. General Statutes § 9-601 (c) lays out the standard to determine whether an expenditure is independent.

(b) When the State Elections Enforcement Commission evaluates an expenditure to determine whether such expenditure is an independent expenditure, there shall be a rebuttable presumption that the following expenditures are not independent expenditures:

...

(5) An expenditure made by a person whose officer, director, member, employee, fundraiser, consultant or other agent who serves the person in an executive or policymaking position also serves as or has served in the same election cycle as the candidate or the campaign chairperson, campaign treasurer or deputy treasurer of a candidate committee, political committee or party committee benefiting from such expenditure, or in any other executive or policymaking position of the candidate committee, political committee or party committee;

...

General Statutes § 9-601 (c) (Rev’d to 2011).

9. General Statutes § 9-601 (10) defines “person” as “an individual, committee, firm, partnership, organization, association, syndicate, company trust, corporation, limited liability company or any other legal entity of any kind.” General Statutes § 9-601 (10) (Rev’d to 2011).
10. The definition of “contribution” includes “[a]n expenditure that is not an independent expenditure.” General Statutes § 9-608 (c) (1) (C) requires a treasurer to report when expenditures benefit a candidate. In this matter, the Respondent in his role as campaign treasurer for the political committee failed to report the expenditures that he made on behalf of Republican candidates as benefiting those candidates.
11. The Commission finds that the expenditures that Respondent authorized as the treasurer for *West Hartford GOPAC* did not promote his candidacy directly, but they did promote him and other Republican candidates by the negative inferences cast upon their Democratic opponents. In his triple capacity as candidate, political committee treasurer, and town committee chairman, Respondent authorized expenditures that benefitted himself as a candidate and created a situation that General Statutes § 9-601 c (b) (5) seeks to eliminate, namely, instances where an individual playing many different roles funnels assets to benefit candidates, including himself, without reporting that those expenditures are for the benefit of specific candidates.
12. Respondent asserts in good faith that, as treasurer of *West Hartford GOPAC*, he did not authorize expenditures for the purpose of promoting his candidacy or any other candidate directly. Respondent believes in good faith that § 9-601 c (b) (4), the statute under which he is being prosecuted, does not apply to the expenditures made by *West Hartford GOPAC*.
13. As enumerated in § 9-7b-48 of the Regulations of Connecticut State Agencies:

In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances:

- (1) the gravity of the act or omission;
- (2) the amount necessary to insure immediate and continued compliance;
- (3) the previous history of similar acts or omissions; and
- (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.

Regulations, Connecticut State Agencies, § 9-7b-48.

14. General Statutes § 9-7b (a) (2) (D) authorizes the Commission to impose a 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.” General Statutes § 9-7b (a) (2) (D).
15. Respondent admits 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.
16. By entering into this Agreement and paying a \$500 civil penalty, Respondent seeks simply to settle a contested matter and avoid the costs of continued litigation. Respondent maintains that he did not violate the statutory provisions as contained in this agreement and disagrees with the Commission’s finding as to liability.
17. 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.
18. 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.
19. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if one becomes necessary.

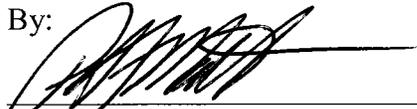
**ORDER**

**IT IS HERERY ORDERED THAT** Respondent pay as a civil penalty the amount of \$500 and agree henceforth to comply strictly with the requirements of General Statutes§ 9-608.

The Respondent

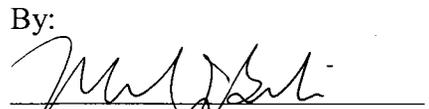
For the State of Connecticut

By:

  
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Peter Martin  
75 Stoner Dr.  
West Hartford, CT 06107

By:

  
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Michael J. Brandi, Esq.  
Executive Director and General Counsel  
and Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St., Suite 101  
Hartford, CT 06106

Dated:

6/30/2014

Dated:

6/30/14

Adopted this 16<sup>th</sup> day of July, 2014 at Hartford, Connecticut by vote of the Commission.

  
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Anthony J. Castagno, Chairman  
By Order of the Commission

**RECEIVED  
STATE ELECTIONS**

**JUL - 1 2014**

**ENFORCEMENT COMMISSION**