

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Amalia Skilton,
New Haven

File Nos. 2011-136

AGREEMENT CONTAINING CONSENT ORDER

This agreement, by and between Aseem Mehta, City of New Haven, County of New Haven, State of Connecticut (hereinafter "Respondent") and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with the Regulations of Connecticut State Agencies § 9-7b-54 and General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. Complainant alleged that Respondent as treasurer of *Vinay for Ward 1 Election Committee* (hereinafter "Vinay Committee"), a candidate committee for the November 8, 2011 municipal election in the City of New Haven violated General Statutes § 9-608 on numerous occasions pertaining to Vinay Committee campaign finance disclosure statements.
2. Specifically, Complainant alleged that:
 - (1) the Vinay Committee October 10th statement, was signed and dated October 13, 2011, but was due October 11, 2011.
 - (2) the Vinay Committee October 10th statement indicated that contributions were received through PayPal account, but (A) Respondent did not report approximate 4% charge *per* transaction, which would have reduced aggregate individual contributions; and (B) Respondent did not report an expenditure by the Committee to PayPal for its services.
 - (3) Regarding the October 10th statement, Respondent failed to (A) itemize reimbursements to workers by including vendors and secondary payees where required, in § T; and (B) Respondent failed to itemize reimbursements to committee workers in § P of the aforementioned filing.
 - (4) Respondent failed to report an expenditure on the Vinay Committee October 10th statement for the cost of maintaining a website for the Committee that was available since on or about August 9, 2011.

3. By way of background, the Vinay Committee was registered by Aldermanic candidate for the First Ward in the City of New Haven Vinay Nayak, who designated Respondent treasurer and filed a Registration By Candidate (SEEC Form 1) with the New Haven Town Clerk's office on August 5, 2011.

4. General Statutes § 9-608, provides in pertinent part:

(a) (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 (i) in the case of a candidate or exploratory committee established for an office to be elected at a municipal election, the statement shall be filed on the seventh day preceding a regular municipal election in lieu of 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.

(c) (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) ***An itemized accounting of each contribution***, if any, including the full name and complete address of each contributor and the amount of the contribution; (B) in the case of anonymous contributions, the total amount received and the denomination of the bills; (C) *an itemized accounting of each expenditure*, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, ...

[Emphasis added.]

5. The Commission finds that because the legal holiday of Columbus Day fell on Monday October 10, 2011, the Vinay Committee October 10th filing was therefore due Tuesday October 11, 2011 pursuant to General Statutes § 9-608 (a) (1). The Commission further finds that the aforementioned filing was late in that the New Haven Town Clerk's office received the campaign finance disclosure statement on October 13, 2011.
6. The Commission concludes that Respondent violated General Statutes § 9-608, as detailed in Allegation One, by not filing the Vinay Committee October 10th campaign finance disclosure statement by Tuesday October 11, 2011.
7. Complainant alleged, as detailed in Allegation Two (A) above, that Respondent underreported individual contributions by deducting PayPal processing charge from each contribution as reported on the Vinay Committee's October 13th report, when the *total* amount of each contribution *prior to* the PayPal processing fee should have been aggregated towards an individual's overall giving limit pursuant to General Statutes § 9-608.
8. Upon investigation, the Commission finds that individual contributions were underreported by Respondent in that those contributions processed by PayPal were not aggregated towards individual contribution limits, but rather a per charge processing fee by PayPal was deducted from each contribution. Furthermore, the Commission finds that Respondent underreported approximately 20 such contributions made by Debit/Credit card and processed by PayPal to the Vinay Committee.
9. The Commission concludes, for the above reasons, that Respondent by deducting PayPal processing charges for each contribution as reported on the Committee's October 13th report, failed to comply with General Statutes § 9-608, which required that the total amount of each contribution (prior to processing) be aggregated towards individual contribution limits. The Commission concludes therefore that Respondent violated § 9-608, as detailed in Allegation Two (A).
10. Complainant alleged, as detailed in Allegation Two (B) above, that Respondent failed to report expenditures to PayPal on the October 10th statement received by the town clerk's office on October 13, 2011 in violation of § 9-608.
11. Upon investigation, the Commission finds that Respondent failed to report any expenditures to PayPal on Vinay Committee October 10th campaign finance disclosure statements as required by General Statutes § 9-608.¹

¹The Commission notes that, Respondent did amend this statement to disclose \$204.00 expenditure to PayPal on a report filed on November 8, 2011, one day after this complaint was filed.

12. The Commission concludes that Respondent, consistent with Allegation Two (B), failed to report expenditures to PayPal as alleged on the October 10th statement received by the town clerk's office on October 13, 2011 in violation of § 9-608.
13. Complainant alleged, as detailed in Allegation Three (A) above, that Respondent failed to itemize vendors and secondary payees when disclosing reimbursements to Committee workers on the Vinay Committee October 10, 2011 campaign finance disclosure statement in violation of General Statutes § 9-608.
14. Upon investigation, the Commission finds that Respondent did not disclose reimbursements to committee workers at section P on the Vinay Committee October 10, 2011 financial statement as required by § 9-608. The commission further finds that the aforementioned section was left blank.²
15. The Commission therefore concludes that Respondent, as alleged in Allegation Three (A), failed to disclose reimbursements to committee workers on the Vinay Committee October 10, 2011 statement and therefore violated General Statutes § 9-608.
16. Complainant alleged, as detailed in Allegation Three (B) above, that Respondent failed to disclose vendors and secondary payees related to reimbursements to committee workers on the Vinay Committee October 10, 2011 campaign finance disclosure statement at section T of that form, as required by § 9-608.
17. Upon investigation, the Commission finds that Respondent did not disclose vendors and secondary payees at section T on the Vinay Committee October 10, 2011 campaign finance disclosure statement as required by § 9-608. The commission further finds that the aforementioned section was left blank.
18. The Commission concludes that Respondent, consistent with Allegation Three (B), failed to disclose vendors and secondary payees on the Vinay Committee October 10, 2011 statement and therefore violated General Statutes § 9-608.
19. Pertaining to Allegation Four, Complainant alleged that Respondent failed to report on the Vinay Committee October 10, 2011 filing an expense for the cost of the committee's website.

² The Commission notes that on November 8, 2011, one day after the filing of this complaint, Respondent did disclose on an amended Vinay Committee campaign finance disclosure statement filed with the New Haven City Clerk's office reimbursements to committee workers in § P and requisite vendors and secondary payees in § T, as required by § 9-608, and at the request of the Complainant.

20. Upon investigation, the Commission finds that Respondent did not disclose an expenditure for a Vinay Committee website until its campaign finance disclosure statement filed with the New Haven town clerk's office on November 8, 2011.
21. Specifically, the Commission finds that Respondent subsequent to the Vinay Committee October 10th filing reported a September 9, 2011 expense incurred but not paid in the amount of \$94.13 described as "web hosting reimbursement" was reported as September 9, 2011. Finally, the Commission finds that Respondent pursuant to General Statutes § 9-608 should have also reported the aforementioned expense for web hosting on the October 10, 2011 financial statement, which included September 9th within the period covered by the report.
22. The Commission concludes, for reasons detailed above, that Respondent violated General Statutes § 9-608 by failing to report expenditures for the Vinay Committee website on the committee's October 10, 2011 filing as alleged in Allegation Four.
23. The Commission notes, as detailed herein, that Respondent committed many violations of General Statutes § 9-608 as treasurer of Vinay Committee in the City of New Haven. The Commission therefore, under the specific circumstances, and in light of the significant duties and responsibilities an individual agrees to when designated treasurer has determined to exercise its civil penalty authority in this instance, underscoring the seriousness with which it takes violations of § 9-608.
24. 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 the Regulations of Connecticut State Agencies § 9-7b-56.
25. Respondent, while not agreeing with each of the Commission's interpretations and findings, nevertheless concedes its authority over this matter and enters into this agreement to avoid further costs and litigation.
26. 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.

27. 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.

28. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent with respect to this matter.

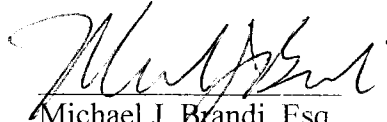
ORDER

IT IS HEREBY FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of two hundred and fifty dollars (\$250.00), on or before January 16, 2013.

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-608.

Dated: 1/11/13

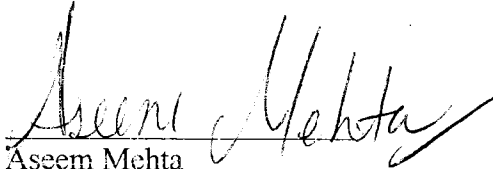
For the State of Connecticut,
BY:



Michael J. Brandi, Esq.
Executive Director and General Counsel,
and Authorized Representative
of the State Elections
Enforcement Commission
20 Trinity Street
Hartford, Connecticut

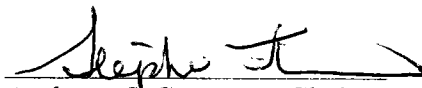
Dated:

The Respondent,
BY:



Aseem Mehta
1035 Yale Vanderbilt Hall
New Haven, Connecticut

Adopted this 16th day of January, 2013 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission
Stephen Castagno