

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

In the Matter of a Complaint by  
David Reed, Somers, CT

File No. 2011-138

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

This agreement by and between Mark Murdoch of Somers, 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 the committee treasurer for the candidate committee "Campaign to Elect Patrice Carson for First Selectman," which supported candidate Patrice Carson in her campaign for First Selectman in the town of Somers.
2. In the instant complaint, the Complainant alleges that a flyer included in the November 3, 2011 edition of the "Reminder News," a local newspaper, and an advertisement contained within the November 2011 edition of the "North Central News," also a local newspaper, both promoted the candidacy of Ms. Carson and failed to include the "paid for by" and "approved by" language required by General Statutes § 9-621 (a).
3. The records of the committee show, and the Respondent stipulates, that "Campaign to Elect Patrice Carson for First Selectman" paid \$542.50 for the communications that are the subject of the instant Complaint.
4. The communications were identical and consisted of a full-size picture of the candidate upon which was superimposed: (1) a slogan "Right Choice. Right Time. Right Now. Experienced. Knowledgeable. Professional;" (2) the words "Patrice Carson for Town of Somers First Selectman 2011;" and (3) an entreaty to "please vote" along with the relevant information on the hours and place of voting.
5. Based on the above, the Commission concludes that the communications promoted the success of the candidate's campaign for election.

6. Although the communications included both the name and a picture of the candidate, they contained no attribution identifying who paid for the communications, as prescribed by § 9-621 (a). Further, it is not clear from the face of the communications that the committee was the funding source or that the candidate approved them.
7. 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....
8. The Commission concludes that because the committee—by Respondent, as committee treasurer—made expenditures for printed communications promoting the success or defeat of any candidate's campaign, the communications should have included the words “paid for by” and the name of the committee, as well as the words “approved by Patrice Carson.”
9. The Respondent has no record of being found in violation of the state’s election laws.
10. The Respondent has been fully cooperative in the course of the investigation.
11. 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.
12. 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.

13. 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.
  
14. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

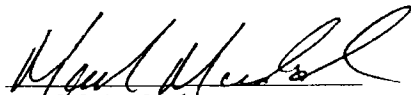
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ORDER

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:**



Mark Murdoch  
Somers, CT


**For the State of Connecticut:**

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

Dated: 6-30-12

Dated: 7/9/12

Adopted this 25<sup>th</sup> day of July of 2012 at Hartford, Connecticut.



Stephen F. Cashman, Chairman  
By Order of the Commission