

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re Audit Report for *Daviddenvir2010*

File No. 2011-144

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Nancy M. Gorski, of the Town of Killingworth, 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. The Commission initiated this complaint after its Audit & Disclosure Unit conducted an audit of the *Daviddenvir2010* candidate committee, which was randomly selected to undergo a post-election audit.
2. Respondent Nancy M. Gorski served as the treasurer for the *Daviddenvir2010* candidate committee for the 35th General Assembly seat, which registered on July 16, 2010 as a participating candidate committee. See SEEC Form CEP 10 – *Daviddenvir2010* (July 16, 2010). The candidate committee never applied for a grant from the Citizens' Election Fund, but it remained a participating candidate committee subject to the rules and regulations of the Citizens' Election Program.
3. As the treasurer for the *Denvir* candidate committee, Respondent agreed to abide by the statutory provisions and regulations that govern the operation of candidate committees under Connecticut's General Statutes.
4. All candidate committees must distribute any surplus remaining in their bank accounts before terminating and dissolving the committee. Qualified candidate committees must return all surplus funds to the Citizens' Election Fund. See General Statutes §§ 9-608 (e)(1); 9-608 (e)(1)(A)(ii).
5. In this case, the Respondent, in her appointed role as committee treasurer, failed to pay all of the outstanding obligations of the candidate committee before terminating the committee.
6. Respondent also failed to close the candidate committee's bank account in a timely manner after officially terminating the committee with the Commission. Respondent filed the

termination documentation with the Commission in February 2011 but did not close the committee's bank account until a year later, in February 2012.

7. General Statutes § 9-606 (a) requires the committee treasurer to be responsible for, among other things, making and reporting all expenditures of the committee. *See* General Statutes § 9-606 (a). A candidate may not serve as campaign treasurer for the candidate's own candidate committee. *See* General Statutes § 9-606 (d). And only a campaign treasurer may authorize expenditures for which the committee will be liable. *See* General Statutes § 9-607 (a). The campaign treasurer may pay for the obligations of the committee, which must be authorized by the treasurer and paid only by a check drawn on the depository institution or via a debit card or credit card. *See* General Statutes §§ 9-607 (d) and (e).
8. The General Assembly has vested the Commission with the authority to "inspect or audit at any reasonable time and upon reasonable notice the account or records of any campaign treasurer or principal campaign treasurer, as required by chapter 155 or 157[.]" General Statutes § 9-7b (a) (5). The Commission also has the authority to subpoena documents and seek enforcement of its subpoenas at the Superior Court in Hartford. *See* General Statutes § 9-7b (a) (1).
9. The Commission concludes that by failing to provide the documentation to justify these expenditures in a timely manner during the course of the audit process the Respondent violated General Statutes §§ 9-606 (a) (2) - (4).
10. The candidate signed two checks on behalf of the candidate committee, totaling \$3,445 – the entirety of the money the candidate committee spent during the campaign. Those checks were for permissible expenditures of the candidate committee but were not signed by the treasurer.
11. The Commission concludes that Respondent violated General Statutes § 9-606 (a) (2) by allowing another to make expenditures on behalf of the Committee. As noted above, § 9-606 (a) (2) states that the campaign treasurer, which in this instance was Respondent, is responsible for making all committee expenditures.
12. The Commission finds that Respondent failed to exercise the appropriate controls over the Committee and failed to authorize all expenditures of the Committee and execute the instruments to satisfy the Committee's obligations.

13. The Commission also finds that the Respondent did not terminate the committee properly, including closing the candidate committee's bank account 12 months after she had submitted the committee's termination documentation to the Commission.

14. 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.

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. 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.

17. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her concerning this matter.

18. 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.

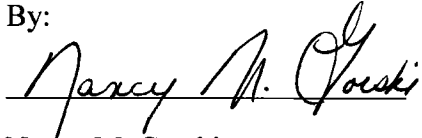
ORDER

IT IS HERERY ORDERED THAT Respondent pay as a civil penalty the amount of \$400, which represents a payment of \$200 for failing to exercise appropriate controls over the candidate committee and a payment of \$200 for failing to terminate the candidate committee properly and failing to supply documents as required as part of the post-election audit process. Respondent further agrees henceforth to comply strictly with the requirements of General Statutes §§ 9-606, 9-607, and 9-710.

The Respondent

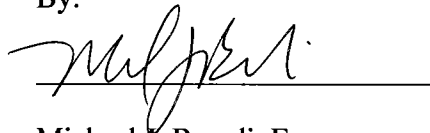
For the State of Connecticut

By:



Narcy M. Gorski
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By:

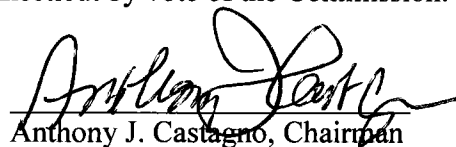


Michael J. Brandi, Esq.
Executive Director and General Counsel and
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State Elections Enforcement Commission
20 Trinity St., Suite 101
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Dated: 7-Jul-2014

Dated: 7/9/14

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



Anthony J. Castagno, Chairman
By Order of the Commission