

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In re Audit Report for *Daviddenvir2010*

File No. 2011-144b

AGREEMENT CONTAINING A CONSENT ORDER

The parties, David Denvir, of the Town of Killingworth, State of Connecticut, hereinafter referred to as "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 David Denvir established the *Daviddenvir2010* candidate committee for the 35th General Assembly seat and 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. A candidate may pay for expenses of the committee but must report those expenditures to the campaign treasurer and indicate whether the treasurer should reimburse the candidate for those expenditures. See General Statutes § 9-607 (k).
4. Candidates participating in the Citizens' Election Program face additional restrictions. The Citizens' Election Program places a limit of \$1,000 on personal funds that General Assembly candidates may provide to their candidate committees. See General Statutes § 9-710 (c) (limiting personal funds from state representative candidates at \$1,000).
5. Here the candidate's payments to and on behalf of his candidate committee exceeded the \$1,000 limit imposed on participating candidate committees by approximately \$322, which included payments for campaign paraphernalia as well as \$250 that was reported as personal funds given to the committee by the candidate.

6. In addition to providing excessive personal funds to his committee, the candidate also signed two checks for 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.
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. 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.

9. 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.
10. 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.

11. 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.
12. 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 \$522, which represents payment of \$322 for the excess personal funds paid by the candidate as well as a \$200 civil penalty for signing checks on behalf of his candidate committee. 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:



David Denvir
118 Chittenden Rd.
Killingworth, CT 06419

By:



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

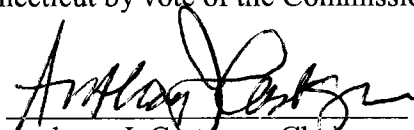
Dated:

7/8/14

Dated:

7/9/14

Adopted this 8th day of July 2014 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

JUL - 9 2014

ENFORCEMENT