

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

*In re* Audit Report for *Knapp 109*

File No. 2011-145

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Robert Melillo, of the City of Danbury, 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 attempted to conduct an audit of the *Knapp 109* candidate committee, which was randomly selected to undergo a post-election audit after the 2010 General Assembly elections.
2. Respondent Robert Melillo served as treasurer for the *Knapp 109* candidate committee for the 109<sup>h</sup> General Assembly seat, which registered on September 15, 2010 as a participating candidate committee. See SEEC Form CEP 10 – *Knapp 109* (September 15, 2010). The Commission approved the candidate committee’s grant application on September 29, 2010, and the committee received a grant from the Citizens’ Election Fund totaling \$25,950. See Minutes of Meeting (State Elections Enforcement Comm’n, September 29, 2010) (authorizing grant to *Knapp 109*); SEEC Form 30 – *Knapp 109* (October 26, 2010) (reflecting receipt of grant totaling \$25,950).
3. As the treasurer for the *Knapp* 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 his appointed role as committee treasurer, failed to return all of the funds that remained in the candidate committee’s bank account before terminating the committee. The treasurer returned \$1,961.77 in surplus to the Citizens’ Election Fund.

But Respondent failed to close the candidate committee's bank account in a timely manner after officially terminating the committee with the Commission, leaving approximately \$300 in the account.

6. Although the Committee had terminated with the Commission on February 7, 2011, the Committee's bank account remained open until at least March 2012. As a result of the Committee keeping this bank account open, the Committee's account dwindled to nothing after the bank imposed \$300 in maintenance fees for the account. That \$300 should have been returned to the Citizens' Election Fund upon termination of the committee.
7. After the initiation of this investigation, the committee returned \$105 to the Citizens' Election Fund.
8. 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). The treasurer also must maintain all records of the candidate committee for four years from the date of the report in which a transaction is recorded. *See* General Statutes § 9-607 (f).
9. 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).
10. The Commission concludes that by failing to provide the documentation to justify the committee's expenditures in a timely manner during the course of the audit process the Respondent violated General Statutes §§ 9-606 (a) (2) - (4).
11. 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.

12. 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.
13. 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.
14. 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.
15. 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 \$495, which represents reimbursement of \$195 for funds that remained in the candidate committee's checking account after the committee was terminated and should have been returned to the Citizens' Election Fund upon termination and a \$300 civil penalty for failing to participate in the audit process and failing to terminate the candidate committee properly. Respondent further agrees henceforth to comply strictly with the requirements of General Statutes §§ 9-606, 9-607, and 9-608.

The Respondent

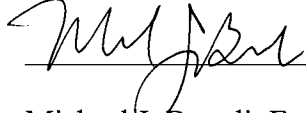
For the State of Connecticut

By:



Robert C. Melillo  
1 Lois Street  
Danbury, CT 06811

By:

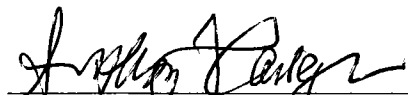


Michael J. Brandi, Esq.  
Executive Director and General Counsel and  
Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St., Suite 101  
Hartford, CT 06106

Dated: 7-9-2014

Dated: 7/9/14

Adopted this 16<sup>th</sup> 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 COMMISSION**