

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Lesa C. Peters, Woodbury

File No. 2012-003

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between Ms. Susan Scott of the Town of Woodbury, County of Litchfield, 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 Connecticut General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. Complainant alleged that *Stomski/Perkinson '11*, a political slate committee supporting municipal candidates Gerald D. Stomski and Barbara K. Perkinson and the Woodbury Republican Town Committee (WRTC) violated campaign finance law pertaining to the November 8, 2011 election in the Town of Woodbury.
2. Specifically, Complainant alleged that:
 - (1) The contribution by T.J. Brennan to *Stomski/Perkinson '11* exceeded the maximum limit of \$750 from an individual to a political slate committee pursuant to General Statutes § 9-612;
 - (2) The contribution by Respondent to *Stomski/Perkinson '11* exceeded the maximum limit of \$750 from an individual to a political slate committee pursuant to § 9-612;
 - (3) Campaign signs from "Stomski/Perkinson '09" were reused by *Stomski/Perkinson '11*, but no in-kind contribution was reported for the value of the signs, and no expenditure was reported for the purchase of stickers to modify the signs for reuse by *Stomski/Perkinson '11* as required;
 - (4) As of November 1, 2011, the WRTC and *Stomski/Perkinson '11* failed to report expenditures for mailings, advertising, and lawn signs they made on the behalf of Linda Carlson as candidate for Woodbury Town Clerk during September through early November, 2011; and,
 - (5) That the property owner who leased the space used by the WRTC and *Stomski Perkinson '11* contributed that space "free of charge" to both committees and therefore those committee received illegal business entity contributions pursuant to General Statutes § 9-613.

3. By way of background, *Stomski/Perkinson '11* was registered as a political slate committee to support Mr. Stomski, for Woodbury First Selectman, and Ms. Perkinson, for Woodbury Selectman at the November 8, 2011 election. Louis DeLuca was designated as Chairman and Nancy A. Mackey was designated as Treasurer of *Stomski/Perkinson '11*. Mr. DeLuca and Ms. Mackey registered the committee on April 12, 2011 with the Woodbury Town Clerk's office.
4. This agreement is limited to Respondent and Allegation Two. Additional Respondents and allegations pertaining to this complaint are taken up under separate agreements. Furthermore, Complainant filed this complaint along with companion complaints in File Nos. 2012-001, 2012-002 and 2012-004, which are being treated in separate documents. The Respondent has no prior history with the Commission.
5. General Statutes § 9-612, provides in pertinent part:
 - (a) ***No individual shall make a contribution or contributions in any one calendar year in excess of*** five thousand dollars to the state central committee of any party, or for the benefit of such committee pursuant to its authorization or request; or one thousand dollars to a town committee of any political party, or for the benefit of such committee pursuant to its authorization or request; or one thousand dollars to a legislative caucus committee or legislative leadership committee, or ***seven hundred fifty dollars to any other political committee ...***
[Emphasis added]
6. General Statutes §9-622, provides that: The following persons shall be guilty of illegal practices...
 - (10) ***Any person who solicits, makes or receives a contribution that is otherwise prohibited*** by any provision of this chapter; ...
[Emphasis added.]
7. Upon investigation, the Commission finds that *Stomski/Perkinson '11* disclosed on its *October 10th* SEEC Form 20 filed with the Woodbury Town Clerk on October 11, 2011 a September 10, 2011 contribution in the amount of \$1,000.00 from "Susan & Jim" Scott. Further, the Commission finds that the contribution was made by joint checking account of Respondent and her spouse Jim Scott but was only signed by Respondent.
8. Pursuant to General Statutes § 9-606 (b) a contribution when drawn on a check from a joint checking account is attributable to the signer of a check and therefore Respondent is deemed to have contributed the entire \$1,000.00 amount of the check as a contribution to *Stomski/Perkinson '11*.

9. The Commission concludes that pursuant to § 9-612 (a) Respondent was limited to a maximum contribution to *Stomski/Perkinson '11*, as a political slate committee, in the amount of \$750.00. Therefore, the Commission finds Respondent's \$1,000.00 contribution exceeded the statutory maximum individual contribution limit by \$250.00. The Commission concludes therefore that the aforementioned contribution was prohibited by § 9-622 (10).
10. The commission concludes, for the reasons detailed in paragraphs 7 through 9 above that the Respondent violated § 9-612 (a) and 9-622 (10) by making an excessive contribution in the amount of \$1,000.00 to *Stomski/Perkinson '11* on September 10, 2011.
11. The Commission notes had both Respondent and her spouse signed the \$1,000.00 check in this instance then each would have been allocated \$500.00 of the total amount and therefore could have made permissible contributions to *Stomski/Perkinson '11* pursuant to General Statutes §§ 9-606 and 9-612.
12. 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.
13. 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.
14. 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.
15. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall strictly comply with General Statutes §§ 9-612 and 9-622.

The Respondent:

For the State Elections Enforcement Commission:

By: Susan Scott
Susan Scott
45 Tanner Hill Road
Woodbury, Connecticut

By: Michael J. Brandi
Michael J. Brandi, Esq.
Executive Director and General Counsel
and Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Susan Scott
May 14-13
Dated: 4-23-13

Dated: 5/20/13

Adopted this 17th day of April, 2013, at Hartford, Connecticut by vote of the Commission.

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