

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re Audit Report for *Keeley 2011*

File No. 2012-069

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between the respondents, Mary Jo Keeley of the Town of Trumbull and Robert Keeley of the City of Bridgeport, State of Connecticut, hereinafter referred to as Respondent Mary Jo Keeley and Respondent Robert Keeley, and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. The Commission initiated this complaint against Mary Jo Keeley, campaign treasurer for the *Keeley 2011* candidate committee, based on findings generated by the Commission's Audit & Final Disclosure Unit. The Commission's audit of the *Keeley 2011* candidate committee identified several problems including failure of the campaign treasurer to maintain proper documentation for campaign workers and allowing another individual to authorize expenditures on behalf of the Committee. The Commission's investigation also revealed that the candidate, Robert Keeley, had signed checks on behalf of the Committee.
2. Respondent Robert Keeley ran in the February 22, 2011 special election as a Democratic Party candidate for the 126th General Assembly. Robert Keeley formed his candidate committee on January 11, 2011 and named his sister, Mary Jo Keeley, as the committee's treasurer.¹ The candidate committee did not participate in the Citizens' Election Program.²
3. The candidate committee spent a total of \$10,170 during the course of the election. The committee raised a total of \$2,825 in contributions, received \$1,180 in personal funds from the candidate, and received \$6,000 in loans from the candidate to the committee.³
4. The Commission's audit of the *Keeley 2011* candidate committee identified several problems. First, the candidate committee made payments totaling \$1,300 to campaign workers, but the committee did not have the necessary backup documentation to support

¹ See SEEC Form 1 – Registration by Candidate (*Keeley 2011*, rec'd January 11, 2011) (forming *Keeley 2011* candidate committee and naming Mary Jo Keeley as treasurer).

² See SEEC Form CEP 11 – Citizens' Election Program Affidavit Not to Abide (*Keeley 2011*, rec'd January 20, 2011) (evinced candidate's intent to opt out of public financing program).

³ See Proposed Final Summary of Examination (*Keeley 2011*, June 5, 2012) (reflecting findings of Commission's audit of *Keeley 2011* candidate committee).

those payments. The campaign treasurer was unable to supply contracts for the work to be performed by those workers or timesheets reflecting time worked and amount earned.⁴

5. Second, expenditures of the candidate committee were not authorized by the treasurer. Instead, the candidate signed checks to make those expenditures.⁵ The Commission's investigation focused on these two audit findings.
6. General Statutes § 9-606 (a) requires a treasurer, among other things, to make and report all expenditures of the committee and to keep internal records of each entry made on statements filed with the Commission.⁶ To corroborate expenditures, the treasurer must supply contemporaneous documentation of each expenditure.⁷ The Commission's regulations require all committees to execute a written contract for any services rendered valued at more than \$100 as well as to provide documentation showing what services were actually provided.⁸
7. The general statutes require the campaign treasurer of a candidate committee to retain all financial documentation from the committee for at least four years from the date of the last report that the candidate committee was required to file.⁹
8. The legislature 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[.]"¹⁰
9. Respondent failed to provide documentation to the Commission during the course of the audit, including contracts to support payments made to committee workers that exceeded \$100.

⁴ *Id.*

⁵ *Id.*

⁶ *See* General Statutes § 9-606 (a) (laying out responsibilities of committee treasurers under Connecticut campaign finance statutes).

⁷ *See* General Statutes § 9-607 (f) (requiring treasurer to maintain "contemporaneous invoices, receipts, bills, statements, itineraries, or other written or documentary evidence showing the campaign or other lawful purpose of the expenditure").

⁸ *See* Regs., Conn. State Agencies § 9-607-1 (a) (1) and (2) (State Elections Enforcement Comm'n) (requiring executed contracts before any service is provided by contractors as well as "contemporaneous detailed documentation" for all expenditures incurred by committee).

⁹ *See* General Statutes § 9-607 (f) (requiring treasurer to retain documents for four years from date of last, required report filed by committee).

¹⁰ General Statutes § 9-7b (a) (5). In fact, 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. General Statutes § 9-607 requires the treasurer to authorize all expenditures incurred by the committee. Only 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.¹¹
11. In this case, the candidate signed 10 checks for expenditures of the candidate committee totaling \$5,900. According to the investigation, the expenditures for which the candidate executed committee checks appear to be permissible under Connecticut campaign finance statutes.
12. General Statutes § 9-606 (d) prohibits a candidate from serving as the campaign treasurer for the candidate's own candidate committee.¹²
13. By signing checks on behalf of the Committee, Respondent Robert Keeley violated General Statutes §§ 9-606 (d) and 9-607 (d) and (e).
14. The Commission concludes that Respondent Mary Jo Keeley 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 is responsible for making all committee expenditures. In addition, Respondent Mary Jo Keeley violated General Statutes § 9-607 (f) as well as Regulations of Connecticut State Agencies § 9-607 Commission regulations §§ 9-607-1 (a) (1) and (2) by failing to obtain contracts with service providers and failing to provide documents to the Commission's audit staff during the course of the post-election examination.
15. The Respondents admit 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 Respondents waive:
 - 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 See General Statutes §§ 9-607 (a), (d) and (e).

¹² See General Statutes § 9-606 (d).

17. Upon the Respondents' agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against them concerning this matter or the findings that appear in the Final Audit Report for the *Keeley 2011* candidate committee.
18. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

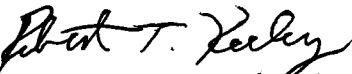
ORDER

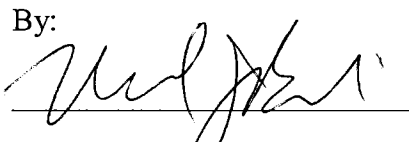
IT IS HEREBY ORDERED THAT Respondent Robert Keeley shall pay a civil penalty of three hundred dollars (\$300.00) to the Commission for his violation of General Statutes § 9-606 and that Respondent Mary Jo Keeley shall pay a civil penalty of four hundred dollars (\$400) for her violations of General Statutes §§ 9-606 and 9-607.

IT IS FURTHER ORDERED THAT the Respondents shall henceforth strictly comply with the requirements of General Statutes §§ 9-606 (d) and 9-607 (d) and (e).

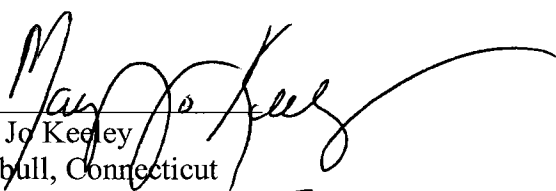
The Respondent

For the State of Connecticut

By: 
~~Robert Keeley (case)~~
Robert Keeley
Bridgeport, Connecticut

By: 
Michael J. Brandi, Esq.
Executive Director and General Counsel and
Authorized Representative of the
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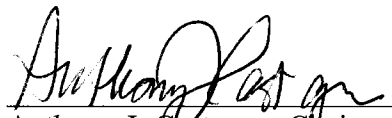
The Respondent

By: 
Mary Jo Keeley
Trumbull, Connecticut

Dated: 10/13/15

Dated: 10-1-2015

Adopted this 20 day of DECEMBER, 2015 at Hartford, Connecticut by vote of the Commission.


Anthony J. Castagno, Chairman
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

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ENFORCEMENT COMMISSION