

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re. Audit Report for Monique for State Rep.

File No. 2012-070

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Philip Reichle of Fredericksburg, Texas, 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. Respondent served as treasurer for the *Monique for State Rep* candidate committee in a 2011 special election for the General Assembly seat in the 148th district.¹
2. The candidate committee opted not to participate in the Citizens' Election Program.²
3. As a non-participating candidate committee, the committee raised a total of \$9,900.94.³ Included within that total were "anonymous" contributions of \$332.00.⁴
4. In 2011, when a treasurer received an anonymous contribution, the treasurer could deposit that money into the committee's account so long as the amount received did not exceed \$15.⁵

¹ See SEEC Form 1 – Registration of Candidate Committee (*Monique for State Rep*, March 9, 2011) (Rec'd March 14, 2012) (creating *Monique for State Rep* candidate committee and appointing Philip Reichle as treasurer for candidate committee).

² See SEEC Form CEP 11 – Affidavit of Intent Not to Abide by Expenditure Limits and Other Citizens' Election Program Requirements (*Monique for State Rep.*, March 16, 2012) (reflecting intent of candidate and treasurer not to abide by voluntary expenditure limits imposed on candidate committees that participate in Citizens' Election Program).

³ See SEEC Form 30 – Itemized Campaign Finance Disclosure Form – Termination Report (*Monique for State Rep.*, July 5, 2011) (reporting total contributions received of \$9,900.94).

⁴ See SEEC Form 30 – Itemized Campaign Finance Disclosure Form – 1st Weekly Supplemental Report Special Election (*Monique for State Rep.*, April 14, 2011) (reporting receipt of twelve (12) \$15.00 contributions that were identified as "anonymous" totaling \$180); and SEEC Form 30 – Itemized Campaign Finance Disclosure Form – Termination Report (*Monique for State Rep.*, July 5, 2011) (reporting receipt of six (6) \$15.00, three (3) \$14.00, and two (2) \$10.00 contributions that were identified as "anonymous" totaling \$152).

⁵ See General Statutes § 9-606 (b) (Rev'd to 2011) (stating that upon receiving "anonymous contribution of more than fifteen dollars the campaign treasurer shall immediately remit the contribution to the State Treasurer.")

5. While non-participating candidates may report small contributions collectively,⁶ Connecticut's campaign finance statutes still require treasurers to collect all identifying information from contributors at the time the contribution is received.⁷
6. The Commission has stated in prior decisions that in order to qualify as "anonymous," contributions must arrive "without the contributor present and when no information about the contributor is known or provided."⁸
7. In this case, the Respondent stated that he collected the contributions from individuals who wished to contribute small amounts to the candidate. When receiving these cash contributions, however, Respondent did not gather the information necessary to identify those contributors.
8. Because Respondent received the contributions from individuals directly, he should have obtained the necessary information to identify those contributors.
9. This failure to record the necessary information to identify these contributors properly and to maintain the required documentation regarding these contributors violated General Statutes §§ 9-608 (c) and 9-606 (a), respectively.
10. 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.⁹

⁶ See General Statutes § 9-608 (c) (4) (Rev. to 2011) ("Contributions from a single individual to a campaign treasurer in the aggregate totaling fifty dollars or less need not be individually identified in the statement, but a sum representing the total of all such contributions made by all such individuals during the period to be covered by such statement shall be a separate entry, identified only by the words "total contributions from small contributors".)

⁷ See General Statutes § 9-606 (a) (making campaign treasurer responsible for

⁸ In the Matter of a Complaint by Matthew Kelly, Barkhamstead, SEEC File No. 2007-274 (State Elections Enforcement Comm'n., Dec. 8, 2008) (concluding that treasurer's failure to identify contributors did not render contributions "anonymous").

⁹ Regs., Conn. State Agencies, § 9-7b-48 (State Elections Enforcement Comm'n).

11. 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 into after a full hearing and shall become final when adopted by the Commission.

12. 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.

13. 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 Respondents henceforth shall comply strictly with the requirements of the regulations and statutes related to collecting identifying information from contributors pursuant to General Statutes §§ 9-606 and 9-608.

The Respondent

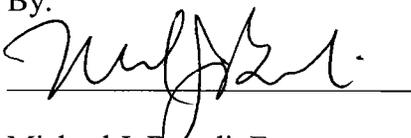
For the State of Connecticut

By:



Philip Reichle
727 Darlington Dr.
Fredericksburg, Texas 78624

By:

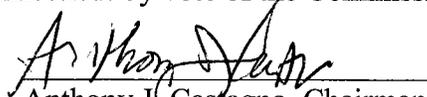


Michael J. Brandi, Esq.
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission,
20 Trinity St., Suite 101
Hartford, CT 06106

Dated: 12/7/15

Dated: 12/11/15

Adopted this 15 day of Dec 2015 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

DEC 10 2015

ENFORCEMENT COMMISSION