

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of William L. Jenkins,
Chaplin

File Nos. 2012-140

AGREEMENT CONTAINING CONSENT ORDER

This agreement, by and between Michael J. Grabel, Town of Chaplin, County of Windham, 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 General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. Complainant, alleged that, Respondent as treasurer of the party committee Columbia Democratic Town Committee (CDTC) violated General Statutes § 9-608 by failing to disclose various expenditures and contributions on its January 10, 2012 *Itemized Campaign Finance Disclosure Statement* (SEEC Form 20) and *7th day preceding election* (November 8, 2011) filings.
2. Specifically, complainant alleged that:
 - A. The January 10th statement did not include itemized disclosures for each expenditure including the full name and address of each payee as required by § 9-608 (c) (1);
 - B. The January 10th statement did not itemize the purchasers of advertisements in a program booklet totaling \$600.00 in ad book purchases;
 - C. The *7th day preceding election* statement, filed November 1, 2011, did not include itemized disclosures for each contribution including the full name and address of each contributor as required by § 9-608 (c) (1); and,
 - D. The CDTC did not itemize \$220.00 in "other monetary receipts" reported by the CDTC on its *7th day preceding election* statement filed on November 1, 2011 SEEC Form 20.
3. By way of background, the CDTC is a town committee and Respondent was its treasurer at all times relevant to the alleged violations.¹ Respondent has no prior history with the Commission.

¹ The Commission notes that Respondent submitted his letter of resignation on October 24, 2011 due to an illness, within approximately three weeks *after* this complaint was filed. CDTC deputy treasurer Judith Ortiz, on behalf of Respondent and the CDTC, cooperated and worked with Commission staff throughout the investigation to respond to the allegations that are the subject of this matter.

4. General Statutes § 9-608, provides in pertinent part:

(c) (1) ***Each statement*** filed under subsection (a), (e) or (f) of this section ***shall include, but not be limited to: (A) An itemized accounting of each contribution***, if any, including the full name and complete address of each contributor and the amount of the contribution; (B) in the case of anonymous contributions, the total amount received and the denomination of the bills; ***(C) an itemized accounting of each expenditure***, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; ...
[Emphasis added.]

5. Regarding Allegation A above, Complainant alleged that the January 10, 2012 SEEC Form 20, filed by Respondent for the CDTC failed to itemize each expenditure, failing to include the full name complete and address of each payee as required by General Statutes § 9-608 (c) (1) (C).
6. Upon investigation, the Commission finds that Allegation A *is* not supported by the evidence, in that there were no expenditures received for the filing period covered by the January 10, 2012 statement. The Commission concludes therefore that Respondent did not fail to itemize expenditures in violation of § 9-608 (c) (1) (C) as alleged and therefore Allegation A is dismissed.
7. Complainant alleged in Allegation B above that the January 10, 2012 CDTC SEEC Form 20 did not include the itemization of purchasers of advertisements in a program booklet totaling \$600.00 for a fundraising affair.
8. Upon investigation of Allegation B, the Commission finds that the aforementioned \$600.00 was misreported and identified as total purchases of advertising in a program booklet rather than a purchase by the CDTC. Specifically, the Commission finds that CDTC records indicate that this amount should have been reported as an expenditure *by* the CDTC for advertising.

9. Pertaining to Allegation B, General Statutes § 9-608 (c) (1) (C) required Respondent to include itemized disclosures for each expenditure. In this instance the expenditure was subsequently disclosed by the CDTC on an amended November 1, 2011 filing with the description of “purchase political signs,” and included the name of the payee, the Committee check number and the date of the purchase. The purpose of the expenditure was coded “A-Sign.” The Commission finds that the aforementioned amended disclosure was supported by the evidence upon investigation.
10. The Commission concludes, for the reasons detailed in paragraphs 8 and 9 above, that Respondent failed to correctly itemize a CDTC expenditure in the amount of \$600.00, that was originally misreported as advertisement purchases in a program booklet for a fundraising affair instead of a purchase of advertising *by* the CDTC, and therefore violated General Statutes § 9-608 (c) (1) (C).
11. Complainant alleged, by Allegation C above, that the November 1, 2011 CDTC *7th day preceding election* SEEC Form 20 failed to include an itemized accounting of each contribution including the full name and address of each contributor and the amount of the contributions as required by § 9-608 (c) (1) (A).
12. Upon investigation, this allegation was not supported by the facts. Specifically, evidence supported the conclusions that the CDTC did *not* receive contributions for the time period covered by the November 1, 2011 SEEC Form 20. The Commission concludes therefore that Respondent did not violate § 9-608 (c) (1) (A) as alleged by Allegation C and therefore this allegation is dismissed.
13. Allegation D above specified that Respondent did not itemize \$220.00 in “other monetary receipts” reported by the CDTC on its *7th day preceding election* statement filed on November 1, 2011 SEEC Form 20.
14. Upon investigation, the Commission finds that Allegation D while not supported by the evidence, nevertheless lead to the discovery that the \$220.00 was *incorrectly* reported on the Summary Page for the *7th day preceding election* statement as monetary receipts. Specifically, the Commission finds that the aforementioned receipt should have been reported as an expenditure by the CDTC for rental equipment for an event listed as “Harvest Fair.” Furthermore, General Statutes § 9-608 (c) (1) (C) required Respondent to include itemized disclosures for each expenditure.²

² The Commission notes that this expenditure was subsequently disclosed by the CDTC on an amended *7th day preceding election* statement filed October 31, 2012, and with a description, the name of the payee, the Committee check number and the date of the expenditure.

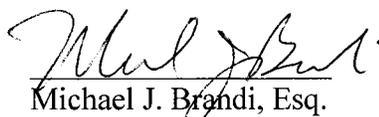
15. The Commission concludes, for the reasons detailed in paragraphs 14 above, that Respondent failed to itemize a \$220.00 CDTC expenditure in violation of General Statutes § 9-608 (c) (1) (C).
16. The Respondent admits all jurisdictional facts and agrees that this Agreement and Order shall have the 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 the Regulations of Connecticut State Agencies § 9-7b-56.
17. 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.
18. 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.
19. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent with respect to this matter.

ORDER

IT IS HEREBY FURTHER ORDERED that the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-608.

Dated: 3/11/13

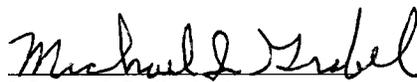
For the State of Connecticut,
BY:



Michael J. Brandi, Esq.
Executive Director and General Counsel,
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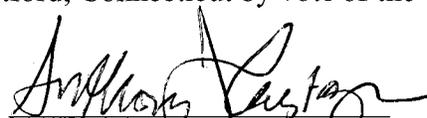
Dated:

The Respondent,
BY:



Michael J. Grabel
39 Hunt Street
Columbia, Connecticut

Adopted this 20th day of March, 2013 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission