

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Carole Dmytryshak, Salisbury

File No. 2012-197

FINDINGS AND CONCLUSIONS

Complainant Carole Dmytryshak brings this complaint pursuant to General Statutes § 9-7b alleging that respondent Vivian Nasiatka, candidate for the 64th General Assembly district in the 2012 election, wrongly claimed that her residence was at 10 Upland Meadow Road, Salisbury, when she did not live there. Complainant alleged that the home at 10 Upland Meadow Road was not habitable and that Respondent and her family actually live in Niantic, Connecticut.

After the investigation of the Complainant's complaint, the Commission makes the following findings and conclusions:

1. Complainant alleged that Respondent's house at 10 Upland Meadow Road has been permitted for addition and renovation in October 2009 and remained under construction as of October 2012. Complainant further alleged that electric usage for the property was very low in 2012 and that the statements were actually sent to Respondent and her husband at a Niantic address. Complainant also claimed that Respondent and her husband had been engaged in a lawsuit related to their refusal to pay for maintenance of a private road leading to the Upland Meadow Road residence and that they had claimed as part of their defense to that lawsuit that they did not live at the home.
2. Respondent filed a formal response to the complaint on February 8, 2013. In her response, she stated that she and her family had lived in Salisbury since November 18, 1996. Respondent also stated that she is registered to vote in the Town of Salisbury, an active member of the Salisbury Republican Town Committee, former Scout Master of the Salisbury Boy Scout Troop, maintains her family and business bank accounts at Salisbury Bank & Trust Company, and operates an accounting and bookkeeping business from her home at 10 Upland Meadow Road. *See* Letter from Vivian Nasiatka to James M. Talbert-Slagle, February 3, 2013.
3. The Commission has previously defined what constitutes an individual's "bona fide residence" for the purposes of Connecticut's election laws.

"Bona fide residence" means a person's genuine domicile. More specifically that place where a person maintains a true, fixed, and principal home to which he, whenever transiently relocated, has a genuine intent to return.

In the Matter of a Complaint by Nancy Rossi, West Haven, File No. 2006-109 ¶ 4 (Jan. 26, 2007) (concluding that individual who used address of abandoned warehouse as home address was not bona fide resident of district).

4. Respondent explained in her response to the complaint that her husband works for the Connecticut Department of Energy and Environmental Protection as a park manager and that she, her husband, and her children live primarily at the state-owned home in Niantic provided at the park facility. They are currently renovating the kitchen at the home that her family owns in Salisbury, which she maintains as her primary residence and business. *See* Letter from Vivian Nasiatka to James M. Talbert-Slagle, Feb. 3, 2013.
5. The Commission investigated the voting records of Respondent and her husband. Both remain registered to vote in Salisbury and have consistent voting history in the district. Nothing suggests that Respondent intended to abandon her primary residence in Salisbury.
6. Based on the preceding findings, the Commission will dismiss the complaint.

ORDER

The following Order is recommended on the basis of the aforementioned findings:

That the complaint be dismissed.

Adopted this 17th day of April of 2013 at Hartford, Connecticut.



Anthony J. Castagno

By Order of the Commission