

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

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In the Matter of a Referral by a SEEC Elections Officer

RESPONDENT:
Stephanie L. Savoy
1081 New Haven Rd, Unit 2A
Naugatuck, CT 06770

File No. 2012-220NF

FINAL DECISION

This matter was heard as a contested case on April 10, 2013 pursuant to Chapter 54 of the Connecticut General Statutes, § 9-7b of the Connecticut General Statutes and § 9-7b-35 of the Regulations of Connecticut State Agencies, at which time Andrew Cascudo, Certified Legal Intern, and Attorney Patrick Lamb appeared on behalf of the State of Connecticut and the Respondent, Stephanie L. Savoy, did not appear. Documentary and testimonial evidence was presented.

After careful consideration of the entire record, the following facts are found and conclusions of law are made:

1. Michael J. Brandi was designated as permanent Hearing Officer for hearings concerning alleged violations of General Statutes § 9-608 on March 21, 2012 by order of the State Elections Enforcement Commission.
2. The Respondent has served as treasurer of the Naugatuck Republican Town Committee from June 2006 to the present. *State's Exhibit 3; Testimony of Elections Officer Nancy Staniewicz.*
3. General Statutes § 9-608 (a) provides, in relevant part, as follows: “(1) **Each campaign treasurer of a committee**, other than a state central committee, **shall file a statement**, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) on the tenth calendar day in the months of January, April, July and October, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, (B) **on the seventh day preceding each regular state election**, except that . . . (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date, and (C) if the committee has made or received a contribution or expenditure in connection with any other election, a primary or a referendum, on the seventh day preceding the election, primary or referendum.” (Emphasis added.)
4. General Statutes § 9-623 (b) provides as follows: “(1) If any campaign treasurer fails to file any statement required by section 9-608, or if any candidate fails to file either (A) a

statement for the formation of a candidate committee as required by section 9-604, or (B) a certification pursuant to section 9-603 that the candidate is exempt from forming a candidate committee as required by section 9-604, within the time required, the campaign treasurer or candidate, as the case may be, shall pay a late filing fee of one hundred dollars. (2) In the case of any such statement or certification that is required to be filed with the State Elections Enforcement Commission, the commission shall, not later than ten days after the filing deadline is, or should be, known to have passed, notify by certified mail, return receipt requested, the person required to file that, if such statement or certification is not filed not later than twenty-one days after such notice, the person is in violation of section 9-603, 9-604 or 9-608.”

5. On October 30, 2012, the Respondent was required to file a financial disclosure statement on behalf of the Naugatuck Republican Town Committee per General Statutes § 9-608 (a) (1) (B), but did not. *Testimony of Ms. Staniewicz.*
6. At its November 14, 2012 regular meeting, the Commission passed the following: “A resolution that, in light of the extraordinary circumstances, it will not be deemed to be a failure to file, under General Statutes § 9-623 (b) (1) or 9-712 (a) (2), on October 30, 2012 or November 1, 2012, if such filings are filed within the 21 days after the respective deadlines. The Commission will not seek to collect the statutory \$100 late fee from filers who file within the 21 days period set forth in General Statutes § 9-623 (b) (2) or otherwise seek to penalize late supplemental filers.”
7. On November 16, 2012, Commission staff sent a letter to the Respondent, by certified mail, return receipt requested, stating that the Commission had not received a financial disclosure statement from her that was due on October 30, 2012. *State’s Exhibit 5; Testimony of Ms. Staniewicz.* The letter explained that in light the resolution passed by the Commission due to Storm Sandy, it would not be deemed a failure to file pursuant to General Statutes § 9-623 (b) (1), and thus the Commission would not seek the statutory \$100 late fee, if the filing was submitted within 21 calendar days of the date of the letter. *State’s Exhibit 5.* The letter warned that if the Respondent did not submit the statement within 21 calendar days of the date of the letter, the Commission may order a public hearing and he could be subject to a civil penalty of up to \$2,000. *State’s Exhibit 5.*
8. On January 14, 2013, Commission staff sent a letter to the Respondent, stating that the Commission had still not received a financial disclosure statement from her that was due on October 30, 2012. *State’s Exhibit 6; Testimony of Paralegal Specialist Evelyn Gratacos.* The letter explained that the Respondent was subject to a civil penalty between \$200 and \$2,000 but that she could avoid further enforcement of the matter if she submitted the statement and a payment of \$400.00 by January 29, 2013. *State’s Exhibit 6; Testimony of Ms. Gratacos.* The letter clarified that the demand amount was based on the Respondent’s previously delinquent filing in File No. 2011-161NF. *State’s Exhibit 6.* The Respondent

signed for the letter. ***State's Exhibit 6; Testimony of Ms. Gratacos.*** An identical letter was also sent to the Respondent at a different address, which was the address listed for her on the committee registration statement on file with the Commission. ***State's Exhibit 3 and 15; Testimony of Ms. Gratacos.***

9. On February 15, 2013, notice of a March 27, 2013 hearing was sent to the Respondent by first-class mail with delivery confirmation tracking and receipt and by certified mail and regular mail at the address provided on the committee registration statement on file with the Commission. ***State's Exhibits 1 and 3.***
10. On February 2013, notice of the March 27, 2013 hearing was also sent to the Respondent electronically to the email address provided for her on the committee's most recent registration statement. ***State's Exhibits 3 and 10; Testimony of Ms. Gratacos.***
11. On March 21, 2013, the Respondent filed the statement that was due October 30, 2012, making it 142 days late. ***State's Exhibit 9; Testimony of Ms. Staniewicz.*** The filing reflected no financial activity during the period covered. ***State's Exhibit 9.***
12. On March 27, 2013, the hearing was continued until April 10, 2013 due to a family emergency as conveyed by the Respondent. Notice of the continuance was sent to the Respondent by regular first-class mail.
13. On April 10, 2013, the hearing was reconvened. The Respondent did not appear.
14. It is concluded that the Respondent violated General Statutes § 9-608 (b) (1) (B) by failing to timely file a financial disclosure statement on October 30, 2012.
15. Evidence was presented that Commission staff was persistent and rigorous in its efforts to contact the Respondent about the delinquent filing. ***State's Exhibits 1, 5, 6, 10, 15; Testimony of Ms. Staniewicz; Testimony of Ms. Gratacos.***
16. The Respondent was previously found to have violated General Statutes § 9-608 on one other occasion by untimely filing the October 10 filing due on October 11, 2011. ***See In the Matter of a Referral by a SEEC Elections Officer, File No. 2011-161NF.*** A fine in the amount of \$250 was levied against the Respondent. ***See File No. 2011-161NF; Testimony of Ms. Gratacos.*** On July 3, 2012, the Commission staff notified the Respondent that the Commission voted to refer the matter to the Connecticut Attorney General after the Respondent had not paid the civil penalty. ***State's Exhibit 14; Testimony of Ms. Gratacos.*** On March 25, 2013, the Respondent paid the \$250 penalty. ***State's Exhibit 17; Testimony of Ms. Gratacos.***

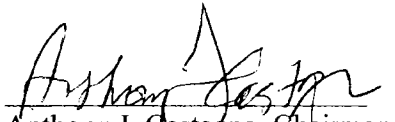
17. General Statutes § 9-7b (a) (2) provides, in pertinent part, that the Commission shall have the power to levy a civil penalty not to exceed “two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155 or 157.” The Commission may levy a civil penalty against any person only after giving the person an opportunity to be heard at a hearing. *See* General Statutes § 9-7b (a) (2).
18. General Statutes § 9-623 (b) (4) provides, in pertinent part, that “[t]he penalty for any violation of section . . . 9-608 . . . shall be a fine of not less than two hundred dollars or more than two thousand dollars or imprisonment for not more than one year, or both.”
19. Section 9-7b-48 of the State of Connecticut Regulations provides, “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.”
20. It was recommended that the Commission consider the following as aggravating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) the Respondent did not attend the hearing; (2) Commission staff both informed the Respondent of her duties as treasurer and made diligent efforts to contact her about the missed filing; and (3) the Respondent was previously late in submitting one prior filing and late in submitting the penalty ultimately assessed, exhibiting a history of similar acts or omissions.
21. It was recommended that the Commission consider the following as mitigating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) the filing that was ultimately submitted showed no activity for the period covered, lessening the gravity of the delay in publicly disclosing the information.
22. In consideration of the factors listed above, it was recommended that the Commission assess a civil penalty against the Respondent in the amount of \$750.00 for his violation of General Statutes § 9-608.

The following Order is adopted on the basis of these findings and conclusions:


ORDER

IT IS HEREBY ORDERED THAT the Respondent shall pay a civil penalty in the amount of \$750.00, payable to the State Elections Enforcement Commission, within 30 days of notice of this decision, for violation of General Statutes § 9-608, pursuant to General Statutes § 9-7b (a) (2).

Adopted this 15th day of May, 2013 at Hartford, Connecticut by vote of the Commission.


Anthony J. Castagno, Chairman
By Order of the Commission

I certify the preceding final decision was sent to Stephanie L. Savoy, 1081 New Haven Rd, Unit 2A, Naugatuck, CT 06770, first-class mail with delivery confirmation tracking and receipt and certified mail and regular mail on May 17, 2013. Additionally, the decision was also sent in the same time and manner to the Respondent's residence address according to the committee's registration statement of 831 Beacon Valley Road, Naugatuck, CT 06770 on May 17, 2013.


Sheri-Lyn Lagueux
Clerk of the Commission