

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

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In the Matter of a Referral by the Bristol Municipal/Town Clerk

RESPONDENT:
Kathleen Echevarria
70 Gaylord Street
Bristol, CT 06010

File No. 2013-097MNF

Final Decision

This matter was heard as a contested case on January 7, 2014 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 Attorney Patrick Lamb appeared on behalf of the State of Connecticut and the Respondent, Kathleen Echevarria, appeared. 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 October 16, 2013 by order of the State Elections Enforcement Commission.
2. Mehdi 2012 was registered as candidate committee with the Bristol Town Clerk as of October 25, 2012, when the Bristol Town Clerk's office received the committee's registration. The Respondent served as treasurer for Mehdi 2012 from October 25, 2012 through November 26, 2013. *State's Exhibit 3; Joint Exhibit 2.*
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 § 9-603 provides, in relevant part, as follows: (b) Statements filed . . . candidate committees formed to aid or promote the success or defeat of any candidate for public office, other than those enumerated in subsection (a) of this section [candidates for

statewide office, General Assembly, or judge of probate] ...shall be filed only with the town clerk of the municipality in which the election or referendum is to be held.

5. General Statutes § 9-623 (b) provides, in relevant part, 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. ... (3) In the case of any such statement or certification that is required to be filed with a town clerk, the town clerk shall forthwith 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 seven days after the town clerk mails such notice, the town clerk shall notify the State Elections Enforcement Commission that the person is in violation of section 9-603, 9-604 or 9-608.”
6. On or before January 10, 2013, the Respondent was required to file a financial disclosure statement on behalf of Mehdi 2012 per General Statutes § 9-608 (a) (1) (A), but did not. ***Joint Exhibit 2.***
7. On February 25, 2013, Bristol Town Clerk Therese Pac sent a letter to the Respondent, stating that the Bristol Town Clerk had not received a financial disclosure statement, which may be the committee’s termination filing, from the Mehdi 2012 campaign that was due on or before January 10, 2013. ***State’s Exhibit 4.*** The letter imposed a \$100 late fee and requested that the Respondent pay the fee and file the statement on or before March 18, 2013. ***State’s Exhibit 4.***
8. On May 3, 2013, Bristol Town Clerk Therese Pac sent another letter to the Respondent, reiterating that the Bristol Town Clerk had not received a financial disclosure statement, which may also be the committee’s termination filing, from the Mehdi 2012 campaign that was due on or before January 10, 2013. ***State’s Exhibit 5.*** The letter imposed a \$100 late fee and requested that the Respondent pay the fee and file the statement on or before May 24, 2013. ***State’s Exhibit 5.***
9. On May 17, 2013, Bristol Town Clerk Therese Pac sent another letter, this time via certified mail return receipt requested, to the Respondent, reiterating that the Bristol Town Clerk had not received a financial disclosure statement from the Mehdi 2012 campaign that was due on January 10, 2013. ***State’s Exhibit 6.*** The letter imposed a \$100 late fee and requested that the Respondent pay the fee and file the statement on or before May 31, 2013. ***State’s Exhibit 6.*** The return receipt contains a signature that reads “Karen L. Miller” with a date of delivery of May 18, 2013. ***State’s Exhibit 6.***

10. On June 21, 2013, Bristol Town Clerk Therese Pac sent a letter to a staff attorney in the enforcement unit at the State Elections Enforcement Commission. **State's Exhibit 7**. In this letter, the Bristol Town Clerk referenced her letters sent to Respondent on May 3, 2013 and May 18, 2013, and stated that as part of her statutory duties as Bristol Town Clerk, she was writing to report a failure to file a campaign finance termination statement. **State's Exhibit 7**. This letter also states that the Bristol Town Clerk had sent letters to both the Respondent and the candidate, Mr. Medhi, informing them of the failure to file a termination statement. **State's Exhibit 7**.
11. On July 31, 2013, Commission staff sent a letter via certified mail to Respondent, informing her that the Commission had received a referral from the Bristol Town Clerk concerning the failure to file a financial disclosure statement due on January 13, 2013. **State's Exhibit 8**. 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 to the Bristol Town Clerk, along with a date stamped copy of the delinquent report to the Commission, by August 20, 2013. **State's Exhibit 8**.
12. On November 4, 2013, notice of a hearing scheduled for December 17, 2013, was sent to the Respondent by first-class mail with delivery confirmation tracking and receipt and by certified mail to the address provided on the committee registration statement on file with the Commission. **State's Exhibits 1**.
13. On December 16, 2013, the hearing was postponed from December 17, 2013 and rescheduled for January 7, 2014. **Letter from Clerk of Commission to Respondent (Dec. 16, 2013)**.
14. The Respondent attended the January 7, 2014 hearing.
15. As of the time of the January 7, 2014 hearing, the campaign finance disclosure statement had not been filed. **Joint Exhibit 2**.
16. At the hearing, the Respondent testified that the lack of filing was due to instructions from the candidate that she would not have to do anything further, and some personal issues occurring at the time. **Testimony of Respondent Kathleen Echevarria**. In her signed and sworn witness statement in File No. 2012-194, dated February 28, 2013, the Respondent stated that she only agreed to be treasurer of the Medhi 2012 campaign "as a favor" to the candidate, who at the time had "explained that he would complete all the necessary paper work and take care of everything else." **State's Exhibit 11**. She testified at the hearing that other than agreeing to be treasurer and signing the candidate committee registration form, SEEC Form 1A (**State's Exhibit 3**), she had no dealings with any money. **Testimony of Ms. Echevarria**. She was apologetic for her failure to file, for agreeing to be treasurer without

knowing the responsibilities of this duty, and for the resources used to resolve the matter.
Testimony of Ms. Echevarria.

17. At the hearing, the Respondent testified that she did not receive the certified letter sent to her on May 17, 2013 by the Bristol Town Clerk, and does not know who Karin Miller, whose signature appears on the return receipt requested section of the certified mail, is.
Testimony of Ms. Echevarria. State's Exhibit 6.

18. The Respondent further testified at the hearing that she did not prepare or sign the itemized campaign finance disclosure statement filed by the Medhi 2012 campaign, which was received by the Town Clerk's Office on October 25, 2012, and which contains her name printed on the signature line. ***Testimony of Ms. Echevarria. State's Exhibit 10.*** In her signed and sworn witness statement in File No. 2012-194, dated February 28, 2013, and in her sworn testimony at the hearing, the Respondent stated that she did not receive any contributions or make any bank deposits on behalf of the Medhi 2012 campaign, nor did she pay any bills or do any work for the Medhi 2012 campaign, and that the candidate "did all of these things himself." ***State's Exhibit 11.***

19. The Respondent acknowledged receiving at least some of the correspondence from the Bristol Town Clerk and State Elections Enforcement Commission, but stated and testified that she did not respond because when she brought the letters to the candidate, he told her not to worry and that he would "take care of it." ***Testimony of Ms. Echevarria.***

20. The Respondent further testified that when she resigned from her position with the People Party, she had thought that she was resigning from her treasurer duties with the Medhi 2012 campaign, as she did not realize the difference between her role in the People Party and her role as treasurer. ***Testimony of Ms. Echevarria.*** The Respondent testified that the signature on page three of a letter to Commission staff dated August 1, 2013, written by the candidate, Mr. Medhi, and received by the Commission on August 6, 2013, is her signature. ***Testimony of Ms. Echevarria. State's Exhibit 9.*** This page (page 3) is addressed to the People Party and dated November 12, 2012, and contains a signed statement from Ms. Echevarria stating that she is resigning from her position on the People Party. ***State's Exhibit 9.*** She testified that the signature on page 2 of this same letter, which appears above her typewritten name, is *not* her signature. ***Testimony of Ms. Echevarria. State's Exhibit 9.*** Page 2 is addressed to Commission staff, purports to be from Ms. Echevarria, and states that she has resigned from her position in the People Party in November of 2012. ***State's Exhibit 9.*** The hearing officer noted that there is a "clear distinction" between the signature on page 3 (which Ms. Echevarria testified is her signature) and the signature on page 2 (which Ms. Echevarria testified is not her signature).

21. The Respondent admitted and acknowledged that her failure to file represents a violation of General Statutes § 9-608 with civil penalties mandated by General Statutes § 9-623 in the range of \$200 to \$2,000. *Joint Exhibit 2.*
22. On January 7, 2014, the Respondent signed an irrevocable waiver of her right to serve as treasurer or deputy treasurer for purposes of Chapters 155 and 157 of the Connecticut campaign finance statutes and waived her right to object to any order of the Commission imposing such ban, even if such ban is not based on a finding of an intentional violation or limited to a five year duration. *Joint Exhibit 1.*
23. The Respondent admitted and acknowledged the following as an aggravating factor: the Respondent received multiple warnings and opportunities to file the outstanding filing subject to the January 7, 2014 hearing. *Joint Exhibit 2.*
24. It is concluded that the Respondent violated General Statutes § 9-608 by failing to timely file a financial disclosure statement on or before January 10, 2013.
25. Evidence was presented that Bristol Town Clerk made numerous efforts to contact the Respondent about the delinquent filing. *State's Exhibits 4, 5, & 6.* While Respondent testified that she neither signed for nor was aware of the May 17, 2013 certified letter sent by the Bristol Town Clerk (*State's Exhibit 6*), as noted above she testified that she did receive the previous letters, but did not respond because the candidate, Mr. Medhi, assured her he would "take care of it."
26. 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).
27. 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."
28. 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."

29. It was recommended that the Commission consider the following as aggravating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) as of the date of the January 7, 2014 hearing, the filing due on or before January 13, 2013 was not filed; (2) the Respondent received multiple warnings and opportunities to file the outstanding filing subject to the January 7, 2014 hearing.
30. It was recommended that the Commission consider the following as mitigating circumstances per § 9-7b-48, Regs., Conn. State Agencies; (1) the Respondent admitted to fault and showed remorse in her signed and sworn witness statement in File No. 2012-194 and during her testimony at the January 7, 2014 hearing; (2) the Respondent provided testimony and a sworn statement that she was misled by the candidate regarding the performance of the treasurer's duties, and that the candidate potentially engaged in fraudulent conduct regarding campaign finance filings without the Respondent's knowledge, (4) the Respondent provided testimony at the hearing that she believed, in good faith, when she resigned from her position at the People Party she was resigning as treasurer because she believed they were the same thing, and (5) the Respondent agreed to waive her right to serve as treasurer or deputy treasurer for purposes of the Connecticut campaign finance statutes.
31. In consideration of the factors listed above, it was recommended that the Commission: (1) prohibit the Respondent from serving as a treasurer or deputy treasurer of any committee organized under Chapter 155 of the Connecticut General Statutes for a period of four years from the date of the Commission's final decision on this matter; (2) assess a civil penalty against the Respondent in the amount of \$200.00 for her violation of General Statutes § 9-608 but suspend said penalty in light of her agreement to waive her right to serve as treasurer or deputy treasurer, and upon satisfaction of this four year prohibition, the Commission should not refer the matter to the Office of the Attorney General for any collection action; and (3) open an investigation and enforcement action against the candidate, Mr. Medhi, for potential violations of the campaign finance statutes.

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

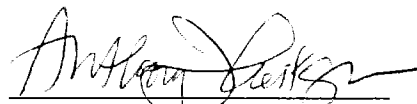
ORDER

IT IS HEREBY ORDERED THAT the Respondent shall be prohibited from serving as treasurer or deputy treasurer of any committee organized under Chapter 155 of the Connecticut General Statutes for a period of four years from the date of the Commission's final decision, pursuant to General Statutes § 9-7b (a) (3) (B) (ii).

IT IS HEREBY ORDERED THAT the Respondent shall be assessed a civil penalty in the amount of \$200.00, for violation of General Statutes § 9-608, pursuant to General Statutes § 9-7b (a) (2), which shall be suspended in light of her agreement to waive her rights to serve as treasurer or deputy treasurer of any committee organized under Chapter 155 of the Connecticut General Statutes for a period of four years from the date of the Commission's final decision. Upon satisfaction of the condition set forth above, the Commission shall not refer the matter to the Office of the Attorney General for any collection action.

IT IS HEREBY ORDERED THAT in light of the testimony provided by the Respondent during the course of the hearing and as provided in a sworn witness statement introduced as evidence in the proceedings (*State's Exhibit 11*), concerning potential campaign finance violations and unlawful activity by the candidate, the Commission shall initiate an investigation and enforcement action against Mr. Ajmal Medhi concerning the Medhi 2012 campaign.

Adopted this 16th day of April, 2014 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 Kathleen Echevarria, 70 Gaylord Street, Bristol, CT 06010, first-class mail with delivery confirmation tracking and receipt and certified mail and regular mail on April 16, 2014.



Sheri-Lyn Lagdeux
Clerk of the Commission