

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Alison C. Heimer, New Haven

File No. 2013-111C

AGREEMENT CONTAINING A CONSENT ORDER AND PENALTY

The parties, John Kikosicki of East Haven, Connecticut, hereinafter referred to as the Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission (SEEC), 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. The Respondent permitted a false signatory on petitions for a Democratic municipal primary in East Haven. The false signatory was a husband or wife who signed the name of their spouse to the petition at issue. The spouse whose name was falsely signed acknowledges that they gave permission to their husband or wife to sign the petition on their behalf.
2. The Respondent admits that, in a single instance, he accepted an individual signing on behalf their spouse. The petition forms contained the prescribed warning regarding signing “in the name of another person without legal authority to do so.”
3. The Respondent signed the “Circulator’s Statement of Authenticity of Signatures.” Such certification included, “Each person whose name appears on this petition signatures page signed the same in person in my presence. I either know such signer or such signer satisfactorily identified himself or herself to me...I hereby declare under PENALTIES OF FALSE STATEMENT, that the statements made in the forgoing Circulator’s Statement of Authenticity of Signatures are true.”
4. The Respondent has cooperated fully with the investigation.
5. General Statutes § 9-410, governing petition gathering for municipal offices, provides in relevant part:
 - (a) The petition form for candidacies for nomination to municipal office or for election as members of town committees shall be

prescribed by the Secretary of the State...Such form shall include, at the top of the form and in bold print, the following:

WARNING

IT IS A CRIME TO SIGN THIS PETITION
IN THE NAME OF ANOTHER PERSON
WITHOUT LEGAL AUTHORITY TO DO SO
AND YOU MAY NOT SIGN THIS PETITION
IF YOU ARE NOT AN ELECTOR.

The form shall include thereon a statement of instructions to persons using the form and shall indicate the date and time by which it shall be filed and the person with whom it shall be filed....

(c) ... Each separate sheet of such petition shall contain a statement as to the authenticity of the signatures thereon and the number of such signatures, and shall be signed under the penalties of false statement by the person who circulated the same, setting forth such circulator's address and the town in which such circulator is an enrolled party member and attesting that each person whose name appears on such sheet signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified the signer to the circulator and that the spaces for candidates.

6. Pursuant to General Statutes § 9-406a, "Any person who fraudulently signs, attests or files a false certificate under section ...9-406 [municipal primary petitions] shall be guilty of a class A misdemeanor."
7. In SEEC File No. 2010-034, the Commission took the position that "An implicit requirement of General Statutes § 9-410 (c) is that the circulator's attestation be true. Accordingly, if the circulator signed a General Statutes § 9-140 (c) petition statement that he or she knew or reasonably should have known was untrue, that circulator will be deemed to have violated General Statutes § 9-410 (c)."

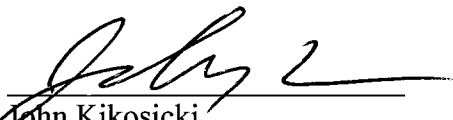
8. The Respondent admits to all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.
9. The Respondent waives:
 - a. Any further procedural 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 to contest the validity of the Order entered into pursuant to this Agreement.
10. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent regarding this matter.
11. Based upon the evidence in this case and the cooperation of the Respondent, the Commission has declined to refer this matter to the Chief State's Attorney.
12. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum.

ORDER

It is hereby ordered that the Respondent shall henceforth strictly adhere to the requirements of General Statutes §§ 9-140 (c) and § 9-406a.

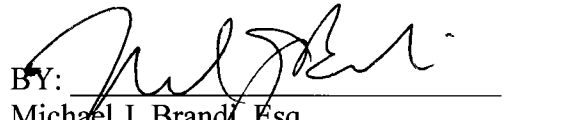
It is further ordered that the Respondent shall pay a three hundred dollar penalty (\$300.00) for the violation of General Statutes § 9-140 (c).

The Respondent:



John Kikosicki
10 Margaret Court
East Haven, CT 06512

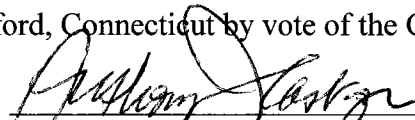
For the State of Connecticut:


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

Dated: 6/20/16

Dated: 6/30/16

Adopted this 12 day of July, 2016 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission

RECEIVED
STATE ELECTIONS

JUN 30 2016

ENFORCEMENT COMMISSION