

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Susan A. Koneff and Alan Vaglivello
Monroe

File No. 2013-112

FINDINGS & CONCLUSIONS

Complainants Susan A. Koneff and Alan Vaglivello, both of Monroe, filed this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Steven Vavrek, Monroe's first selectman, had improperly used public resources to engage in political activities and had used his position as first selectman to coerce Koneff to make a contribution to his candidacy. After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. Susan A. Koneff serves as the Democratic Registrar of Voters for the Town of Monroe. Alan Vaglivello is a member of the Monroe Board of Education.
2. Steven Vavrek serves as the first selectman of the Town of Monroe. He is a Republican.
3. Koneff alleged that Vavrek sent two emails to her municipal email address soliciting contributions for his mayoral candidate committee. The emails, which she appended to her complaint, include attributions identifying them as messages emanating from the Vavrek candidate committee.
4. Vaglivello also received solicitations at his municipal email address from the Vavrek candidate committee soliciting contributions.
5. Both Koneff and Vaglivello alleged that by sending these messages to the email addresses provided to them as public officials in the Town of Monroe, Vavrek had improperly used public resources for political purposes, specifically their email addresses, and alleged that the mailing list that his candidate committee used to send these messages was created using an email contact list maintained by the Town of Monroe.
6. Koneff also alleged that by sending her an email seeking a contribution to his candidate committee, Vavrek violated General Statutes § 9-622 (12) prohibiting municipal supervisors from soliciting contributions from employees that they supervise. *See* General Statutes §9-622 (12) (finding violation of statute when “[a]ny municipal employee ... solicits a contribution on behalf of, or for the benefit of, any candidate for state, district or municipal office, any political committee or any political party, from (A) an individual under the supervision of such employee, or (B) the spouse or a dependent child of such individual”).

7. Connecticut has limited statutory authority over the use of public resources to promote an individual's candidacy. Most specifically, the campaign finance statutes make it improper for an incumbent to use public resources to distribute mailers or other publicly-funded materials that feature an incumbent.¹
8. At times, the Commission has utilized General Statutes § 9-622 (5) to reach instances where public resources may have been diverted to support a candidate improperly. That statute makes it an "illegal practice" to "defray costs" from a candidate's candidate committee to another entity without notifying the candidate committee's treasurer of the defrayal.² See General Statutes § 9-622 (5) (prohibiting persons from defraying costs of campaign by paying for items without making those payments to committee treasurer).
9. In this instance, the allegation that Vavrek improperly sent a solicitation email to the complainants' municipal email addresses or that the candidate committee used a publicly maintained mailing list to identify recipients for the solicitation email is not supported by the facts.
10. According to the Vavrek campaign, the email list that the candidate committee used to create its mailings were supplied by the Monroe Republican Town Committee. That list comprises 368 individuals while the Town of Monroe's list comprises 690 individual email addresses. There are only 63 email addresses that appear on both lists.
11. There is no evidence to support the allegation that public resources were used to create the mailing list that the Vavrek candidate committee relied upon when creating its solicitations nor that by sending messages to Koneff and Vavrek at their municipal addresses Vavrek was using public resources improperly under Connecticut's campaign finance statutes.
12. Both Koneff and Vavrek are municipal officials, elected to their positions by the electors. Ultimately, those electors determine if they will keep their jobs.
13. Koneff alleged that Vavrek exercised some supervisory authority over her since he could set the budget for her office, making the solicitation that he sent her improper under General Statutes § 9-622 (12).

¹ See General Statutes § 9-610 (d) (1) and (2)

² General Statutes § 9-622 (5) states:

Any person who, directly or indirectly, pays, gives, contributes or promises any money or other valuable thing to defray or towards defraying the cost or expenses of any campaign, primary, referendum or election to any person, committee, company, club, organization or association, other than to a treasurer, except that this subdivision shall not apply to any expenses for postage, telegrams, telephoning, stationery, express charges, traveling, meals, lodging or photocopying incurred by any candidate for office or for nomination to office, so far as may be permitted under the provisions of this chapter;

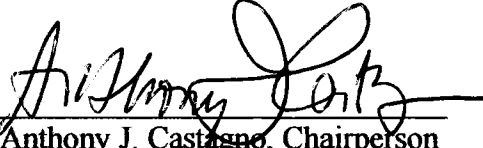
14. Although Vavrek is the chief executive of the town, the town council sets Koneff's salary as the registrar and her department's budget through the budget process. That budget ultimately must be approved by voters of the town through the referendum process.
15. There is nothing to support Koneff's allegation that Vavrek is effectively her "supervisor" when both are public officials ultimately answerable to the electors.
16. The Commission will dismiss this matter against the respondent.

ORDER

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

That the matter be dismissed.

Adopted this 19th day of May, 2015 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson
By Order of the Commission