

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re. Audit Report for *Goff for the 34th*

File No. 2014-011B

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between Christopher J. Goff, Town of East Hampton, State of Connecticut, hereinafter referred to as Respondent Goff, and Thomas O'Brien, Town of East Hampton, State of Connecticut, hereinafter referred to as Respondent O'Brien, and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. The Commission initiated an investigation into whether Respondent Goff, a candidate for the 34th General Assembly District, and/or his candidate committee campaign treasurer, Respondent O'Brien, violated General Statutes §§ 9-607, 9-608, CEP program statutes, regulations or requirements based up on information discovered during the audit of the *Goff for the 34th* candidate committee.
2. The Commission performed an in-depth review of the expenditures of the *Goff for the 34th* candidate committee after the committee's selection in the random audit lottery conducted following the 2012 election cycle. Respondent Goff established the committee in 2012 to support his nomination for election as a candidate in the 34th General Assembly district.¹ The committee opted to participate in the Citizens' Elections Program.² The Commission issued a grant from the Citizens Election Fund totaling \$26,850 on August 24, 2012.³
3. The primary issue that the Commission's audit identified was that the candidate committee paid a business owned by the candidate's brother, Steven Goff. On August 30, 2012, the candidate committee executed a lease agreement with SGoff Enterprises, LLC, to rent property at 100 Main Street, East Hampton, for \$1,500 from August 30

¹ See SEEC Form 1 – Registration of Candidate Committee (*Goff for the 34th*, Feb. 13, 2012) (Rec'd Feb. 16, 2012) (reflecting establishment of candidate committee by Christopher J. Goff and appointment of Thomas O'Brien as treasurer).

² See SEEC Form CEP 10 – Affidavit of Intent to Abide by Expenditure Limits and Other Citizens' Election Program Requirements (*Goff for the 34th*, Aug. 9, 2012) (reflecting intent of candidate and treasurer to participate in Citizens' Election Program and follow voluntary program rules).

³ See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: October 10 Filing (*Goff for the 34th*, Oct. 2, 2012) (reporting grant received from Citizens' Election Fund).

through November 10, 2012.⁴ The committee paid SGoff Enterprises, LLC, the full rental price on August 31, 2012.⁵ Steven Goff, member, manager, and president of the company, is the candidate's brother.

4. General Statutes § 9-607 prohibits payments for all candidate committees to a candidate's immediate family members. But for candidate committees who have received a grant from the Citizens' Election Fund, the restrictions on payments to "family members" are much broader. General Statutes § 9-607 (g), which applies to non-participating as well as participating candidate committees, provides, in relevant part:

(1) As used in this subsection, (A) "the lawful purposes of his committee" means: (i) For a candidate committee or exploratory committee, the promoting of the nomination or election of the candidate who established the committee,

....

(2) Unless otherwise provided by this chapter, any campaign treasurer, in accomplishing the lawful purposes of his committee, may pay the expenses of:

...

(L) compensation for campaign or committee staff, fringe benefits and payroll taxes, provided the candidate and any member of his immediate family shall not receive compensation;

5. Qualified candidate committees may not make payments to candidates, their family members, or businesses owned by candidates or their family members. Regulation § 9-706-2 (b) (4) prohibits payments from a qualified candidate committee's depository account to businesses in which the candidate or his family member has a 5 percent or greater ownership stake.⁶ Section 9-706-2 of the Regulations of Connecticut State Agencies, provides, in relevant part:

(b) . . . **Participating candidates** and the treasurers of such participating candidates **shall not spend funds** in the participating candidate's depository account **for** the following:

...

⁴ See Lease (Aug. 30, 2012) (signed by Steven Goff, member of SGoff Enterprises, LLC, and Thomas O'Brien, on behalf of *Goff for the 34th*).

⁵ See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: October 10 Filing (*Goff for the 34th*, Oct. 2, 2012) (reporting payment to SGoff Enterprises, LLC, of \$1,500 via check number 19 on August 31, 2012).

⁶ See Regulations of Conn. State Agencies § 9-706-2 (b) (4) (prohibiting "[p]ayments to any entity in which the participating candidate or the participating candidate's family members, as listed in Section 9-706-2(b)(3) of the Regulations of Connecticut State Agencies, has a 5% or greater ownership interest").

3. **Payments to the participating candidate or the participating candidate's family members, including:** a participating candidate's ... **sibling** . . . ; (emphasis added).

4. **Payments to any entity in which the participating candidate or the participating candidate's family members,** as listed in section 9-706-2(b)(3) of the Regulations of Connecticut State Agencies, **has a 5% or greater ownership interest;** . . . (emphasis added).⁷

6. The rental payment between the Goff candidate committee and SGoff Enterprises, LLC, in which Steven Goff, the candidate's brother, is the member and principle, was impermissible. Qualified candidate committees may not pay family members of the candidate or businesses those family members own for services.
7. The candidate, Respondent Goff, bears the sole liability to repay any impermissible payments made by his candidate committee.⁸
8. Respondents admit 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. Respondents waive:
 - 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 contest the validity of the Order entered into pursuant to this Agreement.
10. Upon the Respondents' agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against them concerning this matter or any other findings that appear in the Final Audit Report for the 2008 *Goff for the 34th* candidate committee.
11. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondents in any subsequent hearing, if the same becomes necessary.

⁷ Regulations of Conn. State Agencies, § 9-706-2 (b) (3) and (4).

⁸ See General Statutes § 9-703 (a) (2) (requiring candidate to repay any funds that were not expended in accordance with General Statutes § 9-607 (g) and regulations adopted by Commission related to expenditures for qualified candidate committees).

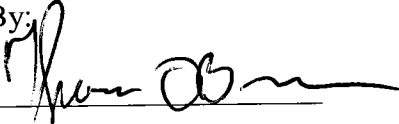
ORDER

IT IS HEREBY ORDERED THAT the Respondent Thomas O'Brien henceforth shall strictly comply with restrictions on payments to businesses owned by a candidate's relative as codified in the regulations governing the operation of the Citizens' Election Program.

The Respondent

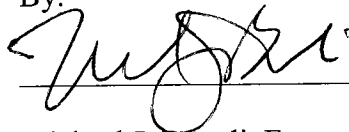
For the State of Connecticut

By:



Thomas O'Brien
67 Blue Heron Dr.
East Hampton, CT 06424

By:



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

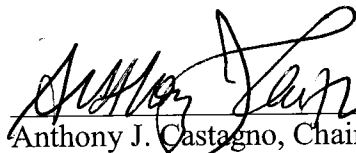
Dated:

6/7/16

Dated:

6/9/16

Adopted this 10 day of Aug, 2016 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission

RECEIVED
STATE ELECTIONS

JUN 09 2016

ENFORCEMENT COMMISSION