

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

Complaint by Colleen O'Connor, West Haven

File No. 2014-022

**AGREEMENT CONTAINING A CONSENT ORDER AND PENALTY**

The parties, Timothy M. Wrightington of West Haven, Connecticut, hereinafter referred to as the Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission, 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. Under the title "concerned Republicans," the Respondent personally and directly paid for mailing advocacy letters and newspaper advertisements, which concerned candidates in a local West Haven primary. The Respondent included his return address on such letters.
2. The relevant payments were made solely by the Respondent.
3. The investigation did not reveal any evidence the Respondent raised contributions for the mailings or advertisements.
4. The available evidence indicates that the total cost of the Respondent's advocacy campaign, consisting of both the letters and the advertisements, was less than \$1,000. There is evidence of three separate expenditures: two expenditures for advertisements in a local newspaper as well as, at least, one additional expenditure for the mailing. The costs for the newspaper advertisements totaled \$600 and the cost for the mailings is estimated at less than \$100.
5. There is no allegation or available evidence indicating that the Respondent made the expenditures with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent.
6. General Statutes § 9-621 (h) (1) provides the applicable attribution requirements for such independent expenditures and provides that:

No person shall make or incur an independent expenditure for any written, typed or other printed communication, including on a billboard, or any web-based, written communication, unless such communication bears upon its face, as a disclaimer, the words "Paid for by" and the name of such person and the following statement: "This message was made independent of any candidate or political party." In the case of a person making or incurring such an independent expenditure during the ninety-day period immediately prior to the primary or election for which the independent expenditure is made, such communication shall also bear upon its face the names of the five persons who made the five largest aggregate covered transfers to the person making such communication during the twelve-month period immediately prior to such primary or election, as applicable. The communication shall also state that additional information about the person making such communication may be found on the State Elections Enforcement Commission's Internet web site.

7. The Respondent admits to three separate violations of General Statutes § 9-621 (h) (1), representing one violation per expenditure for each of the separate communications.
8. Connecticut General Statutes § 9-7b (a) (2) provides that the Commission may assess 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." Pursuant to Regulations of Connecticut State Agencies § 9-7b-48, in determining the amount of a civil penalty, the Commission shall consider, among other mitigating and aggravating factors:
  - (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.
9. The Commission's consideration of the above factors, includes, but is not limited to, the following mitigating factors: (1) the Respondent has no identified history of violating the statutes under the Commission's jurisdiction; (2) the fact that the Respondent included his return address on the letters at issue indicates that the Respondent did not attempt to meaningfully conceal his involvement in the advocacy campaign and increases the

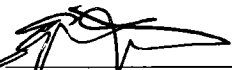
likelihood of a good faith error; and (3) at the time of the violations, the application of General Statutes § 9-621 (h) (1) to individuals acting alone was relatively novel and only brought in to effect by Public Act 13-180.

10. The Respondent admits 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.
11. 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.
12. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent.
13. 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, if one becomes necessary.

**ORDER**


It is hereby ordered that the Respondent pay as a civil penalty the amount of \$150.00 for the attribution violations for the communications identified above. The Respondent further agrees henceforth to strictly comply with the requirements of General Statutes § 9-621.

**The Respondent:**

  
\_\_\_\_\_  
Timothy M. Wrightington  
21 Susquehanna Ave.  
West Haven, CT 06516

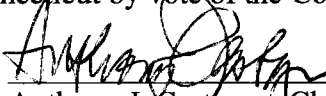
Dated: 10/10/14

**For the State of Connecticut:**

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

Dated: 10/15/14

Adopted this 18 day of Nov, 2014 at Hartford, Connecticut by vote of the Commission.

  
\_\_\_\_\_  
Anthony J. Castagno, Chairman  
By Order of the Commission



**RECEIVED**  
**STATE ELECTIONS**

**OCT 15 2014**

**ENFORCEMENT COMMISSION**