

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

*In re. Audit Report for McGee for State Representative*

File No. 2014-040

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between Brandon McGee, City of Hartford, State of Connecticut, hereinafter referred to as Respondent McGee, and Ayesha Clarke, City of Hartford, State of Connecticut, hereinafter referred to as Respondent Clarke, 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 McGee, a candidate for the 5<sup>th</sup> General Assembly District, and/or his candidate committee campaign treasurer, Respondent Clarke, violated General Statutes §§ 9-607, 9-608, CEP program statutes, regulations or requirements based up on information discovered during the audit of the *McGee for State Representative* candidate committee.
2. The Commission performed an in-depth review of the expenditures of the *McGee for State Representative* candidate committee after the committee's selection in the random audit lottery conducted following the 2012 election cycle. Respondent McGee established the committee in 2012 to support his nomination for election as a candidate in the 5<sup>th</sup> General Assembly district.<sup>1</sup> The committee participated in the Citizens' Elections Program.<sup>2</sup>
3. The Commission approved a grant of \$10,710 from the Citizens Election Fund before the Democratic Party primary on August 14, 2012 and those funds were was received by the

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<sup>1</sup> See SEEC Form 1 – Registration of Candidate Committee (*McGee for State Representative*, Jan. 25, 2012) (reflecting establishment of candidate committee by Brandon L. McGee and appointment of Ayesha Clarke as treasurer).

<sup>2</sup> See SEEC Form CEP 10 – Affidavit of Intent to Abide by Expenditure Limits and Other Citizens' Election Program Requirements (*McGee for State Representative*, May 30, 2012) (Rec'd Sept. 26, 2012) (reflecting intent of candidate and treasurer to participate in Citizens' Election Program and follow voluntary program rules).

committee on June 25, 2012.<sup>3</sup> The committee received a general election grant of \$26,850 on October 16, 2012.<sup>4</sup>

4. The primary issue that the Commission's audit identified was that the candidate committee paid his mother for services she provided to the candidate committee. According to the committee's filings as well as the audit investigation, the candidate committee paid \$200 to Dawn McGee for work she did on November 6, 2012.<sup>5</sup> The payment to Ms. McGee was made after the candidate committee had received grants from the Citizens' Elections Fund.
5. 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. Qualified candidate committees may not make payments to candidates or their family members. Regulation § 9-706-2 (b) (4) prohibits payments from a qualified candidate committee's depository account to a member of the candidate's family.<sup>6</sup> 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:

. . .

3. **Payments to the participating candidate or the participating candidate's family members, including:** a participating candidate's . . . **parent . . .**; (emphasis added).<sup>7</sup>
6. The payment between the McGee candidate committee and the candidate's mother, Dawn McGee, was impermissible. Qualified candidate committees may not pay family members of the candidate.

<sup>3</sup> See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: July 10 Filing (*McGee for State Representative*, July 10, 2012) (reporting grant received from Citizens' Election Fund on June 25, 2012). This filing improperly indicated that this grant was for the "General Election" when it was actually disbursed in advance of the August primary.

<sup>4</sup> See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: Second Weekly Supplemental Filing General Election (*McGee for State Representative*, October 18, 2012) (showing payment of general election grant to McGee candidate committee).

<sup>5</sup> See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: January 10 Filing (*McGee for State Representative*, Jan. 11, 2012) (showing payment to Dawn McGee of \$200 on November 6, 2012).

<sup>6</sup> See Regulations of Conn. State Agencies § 9-706-2 (b) (3) (prohibiting payments to candidate's parent).

<sup>7</sup> Regulations of Conn. State Agencies, § 9-706-2 (b) (3).

7. The candidate, Respondent McGee, bears the sole liability to repay any impermissible payments made by his candidate committee.<sup>8</sup>
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 *McGee for State Representative* 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.

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<sup>8</sup> 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).

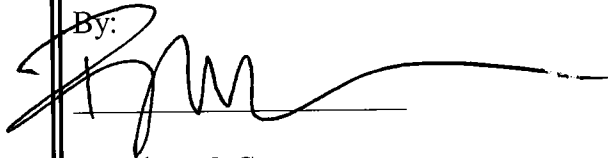
**ORDER**

IT IS HEREBY ORDERED THAT the Respondent Brandon McGee shall reimburse the State of Connecticut Citizens' Election Fund for the two-hundred dollars (\$200.00) that the *McGee for State Representative* candidate committee paid to a the candidate's mother, Dawn McGee, in the 2012 election cycle in violation of the regulations governing the operation of the Citizens' Election Program.

The Respondent

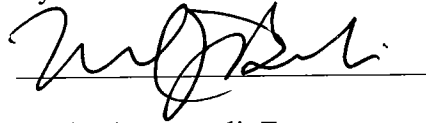
For the State of Connecticut

By:



Brandon McGee  
43 Warren St  
Hartford, CT 06120

By:

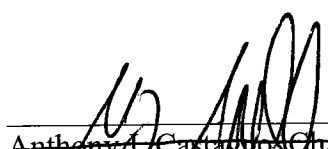


Michael J. Brandi, Esq.  
Executive Director and General Counsel and  
Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St., Suite 101  
Hartford, CT 06106

Dated: \_\_\_\_\_

Dated: 7/18/17

Adopted this 19<sup>th</sup> day of July, 2017 at Hartford, Connecticut by vote of the Commission.



~~Anthony J. Castagna, Chairman~~ Michael J. Ajello  
By Order of the Commission

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ENFORCEMENT COMMISSION