

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Sean Murphy,
Woodbury

File No. 2015-033

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between the Regional School District 14 Superintendent of Schools, Dr. Anna Cutaia-Leonard of the Town of Woodbury, County of Litchfield, State of Connecticut (hereinafter "Respondent") 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. Complainant alleged that Respondent violated the provisions of General Statutes § 9-369b by expending public funds to prepare and distribute a letter to parents and guardians of Regional School District 14 (hereinafter "District 14") that advocated for the May 28, 2014 Bethlehem Town Budget Meeting and the May 28, 2014 Woodbury Budget Referendum.
2. By way of background, District 14 is comprised by the towns of Bethlehem and Woodbury. Respondent has no prior history with the Commission.
3. The letter that is subject of this complaint and investigation contained the following exhortation and information situated below Respondent's District 14 letterhead:

Please Support Your Local Town Budgets:

Bethlehem Town Budget Meeting

Thursday, May 28 – Memorial Hall – 7:30 p.m.

Woodbury Budget Referendum

Thursday, May 28 – Senior Center – 6:00 a.m. – 8:00 p.m.

Dear Parents/Guardians, -- The purpose of this letter is to provide you with information regarding our School Resource Officers (SRO) and the Bethlehem Town Budget. Included in the Bethlehem Town Budget is funding for the Resident Town Trooper (RST) Program. If funding for the RST is cut from the budget and is discontinued, it will significantly impact the use of SROs in All Region 14 Schools.

*It is my hope that the residents of Bethlehem vote to maintain the RST Program in order to avoid the detrimental impact on the entire school district, and particularly on Bethlehem Elementary School, if the program is lost. **I encourage ALL Bethlehem residents and citizens qualified to vote to attend the special town budget meeting on Thursday, May 28 at 7:30 p.m. at Memorial Hall and VOTE!** Woodbury residents, your voice can be heard encouraging the Bethlehem residents you know to attend and vote to support the RST Program.*

[Original emphasis.]

4. The Commission concludes that where, as in this instance, the communication pertains to a town meeting, as distinct from a referendum, General Statutes § 9-369b does *not* apply. Therefore alleged violations of § 9-369b regarding Respondent's May 22, 2015 letter and its treatment of the May 28, 2015 Bethlehem town budget meeting are dismissed.
5. The Commission finds after investigation that while the May 22, 2015 letter focuses on the upcoming May 28, 2015 Bethlehem town meeting, it also includes the header "*Support Your Local Town Budgets*" followed by the time, date and place of the Woodbury referendum also scheduled for May 28, 2015.
6. General Statutes § 9-369b provides in pertinent part:
 - (a) Except as provided in subsection (b) of this section, any municipality may, by vote of its legislative body, authorize the preparation and printing of concise explanatory texts of local proposals or questions *approved for submission* to the electors of a municipality at a referendum.... Except as provided in subsection (d) of this section, *no expenditure of state or municipal funds shall be made to influence any person to vote for approval or disapproval of any such proposal or question.*[Emphasis added.]
7. The Commission's *standard of review* when determining whether communications advocate for a referendum in the context of applying General Statutes § 9-369b has been upheld by the Supreme Court. See *Sweetman v. State Elections Enforcement Comm'n*, 249 Conn. 296 (1999). More specifically, in *Sweetman*, this standard of review holds that communications that advocate a particular result, either expressly or when considered as a whole, or make an ordinary reasonable person understand that the communication advocates for a particular result, are deemed to constitute advocacy for purposes of applying § 9-369b.

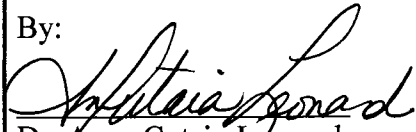
8. Applying its *standard of review*, the Commission finds that Respondent's May 22, 2015 letter referencing the time, place and date of the Woodbury referendum that was preceded by the heading "*Please Support Your Local Town Budgets*" when considered as a whole, would make an ordinary reasonable person understand that the communication advocates for the particular result of approving the May 28, 2015 Woodbury Budget Referendum and is therefore deemed advocacy.
9. The Commission concludes that Respondent by using District 14 public funds to publish and disseminate the May 22, 2015 letter that contained advocacy promoting the approval of the May 28, 2015 Woodbury Budget Referendum failed to meet the requirements of General Statutes § 9-369b.
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. While the Respondent may disagree with the Commission's application of the law under the narrow circumstances presented in this matter, the Respondent is willing to accept both Commission's jurisdiction over this matter and the terms of this Agreement in order to allow the Commission to resolve this matter and to avoid further costs to Region 14.
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 against either party in any subsequent hearing, if the same becomes necessary.
12. 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 contest the validity of the Order entered into pursuant to this Agreement.
13. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent pertaining to this matter.

ORDER

IT IS HEREBY ORDERED THAT Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-369b.

The Respondent

By:



Dr. Anna Cutaia-Leonard,
Superintendent of Schools
Regional School District 14
5 Minortown Road
Woodbury, Connecticut

Dated: 14 October 2015

For the State of Connecticut

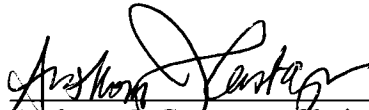
By:



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

Dated: 10/16/15

Adopted this 20th day of October, 2015 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

OCT 16 2015

ENFORCEMENT COMMISSION