

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Campaign Disclosure and Audit Unit of the State  
Elections Enforcement Commission

RESPONDENT: File No. 2015-079SF

Ellen Wink  
16 Nelson Avenue  
Norwalk, CT 06851

**Final Decision**

This matter was heard as a contested case on April 19, 2016 pursuant to Chapter 54 of the Connecticut General Statutes, § 9-7b of the Connecticut General Statutes and § 9-7b-35 of the Regulations of Connecticut State Agencies, at which time Attorney Ryan M. Burns (the “State”) appeared on behalf of the State of Connecticut and the Respondent, Ellen Wink (the “Respondent”), appeared *pro se*. Each party was given the opportunity to present evidence and testimony for inclusion in the record, and each party was afforded the opportunity to submit post-hearing briefs in this matter.

After careful consideration of the entire record, the following facts are found and conclusions of law are made:

1. Michael J. Ajello was designated as Hearing Officer for the hearing on April 19, 2016.
2. *Bill Dunne for CT Senate 2014* was a candidate committee (the “Committee”) registered with the State Elections Enforcement Commission for the November 4, 2014 election. The candidate who formed the committee was seeking the office of State Senate. The Respondent served as its treasurer and was the treasurer of record during the time period when the filing referenced within this decision was due.
3. Records of the Commission<sup>1</sup> indicate that on May 21, 2014, the candidate filed a *SEEC Form CEP 10 (Affidavit of Intent to Abide by Expenditure Limits and Other Citizens’ Election Program Requirements)*.  
[http://seec.ct.gov/eCrisReporting/Data/Attachment/Unassigned/CEP10\\_148199\\_1.pdf](http://seec.ct.gov/eCrisReporting/Data/Attachment/Unassigned/CEP10_148199_1.pdf).  
By filing the SEEC Form CEP 10, the candidate became, by operation of law, a candidate participating in in the Citizens’ Election Program (a “participating candidate”). General Statutes § 9-703 (a) & (b).
4. In September 2014, the Committee submitted a *SEEC Form CEP 15 (Citizens’ Election Program Application for Public Grant Dollars)*, which was signed by the candidate and the Respondent. Section D of the SEEC Form CEP 15, titled “Treasurer Certification,” requires the treasurer to certify, among other things, that “I agree to abide by all ... applicable requirements relating to Chapters 155 and 157 of the Connecticut General Statutes and SEEC regulations, including requirements for

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<sup>1</sup> General Statutes § 4-178 (6); Regs. Conn. State Agencies §§ 9-7b-41 (d) & (e).

campaign finance disclosure statements and recordkeeping...” The SEEC Form CEP 15 requires the treasurer to “swear, under penalty of false statement, that the above certifications are true and complete.” The Respondent initialed and signed these certifications on September 24, 2014.

5. Records of the Commission indicate that the *Bill Dunne for CT Senate 2014* committee received public grant funds in the amount of \$94,845 from the Citizens’ Election fund on October 20, 2014. See *First Weekly Supplemental Filing General Election*, [http://seec.ct.gov/eCrisReporting/Data/Attachment/Unassigned/SEEC30\\_First\\_Weekly\\_Supplemental\\_Filing\\_General\\_Election\\_29814.PDF](http://seec.ct.gov/eCrisReporting/Data/Attachment/Unassigned/SEEC30_First_Weekly_Supplemental_Filing_General_Election_29814.PDF).
6. General Statutes § 9-712 provides, in relevant part, as follows:
  - (a) (1) The treasurer of each candidate committee in ... general election campaign in which there is at least one participating candidate shall file weekly supplemental campaign finance statements with the commission in accordance with the provisions of subdivision (2) of this subsection. Such weekly statements shall be in lieu of the campaign finance statements due pursuant to subparagraphs (B) and (C) of subdivision (1) of subsection (a) of section 9-608.
  - (2) Each such treasurer shall file weekly supplemental campaign finance statements with the commission pursuant to the following schedule: ... (B) in the case of a general election campaign, on the second Thursday following the date in October on which candidates are required to file campaign finance statements pursuant to subparagraph (A) of subdivision (1) of subsection (a) of section 9-608 and each Thursday thereafter up to and including the Thursday before the day of the election. The statement shall be complete as of eleven fifty-nine o'clock p.m. of the second day immediately preceding the required filing day. The statement shall cover the period beginning with the first day not included in the last filed statement.
  - ...
  - (5) Each supplemental statement required under subdivision (1), (2) or (3) of this subsection for a candidate shall disclose the information required under subsection (c) of section 9-608....
7. The Notice of Hearing alleges that the Respondent violated General Statutes § 9-608 and § 9-712 by failing to timely file a campaign finance disclosure statement on October 30, 2014, for the period ending October 28, 2014.
8. The Respondent testified that towards the end of the campaign, she received a notification that she was late, and she contacted SEEC staff and stated that she wanted to come to Hartford to resolve everything once and for all.
9. The Respondent testified that she came to the SEEC office on February 24, 2015, to speak with Commission staff and seek assistance to file the necessary disclosure statements. While at the SEEC office, several SEEC staff advised her that she could

disclose everything in one final termination statement, and these SEEC staff assisted her in executing the filing, which she completed using the public terminals in the SEEC lobby. In accordance with these instructions from SEEC staff, the Respondent filed a termination statement SEEC Form 30 (Itemized Campaign Finance Disclosure Statement) (the "Termination Statement") for *Bill Dunne for CT Senate 2014* covering the period beginning on October 22, 2014 and ending February 23, 2015. The period covered in this Termination Statement included the period from October 22, 2014 through October 28, 2014, which is the subject of this matter.

10. The Respondent testified that while she was at the SEEC office on February 24, 2015, she wrote a check in the amount of \$100 with a notation "late filing fee." The Respondent testified that she asked staff if she was done with everything and she was told that she was all set. She testified that she interpreted this to mean that by submitting the termination statement and the \$100 late filing fee check, she had no further obligations or outstanding filings or any other matters on behalf of the committee.
11. The State represented that the \$100 late filing fee check submitted by the Respondent when she came to the SEEC office in February 2015 was written for a late January quarterly filing.<sup>2</sup> The Respondent testified that she now understands that the February 2015 \$100 late filing fee check she submitted to SEEC did not address the late filing that was the subject of this matter.
12. On July 24, 2015, Commission staff sent a letter (the "July 24, 2015 letter") via certified mail to the Respondent regarding her failure to timely file a disclosure statement for the filing period covering October 22, 2014 through October 28, 2014. The letter stated that the "failure to timely file such campaign finance report constitutes a violation of General Statutes § 9-712 for each late filing. As treasurer, you are subject to a civil penalty of up to \$1,000 for your first late filing and up to \$5,000 for any subsequent late filing of such reports." This letter further provided that "[y]ou can avoid further enforcement of this matter by complying with the following settlement offer by no later than August 13, [2]015" by "forward[ing] a payment in the amount of \$400..." The letter also states that this "settlement demand amount reflects both the number of missed or late filings and the number of days each was outstanding."
13. On September 2, 2015, Commission staff received the July 24, 2015 letter back with a stamp on it saying "RETURN TO SENDER; UNCLAIMED."
14. The Respondent testified that when she started receiving notifications several months after she came to SEEC in February 2015 to file the termination report, she believed that these notifications were an oversight or mistake by the SEEC staff, as she had

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<sup>2</sup> General Statutes § 9-608 (c) (1) provides, in relevant part, that "Each treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) on the tenth calendar day in the months of January, April, July and October..." General Statutes § 9-623 (b) (1) provides, in relevant part, that "[i]f any treasurer fails to file any statement required by section 9-608... the treasurer ... as the case may be, shall pay a late filing fee of one hundred dollars."

been assured when she came to the SEEC offices in February that she was “all set.” She further testified that she received some phone calls from SEEC staff telling her this could be resolved by her writing a \$400 check.

15. On October 21, 2015, a mailing (the “October 21, 2015 correspondence”) was sent by the Clerk of the Commission to the Respondent, and it was sent back to the Commission on November 28, 2015, with a sticker saying “RETURN TO SENDER; REFUSED.” The Respondent testified that she believed that she was “all set” with this committee after she came to SEEC’s office as noted above, therefore she handwrote on the back of the October 21, 2015 correspondence “I was reassured that all was complete and that I would not have to return to Hartford.”
16. The State represented that he had spoken with the Respondent via telephone prior to such letter from SEEC and that she was on notice of the issue that was the subject of this hearing, the failure to timely file the disclosure statement on October 30, 2014 for the period ending October 28, 2014. Other SEEC staff had also communicated with the Respondent via email and telephone regarding this matter, and the Respondent was advised that she could avoid further enforcement of this matter if she complied by paying the \$400 settlement amount as set forth in the July 24, 2015 letter.
17. The State pointed to pages 9-10 of the Expenditure Section of the Termination Statement to argue that approximately \$15,000 of expenditures were made during the filing period (October 22 through October 28, 2014) that should have been disclosed in the filing due October 30, 2014, that is the subject of this matter. *State’s Exhibit 5*. These reported expenditures were as follows:
  - (a) Payment on 10/22/2014 to Ellen Wink for wages “unpaid at last reporting” (\$750)
  - (b) Payment on 10/22/2014 to AJS Digital Services for consultant fees for advertisement (\$5,000)
  - (c) Payment on 10/23/2014 to Greater Norwalk Chamber of Commerce (attendance at a debate) (\$45)
  - (d) Payment on 10/24/2014 to the Postmaster of Norwalk for postage fee for a mailer (\$4,235.14)
  - (e) Another payment on 10/24/2014 to Postmaster of Norwalk for postage fee for a mailer (\$4,235.14)
  - (f) Payment on 10/24/2014 to David Emberling Photography for “photography services unpaid at last report” (\$1,100).

The aggregate total of these expenditures made between October 22 – October 28 2014 is \$15,365.28.

18. The Respondent testified that some of this approximately \$15,000 amount was for reimbursements that had already been reported as incurred in a recent disclosure statement that was filed shortly before the election. Records of the Commission indicate that the Respondent filed a SEEC Form 30 disclosure statement (First Weekly Supplemental Filing General Election Period) (the “First Weekly Supplemental Statement”) on October 23 covering the period beginning on October 8, 2014 and ending October 21, 2014.

[http://seec.ct.gov/eCrisReporting/Data/Attachment/Unassigned/SEEC30 First Weekly Supplemental Filing General Election 29814.PDF](http://seec.ct.gov/eCrisReporting/Data/Attachment/Unassigned/SEEC30%20First%20Weekly%20Supplemental%20Filing%20General%20Election%2029814.PDF). In this First Weekly Supplemental Statement, she disclosed \$7,600 of expenses incurred but not paid during that period as follows:

- (a) Incurred amount on 10/10/2014 to David Emberling Studio for professional photograph of candidate for advertisement (\$1,100)
- (b) Incurred amount on 10/16/2014 to Ellen Wink for wages (\$1,500)
- (c) Incurred amount on 10/16/2014 to AJS Digital Services LLC for portion of consultant fees (5,000)

[http://seec.ct.gov/eCrisReporting/Data/Attachment/Unassigned/SEEC30 First Weekly Supplemental Filing General Election 29814.PDF](http://seec.ct.gov/eCrisReporting/Data/Attachment/Unassigned/SEEC30%20First%20Weekly%20Supplemental%20Filing%20General%20Election%2029814.PDF).

19. It is found that of the approximately \$15,000 in expenditures that the State alleges was unreported until long after the election due to the failure to file a disclosure report on October 30, 2014, approximately one half of those expenditures were reported as incurred but not made before the date of the election.
20. It is concluded that the Respondent violated General Statutes § 9-712 by failing to timely file a financial disclosure statement by October 30, 2014, for the period ending October 28, 2014.
21. General Statutes § 9-7b (a) (2) provides, in pertinent part, that the Commission shall have the power to levy 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.” The Commission may levy a civil penalty against any person only after giving the person an opportunity to be heard at a hearing. *See* General Statutes § 9-7b (a) (2).
22. General Statutes § 9-712 (c) provides that:

If a treasurer fails to file any statement or declaration required by this section [9-712] within the time required, said treasurer shall be subject to a civil penalty, imposed by the commission, of not more than one thousand dollars for the first failure to file the statement within the time required and not more than five thousand dollars for any subsequent such failure.
23. General Statutes § 9-606 (d), as amended by Public Act 13-180, provides: “**No person shall act as treasurer or deputy treasurer (1) unless the person is an elector of this state, the person has paid any civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive, and a statement, signed by the chairman in the case of a party committee or political committee or by the candidate in the case of a candidate committee, designating the person as treasurer or deputy treasurer, has been filed in accordance with section 9-603, . . .**” (Emphasis added).
24. General Statutes § 9-706 (b), as amended by Public Act 13-180, provides that in order to apply for a grant from the Citizens’ Election Program, both the candidate and the

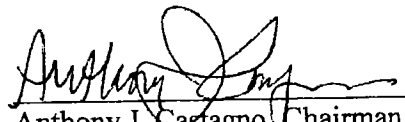
treasurer of the candidate's candidate committee must certify that they have paid any outstanding civil penalties or forfeitures assessed pursuant to chapters 155 to 157.

25. Section 9-7b-48 of the State of Connecticut Regulations provides, "In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances: (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."
26. It was recommended that the Commission consider the following as mitigating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) almost half of the expenditures reported as being made during the October 22 – 28 period that was the subject of the hearing were disclosed as incurred but not yet paid in the previous disclosure statement filed by the Respondent on behalf of the Committee, so there was some transparency shortly before the election for those incurred expenditures; and (2) the Respondent personally came to SEEC in February 2015 to terminate her committee, make the required disclosures, and at that time paid a fine for another late filing, which, according to her testimony and demeanor, she truly believed made her "all set" with everything for such committee.
27. It was recommended that the Commission consider the following as aggravating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) the Termination Statement, which included the period covered for the filing due on October 30, 2014, disclosed a substantial amount of expenditures during the October 22 – 28 period that were not reported until long after the election, exhibiting the gravity of the delay in publicly disclosing the information; (2) the committee was a CEP participant that received a public grant and therefore failed to timely disclose how it spent *public* funds, also exhibiting the gravity of the delay in publicly disclosing the information; and (3) the Respondent had ample opportunity to resolve this matter prior to the hearing, and refused to accept the October 21, 2015 Correspondence as set forth above, and did not show up at a previously scheduled hearing on this matter.
28. In consideration of the factors listed above, it was recommended that the Commission assess a civil penalty against the Respondent in the amount of \$500 for this violation of General Statutes § 9-712.

The following Order is adopted on the basis of the record of the above captioned matter:

**ORDER**

The Respondent shall pay a civil penalty in the amount of \$500, payable to the State Elections Enforcement Commission, within 45 days of notice of this decision, for violation of General Statutes § 9-712, pursuant to General Statutes § 9-7b (a) (2).

  
Anthony J. Castagno, Chairman  
By Order of the Commission

Adopted this 13<sup>th</sup> day of July, 2016 at Hartford, Connecticut.