

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Aaron Charney,
West Haven

File No. 2015-103A

FINDINGS AND CONCLUSIONS

Complainant Aaron Charney filed this Complaint pursuant to General Statutes § 9-7b. The Complainant alleged various campaign finance violations by pertaining to a fundraiser solicitation posted on social media prior to the September 16, 2015 Democratic primary in the City of West Haven. After its investigation, the Commission makes the following findings and conclusions:

1. The Complainant filed this complaint alleging that on August 1, 2015 that “an invitation for a West Haven’s Future Now (WHFN) was posted on Facebook to a fundraiser” for candidates at the September 16, 2015 Democratic primary in the City of West Haven.
2. Complainant alleged that this invitation triggered the 10 day requirement for designating WHFN as their campaign funding vehicle, pursuant to General Statutes § 9-602 and § 9-604, and that all but one WHFN candidate failed to timely register in violation of those sections.
3. Further, Complainant alleged that the WHFN failed to register as a political slate committee within 10 days of its August 1, 2015 fundraising invitation pursuant to § 9-603 and § 9-605 in violation of those sections.
4. Additionally, Complainant alleged that Mr. Calabritto failed to exercise his duties and responsibilities as treasurer of WHFN, based on its initial solicitation for a fundraiser on August 6, 2015 that appeared on Facebook on August 1, 2015.
5. More specifically, Complainant based his allegations upon a solicitation to an August 6, 2015 WHFN fundraiser that was first publicized on Facebook on August 1, 2015. It read in part:
*Please Join Us – [Candidates/Respondents Names]—FOR A PIZZA
FUNDRAISER/PARTY – \$20 – Date: THURSDAY August 6th – Time: 5:30-
8:30 – Address: 867 Jones Hill Road, West Haven – Please come out and
support us as we get ready for the Wednesday, September 16th Democratic
Primary*

6. The Commission notes that the solicitation had an attribution as required by General Statutes § 9-621 and named each of the Respondents who were supported by WHFN as candidates at the September 16, 2015 Democratic primary in West Haven.
7. Upon investigation, it was determined that Mr. Christopher Suggs registered the WHFN by filing a Political Committee (PAC) Registration (SEEC Form 3) with the West Haven City Clerk's office on August 12, 2015. Further, Mr. Suggs designated Mr. Gerald Calabritto as Treasurer of WHFN at that time. Mr. Calabritto was named as a Respondent in this matter due to his position as WHFN Treasurer, and this disposition treats Complainant's allegations as they pertain to Mr. Calabritto.
8. The Commission details and addresses allegations in this complaint pertaining to individuals other than Mr. Calabritto under separate dispositions.
9. Ms. Nancy Rossi and Mr. Joey S. Pascale, while members of the WHFN political slate committee, were nevertheless *not* named as Respondents in this matter as the facts did not support the potential for liability for either as alleged.
10. General Statutes § 9-602, provides in pertinent part:
 - (a) Except with respect to an individual acting alone, ... no contributions may be made, solicited or received and no expenditures, other than independent expenditures, may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual or any party or referendum question, unless (1) the candidate or chairman of the committee has filed a designation of a treasurer and a depository institution situated in this state as the depository for the committee's funds, or (2) the candidate has filed a certification in accordance with the provisions of section 9-604. In the case of a political committee, the filing of the statement of organization by the chairman of such committee, in accordance with the provisions of section 9-605, shall constitute compliance with the provisions of this subsection.
 - ...
 - (c) ***An individual who is designated as treasurer of a committee shall be responsible for all duties required of him under this chapter until the committee is terminated. ...***
[Emphasis added.]

11. General Statutes § 9-606, provides in pertinent part:

(a) The treasurer of each committee shall be responsible for (1) depositing, receiving and reporting all contributions and other funds in the manner specified in section 9-608, (2) making and reporting expenditures, (3) reporting expenses incurred but not yet paid, (4) filing the statements required under section 9-608, and (5) keeping internal records of each entry made on such statements.

The treasurer of each committee shall deposit contributions in the committee's designated depository not later than twenty days after receiving them. ...

[Emphasis added.]

12. General Statutes § 9- 608, provides in pertinent part:

(a) (1) 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, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, except that in the case of a candidate or exploratory committee established for an office to be elected at a special election, statements pursuant to this subparagraph shall not be required, ... The statement shall cover a period to begin with the first day not included in the last filed statement. In the case of a candidate committee, the statement required to be filed in January shall be in lieu of the statement formerly required to be filed within forty-five days following an election.

13. The WHFN registration indicated that the political slate committee was formed for the September 16, 2015 Democratic primary in West Haven and the *Registration by Candidate* (SEEC Form 1). Further, the *Certification of Exemption from Forming a Candidate Committee* (SEEC Form 1B) exemptions for individuals appearing on that slate of candidates were filed simultaneously with the WHFN registration.

14. The Commission concludes that the requirements for registering a political slate committee, and registering candidate committees or candidate exemptions pursuant to General Statutes § 9-602 and § 9-604 did *not* apply to Mr. Calabritto, who was not a candidate at the September 16, 2015 West Haven Democratic primary and otherwise was solely the WHFN treasurer.


15. After investigation, the Commission finds that on August 14, 2015, Mr. Calabritto as WHFN treasurer filed an *Itemized Campaign Finance Disclosure Statement* (SEEC Form 20). The statement covered the period of August 6, 2015 through August 13, 2015 and was filed on August 13, 2015.
16. Pursuant to General Statutes § 9-608, Mr. Calabritto was required to deposit funds within twenty days of receiving them as treasurer of WHFN. The Commission further finds, after investigation, that August 6, 2015 was the earliest date a contribution was received by Mr. Calabritto and that he deposited these funds within five days of receipt on August 11, 2015.
17. The Commission finds that the facts after investigation support the conclusion that Mr. Calabritto satisfied the requirements of § 9-608 by depositing WHFN funds into its single checking account *within twenty days of their receipt* as detailed above.
18. The Commission concludes therefore that Mr. Calabritto, did not violate the law pertaining to his activities as treasurer of WHFN as alleged as they were not supported by the facts or the law under these specific circumstances.

ORDER

The following Order is recommended on the basis of the aforementioned finding:

That the Complaint be dismissed as it pertains to Mr. Calabritto.

Adopted this 18th day of July 2018 at Hartford, Connecticut



Anthony J. Castagno, Chairman
By Order of the Commission