

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

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

File No. 2015-129

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Christopher M. Suggs (hereinafter "Respondent"), of the City of West Haven, County of New Haven, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with General Statutes § 4177(c) and section 97b54 of the Regulations of Connecticut State Agencies.

In accordance herewith, the parties agree that:

1. Complainant alleged that Respondent as the Treasurer of "Nick Pascale for Mayor" filed the "7th day preceding primary" report SEEC Form 20 on September 9, 2015 "...with a blank summary page, no aggregate contributions and no expenditures."
2. By way of background, *Nick Pascale for Mayor* (hereinafter "Committee") was a candidate committee registered for the September 16, 2015 Democratic primary in the City of West Haven for the campaign of Mr. Nick Pascale. Respondent was the Committee's designated treasurer.
3. General Statutes § 9-608, provides in pertinent part:
 - (c) (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution; (B) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; (C) an itemized accounting of each expense incurred but not paid, provided if the expense is incurred by use of a credit card, the accounting shall include secondary payees, and the amount owed to each such payee; (D) the name and address of any person who is the guarantor of a loan to, or

the cosigner of a note with, the candidate on whose behalf the committee was formed, or the treasurer in the case of a party committee or a political committee or who has advanced a security deposit to a telephone company, as defined in section 16-1, for telecommunications service for a committee; (E) for each business entity or person purchasing advertising space in a program for a fund-raising affair or on signs at a fund-raising affair, the name and address of the business entity or the name and address of the person, and the amount and aggregate amounts of such purchases; (F) for each individual who contributes in excess of one hundred dollars but not more than one thousand dollars, in the aggregate, to the extent known, the principal occupation of such individual and the name of the individual's employer, if any; (G) for each individual who contributes in excess of one thousand dollars in the aggregate, the principal occupation of such individual and the name of the individual's employer, if any; (H) for each itemized contribution made by a lobbyist, the spouse of a lobbyist or any dependent child of a lobbyist who resides in the lobbyist's household, a statement to that effect; and (I) for each individual who contributes in excess of four hundred dollars in the aggregate to or for the benefit of any candidate's campaign for nomination at a primary or election to the office of chief executive officer or a slate or town committee financing the nomination or election or a candidate for chief executive officer of a town, city or borough, a statement indicating whether the individual or a business with which he is associated has a contract with said municipality that is valued at more than five thousand dollars. Each treasurer shall include in such statement (i) an itemized accounting of the receipts and expenditures relative to any testimonial affair held under the provisions of section 9-609 or any other fund-raising affair, which is referred to in subsection (b) of section 9-601a, and (ii) the date, location and a description of the affair, except that a treasurer shall not be required to include the name of any individual who has purchased items at a fund-raising affair or food at a town fair, county fair or similar mass gathering, if the cumulative value of items purchased by such individual does not exceed one hundred dollars, or the name of any individual who has donated food or beverages for a meeting. A treasurer shall not be required to report or retain any receipts or expenditures related to any de minimis donations described in subdivision (17) of subsection (b) of section 9-601a.

4. The Commission notes that the campaign finance disclosure form prepared and printed by the Commission for itemized disclosure by candidate committees for elected offices in municipal elections is the *Itemized Campaign Finance Disclosure Statement* (SEEC Form 20). The SEEC Form 20 Instructions published by the Commission include directions for “*completing the summary page totals*” of the Summary Page” and those instructions specify:
“Please Note: At the top of the *Summary Page Totals* and every page that follows, report the Name of the Committee and the Type of Report in the appropriate boxes.”
[Emphasis added.]
5. Commission Precedent
The Commission has previously determined that General Statutes § 9-608 (c) (1) “...sets forth detailed, *non-exhaustive instructions* about what must be disclosed on [financial disclosure] statements.” See *Referral by Campaign Disclosure and Audit Unit of the SEEC*, File Nos. 2015-108 DNF and 2015-109DNF – Final Decision, (emphasis added). Additionally, the Commission has held that information requested on financial disclosure statements is required information and failure to include it amounts to a violation of § 9-608. See *Complaint by Joseph Walkovich*, Danbury, File No. 2016-002B and *Complaint by William B. Horan, Jr.*, East Hartford, File No. 2011-126. Further, the Commission has found that failure to disclose information on mandated financial disclosure statements subjects the committee treasure to a civil penalty.¹ See *Walkovich* and *Horan*.
6. Pertaining to the September 15, 2015 West Haven Democratic primary, Respondent was required to file a financial disclosure statement on behalf of the Committee by September 9, 2015, covering the period of July 1, 2015 through September 7, 2015.
7. After investigation, the Commission finds that Respondent submitted an SEEC 20 filing as its *7th day preceding primary report* which was received by the West Haven City Clerk’s office on its due date of September 9, 2015. The Commission further finds, upon review of the Committee’s September 9th SEEC Form 20, that Respondent failed to complete the Summary Page, which was “left blank” as alleged. Finally, the Commission finds that the incomplete campaign finance statement was therefore missing aggregate contributions, committee expenditures and balances on hand for the period of July 1, 2015 through September 7, 2015.

¹ In *Walkovich* the Respondent as a political committee treasurer paid a total of \$400 in civil penalties for failing to aggregate 21 expenditures and report an expense incurred but not paid in violation of § 9-608. In *Horan* the Commission found violations of § 9-608, where Respondent as a candidate committee treasurer (1) failed to report a fundraiser and (2) failed to aggregate contributions on three mandatory financial disclosure filings in violation of § 9-606 and § 9-608.

8. The Commission notes that approximately three weeks after this complaint was filed, Respondent on October 16, 2015 filed with the West Haven City Clerk an amended September 9th Report SEEC 20 that included a completed Summary Page for the period July 1, 2015 through September 7, 2015.
9. Nevertheless, the Commission stresses that Respondent's initial failure to submit a completed SEEC 20 Summary Page for the Committee with the West Haven City Clerk on September 9, 2015 for the *7th day preceding primary report* denied the public readily available information pertaining to the Committee's aggregate contributions, expenditures and balance on hand pertaining to Mr. Pascale's mayoral campaign for the September 16, 2015 Democratic primary in West Haven.
10. The Commission reiterates that the accuracy and completeness of forms filed pursuant to General Statutes § 9-608 is statutorily required and both critical and essential for the public transparency necessary to ensure Connecticut's campaign finance disclosure and reporting regime functions as designed.
11. The Commission, for the reasons detailed herein, concludes that Respondent, by filing an incomplete SEEC Form 20 for the report due September 9, 2015 on behalf of the Committee failed to satisfy the requirements of General Statutes § 9-608, in violation of that section.
12. 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 after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Regulations of Connecticut State Agencies § 9-7b-56.
13. It is understood that this Agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
14. 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 challenge or contest the validity of this Agreement or Order hereinafter stated.
15. Upon the Respondent's agreement with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

ORDER

IT IS HEREBY ORDERED THAT the Respondent, in full settlement of this matter, will pay to the Commission a civil penalty in the amount of two hundred dollars (\$200.00), prior to the adoption of this agreement.

IT IS HEREBY FURTHER ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-608.

The Respondent:

For the State Elections Enforcement Commission:

By: Christopher M. Suggs
Christopher M. Suggs
152 Terrace Avenue
West Haven, Connecticut

By: Michael J. Brandi
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: 10/20/2017

Dated: 10/20/17

Adopted this 15th day of November, 2017 at Hartford, Connecticut

Anthony J. Castagno
Anthony J. Castagno, Chair
By Order of the Commission