

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Bill Wilson, Middletown

File No. 2015-138

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Nancy Conaway-Raczka, and the undersigned authorized representative of the State Elections Enforcement Commission (the "Commission"), enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

PARTIES AND ALLEGATIONS

1. At all times relevant hereto, Nancy Conaway-Raczka was the treasurer of the Drew 2015 candidate committee (the "Committee").
2. The Drew 2015 committee was the candidate committee established to fund Dan Drew's 2015 campaign for mayor of Middletown.
3. The Complainant alleged that the Respondent, as treasurer of the Committee, failed to report information concerning the contributors to the Committee as required by General Statutes § 9-608.

LAW

4. General Statutes § 9-608 (a) requires that each treasurer of a committee file periodic financial disclosure statements concerning the financial activities of such committee.
5. General Statutes § 9-608 (c) specifically provides, in pertinent part:

(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; . . . (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[.]

6. Failure to accurately report such information subjects a committee treasurer to civil penalties of up to \$2000 per violation. General Statutes § 9-7b.
7. Furthermore, the Commission has previously found that failure to provide information requested on the Commission mandated financial disclosure statement forms (SEEC Forms 20, 26, 30, and 40), though not specifically detailed General Statutes § 9-608, nevertheless subjects the committee treasurer to a civil penalty. See *In the Matter of a Complaint by Christopher Suggs, West Haven*, File No. 2015-107. *In the Matter of a Complaint by Joseph Walcovich, Danbury*, File No. 2016-002B; *In the Matter of a Complaint by William P. Horan, Jr., East Hartford*, File No. 2011-126.

FACTUAL BACKGROUND

8. As treasurer of the Committee, the Respondent was obligated to file financial disclosure statements concerning the financial activities of the committee. While the Respondent did timely file financial disclosure statements for the April and July quarterly filing periods, both filings omitted required information concerning some contributions. Specifically, the filings in question contained the following errors and omissions:

| Type of Error/Omission | Total # of Error/Omissions |
|--|----------------------------|
| Failed to report aggregate contribution totals | 9 |
| Failed to report address of contributor | 1 |
| Failed to report date of contribution | 6 |
| Failed to report method of contribution | 3 |
| Incorrect contributor employer listed ^{1,2} | 1 |
| Failed to report occupation and/or employer ³ | 0 |

¹ The donor in question listed OAG, meaning Office of the Attorney General, as his employer on his donor certification form. The Respondent typed OAC into the employer field associated with this contribution on the financial disclosure statement. This appears to be nothing more than a typographical error.

² The Complainant alleged that there were two other violations of this type. However, the evidence shows that the Respondent reported the same information on the financial disclosure statements as she was provided on the donor certification forms. There is no allegation or evidence to suggest that the Respondent knew or had reason to believe that this information was inaccurate. Accordingly, as the Respondent was reporting the principal employer information to the best of her knowledge, and based upon a signed certification, the facts do not support the finding of a violation in those instances.

³ The Complainant alleged that the Respondent failed to include the principal occupation and/or the donor's employer for five donors. However, the evidence shows that the Respondent asked each donor that contributed more than \$100 for his or her principal occupation and employer. The evidence further shows that to the extent such information was provided, it was reported. General Statutes § 9-608 (c) (1) (F) provides, "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". No donor gave more than \$1000 to

9. Prior to the filing of the Complaint, the Respondent addressed some of the aforementioned violations in an amendment dated September 22, 2015. The Respondent corrected the remainder of the missing and/or incorrect information in amendments dated November 13, 2015, shortly after the filing of the complaint.

DISCUSSION

10. General Statutes § 9-608 requires that a treasurer provide an “itemized accounting” of each contribution to the committee for which she is treasurer. That statute further details certain information, such as names and addresses of contributors that must be included. The Commission has held that other information requested on the SEEC financial disclosure statement forms, but not specifically detailed in statute, is nonetheless required information and failure to include it amounts to a violation of General Statutes § 9-608. See *In the Matter of a Complaint by Christopher Suggs, West Haven*, File No. 2015-107. *In the Matter of a Complaint by Joseph Walcovich, Danbury*, File No. 2016-002B; *In the Matter of a Complaint by William P. Horan, Jr., East Hartford*, File No. 2011-126.
11. In this case, the Respondent failed to report required information required, both explicitly and implicitly by statute, on both the April and July 2015 financial disclosure statements of the Committee.
12. Accordingly, the Commission finds that the above errors and omissions were constitute violations of General Statutes § 9-608.
13. However, while the Commission considers failing to disclose financial transactions in financial disclosure statement to be a serious matter, when such failure is the result of an honest misunderstanding or mistake, the Commission has elected not to pursue a civil penalty. *In the Matter of a Complaint by Frank Capone, East Haven*, File No. 2015-106.
14. In this case, Commission found no evidence that the errors and omissions contained in the financial disclosure statements filed by the Respondent were willful.
15. Moreover, the Respondent took active steps to correct the aforementioned errors both before and after the Complaint was filed, including filing amended financial disclosure statements.

the Committee. Accordingly, as the Respondent asked for the principal occupation and employer information for each donor that contributed more than \$1000, and reported all of the information that she was given, there is no violation.

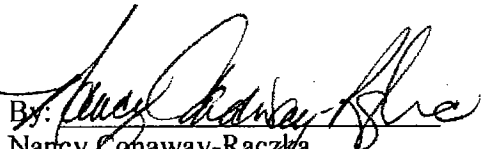
TERMS OF GENERAL APPLICATION

16. The Respondent admits to 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.
17. 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 to contest the validity of the Order entered into pursuant to this Agreement.
18. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondents regarding this matter.
19. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum.

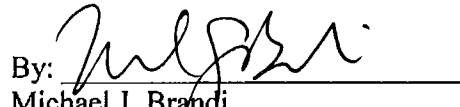
ORDER

It is hereby ordered that the Respondents shall henceforth strictly adhere to the requirements of General Statutes § 9-608.

For the Respondent:

By: 
Nancy Conaway-Raczka
7 Red Yellow Road
Middletown, CT 06457

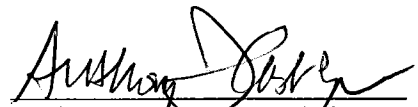
For the State of Connecticut:

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

Dated: 10/31/17

Dated: 10/31/17

Adopted this 15th day of November, 2017 at Hartford, Connecticut by vote of the Commission.


Anthony J. Castagno, Chairman
By Order of the Commission