

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Referral by Peter von Braun, Greenwich

File No. 2015-192B

AGREEMENT CONTAINING A CONSENT ORDER

The Agreement, by and between Debra Hess of the Town of Old Greenwich, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

ALLEGATIONS

1. The Complainant alleges, *inter alia*, that Respondent Debora Hess, in her capacity as treasurer of the Committee to Re-Elect Barbara O'Neil, authorized a political mailer which endorsed both Barbara O'Neil and another candidate.¹

LAW

2. Pursuant to General Statutes § 9-607, a committee may only make expenses for a "lawful purpose of the committee." Specifically, General Statutes § 9-607 (g) (1) provides, in pertinent part:

As used in this subsection, (A) "the lawful purposes of the committee" means: (i) For a candidate committee or exploratory committee, the promoting of the nomination or election of the candidate who established the committee, except that after a political party nominates candidates for election to the offices of Governor and Lieutenant Governor, whose names shall be so placed on the ballot in the election that an elector will cast a single vote for both candidates, as prescribed in section 9-181, a candidate committee established by either such candidate may also promote the election of the other such candidate[.]

¹ The remaining allegations contained within the instant Complaint have been addressed in a separate document.

AGREEMENT

3. The Respondent acknowledges that a mailer produced and distributed by the Committee to Re-Elect Barbara O'Neil included the following language at the bottom of the mailer:

ON NOV. 3, VOTE FOR THE TEAM THAT PUTS
GREENWICH STUDENTS FIRST:
BOARD OF EDUCATION
VOTE FOR ANY FOUR

●✓ 11B	●✓ 12B
Lauren	Barbara
Rabin	O'Neil

4. Aside from the aforementioned statement, which comprised a small portion of one side of the mailer, there was no reference to any candidate other than Barbara O'Neil on the mailer.
5. The investigation into this matter revealed no evidence that candidate Lauren Rabin or her campaign were aware that the instant mailer was being produced or distributed, nor were they aware that Ms. Rabin's name would be included on the mailer.
6. Both the General Statutes and prior decisions by the Commission have been clear that a candidate committee may only make expenditures promoting the candidate for which the candidate committee was established. *See* General Statutes §§ 9-610 (b) & 9-607 (g) (1); SEEC Declaratory Ruling 2011-03; *Complaint of Arthur W. Mocabee, Jr. Bristol*, File No. 2007-340; *Complaint of Lesa C. Peters, Woodbury*, File No. 2012-004.
7. Accordingly, because Respondent, as treasurer, was responsible for authorizing all expenditures of the Committee to Re-Elect Barbara O'Neil, and because the committee's production and distribution of campaign literature promotional of Lauren Rabin was not an expenditure made for a lawful purpose of the committee, Respondent violated General Statutes § 9-607.
8. As evidenced by the Commission's decision to initiate a declaratory ruling in this area, improper expenditure of committee funds on another candidate is a matter the Commission takes seriously. *See* Declaratory Ruling 2011-03; *Complaint of Arthur W. Mocabee, Jr., Bristol*, File No. 2007-340; *Complaint of Lesa C. Peters, Woodbury*, File No. 2012-004.
9. However, given that the reference to another candidate was not a major feature of the mailer, that the Respondent was responsive and forthright concerning this investigation, that the Respondent has shown good faith in attempting to comply with the election laws of the

State of Connecticut, and that the Respondent has no prior history of violations with the Commission, the Commission elects not to pursue a civil penalty.

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.
11. 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.
12. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her concerning this matter.
13. 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 as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

ORDER

IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of General Statutes §§ 9-607.

The Respondent

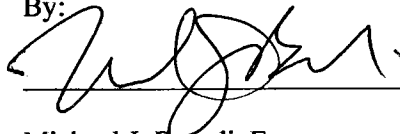
For the State of Connecticut

By:



Debra
Deborah Hess
4 Kensington Court
Old Greenwich, CT 06870

By:

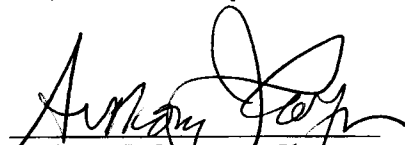


Michael J. Brandi, Esq.
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT 06106

Dated: 7-22-16

Dated: 7/22/16

Adopted this 20 day of AUG, 2016 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission