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ENFORCEMENT COMMISSION

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In re. Audit of Committee to Elect Joe Doering

File No. 2016-001

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between J. Christopher Kervick, Town of Windsor Locks, State of Connecticut, hereinafter referred to as Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. The Commission performed an in-depth review of the bank records and other financial documents of the *Committee to Elect Joe Doering* candidate committee after the committee's selection in the random audit lottery conducted following the 2014 election cycle. Based on the findings in that audit, the Commission referred this matter to the enforcement unit for additional investigation.
2. In May 2014, Joseph Doering established the committee to support his nomination for election as a candidate in the 61st General Assembly district.¹ The committee opted to participate in the Citizens' Elections Program.² The committee applied for a grant from the Citizens' Election Fund on August 19, 2014.³ In its final report to the Commission in support of its grant application, the Doering committee reported that it had received \$5,520 in contributions from individuals.⁴ The Commission approved the committee's

¹ See SEEC Form 1 – Registration of Candidate Committee (*Committee to Elect Joe Doering*, May 16, 2014) (reflecting establishment of candidate committee by Joseph Doering and appointment of J. Christopher Kervick as treasurer).

² See SEEC Form CEP 10 – Affidavit of Intent to Abide by Expenditure Limits and Other Citizens' Election Program Requirements (*Committee to Elect Joe Doering*, July 10, 2014) (reflecting intent of candidate, treasurer, and deputy treasurer to participate in Citizens' Election Program and follow voluntary program rules).

³ See SEEC Form CEP 15 – Citizens' Election Program: Application for Grant (*Committee to Elect Joe Doering*, August 19, 2014) (applying for grant on behalf of Doering candidate committee).

⁴ See SEEC Form 30 – Second Additional Itemized Statement in the support of application for Public Grant (*Committee to Elect Joe Doering*, rec'd September 4, 2014) (reporting total contributions received in support of Doering candidate committee up to point of grant application as \$5,520).

grant application on September 10, 2014. The committee received grant funds totaling \$27,640 on September 15, 2014.⁵

3. The Commission's audit of the Doering committee identified an incongruity between the committee's campaign finance disclosure reporting and its bank records. The Commission's audit unit determined that when the committee was approved for a grant on September 10, 2014, the committee had reported receiving \$5,425 in contributions.⁶ But the committee's bank records reflected that at the time the grant application was approved the committee had only deposited a total of \$5,076.91.⁷
4. The draft audit sent to the committee's treasurer sought an explanation for the inconsistencies between the amount the committee had reported it had raised and the deposits into the committee's bank account as gleaned from the committee's bank records. The audit also noted that the committee deposited \$230 into its bank account on January 2, 2015.
5. The committee responded to the issues raised in the draft audit. The treasurer attempted to clarify the deposit of \$230 in January, 2015. The treasurer stated that the deposit of \$230 in 2015 reflected money that had already been reported as contributions in prior filings. The funds represented "donations that had yet to be deposited, but were ultimately deposited when it came time to close out the Committee."⁸ The committee, however, was unable to specify which contributors had made those late-deposited contributions that the committee had reported previously.
6. After the initiation of the enforcement matter, Kervick provided additional information regarding the remaining \$118.09 for which the committee had yet to account. Kervick stated that the committee refunded a \$100 contribution to an individual in whose name a contribution was made using a check that was signed by another individual. Specifically, the committee received a contribution of \$100 from a minor student, which came in the form of a check drawn on an account not in the child's name.⁹ The treasurer

⁵ See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: October 10 Filing (*Committee to Elect Joe Doering*, October 9, 2014) (reporting receipt of grant from Citizens' Election Fund totaling \$27,640 on September 15, 2014).

⁶ See Summary of Examination to Date & Referral for Enforcement – *Committee to Elect Joe Doering* (May 16, 2014 – January 11, 2015), SEEC Campaign Disclosure & Audit Unit (Finding No. 5).

⁷ *Id.*

⁸ *Id.* (response from committee to audit finding No. 4).

⁹ See Qualifying Contribution Certification Card from Teegan Maloney (*Committee to Elect Joe Doering*, June 10, 2014) (reflecting contribution from student who reported being between 12 and 17 years of age as well as check from Travis Doering).

stated that the impermissible contribution was refunded to Travis Doering but that refund was not effected until January 8, 2015, according to the committee's termination statement.¹⁰ The treasurer attributed the final \$18.09 in discrepancy between the committee's campaign finance reports and its bank records to PayPal fees related to contributions that the committee received via its website. In its campaign finance disclosure statements, however, the committee only reported fees to PayPal during the course of the 2014 campaign totaling \$8.97.¹¹

7. Treasurers are required to deposit contributions they received on behalf of the committee within 20 days.¹² The final contributions received by the *Committee to Elect Joe Doering* were reported as being received on September 3, 2014 and should have been deposited into the committee's bank account no later than September 23, 2014.¹³
8. General Statutes § 9-707 prohibits a qualified candidate committee from depositing any funds into the committee's bank account after it has received a grant from the Citizens' Election Fund. Specifically, § 9-707 states "[f]ollowing the initial deposit of moneys from the Citizens' Election Fund into the depository account of a qualified candidate committee, no contribution, loan, amount of the candidate's own moneys or any other moneys received by the candidate or the treasurer on behalf of the committee shall be deposited into said depository account, except grants from the fund" Before applying for a grant, the treasurer must deposit any contributions that the candidate committee received as part of the fundraising effort.
9. In addition, treasurers are required to report all expenditures made by the committee as well as keep documentation to support those expenditures.¹⁴ Failure to report expenditures violates General Statutes § 9-607 and 9-608. General Statutes § 9-608 also requires treasurers to report all contributions that it receives from individuals.

¹⁰ See SEEC Form 30 – Termination Report for Candidate and Exploratory Committees (Non Standard) - Amendment (*Committee to Elect Joe Doering*, March 16, 2015) (reporting refund to Travis Doering of \$100 for "refund of disallowed contribution" on January 8, 2015).

¹¹ See SEEC Form 30 – Itemized Statement accompanying application for Public Grant - Amendment (*Committee to Elect Joe Doering*, rec'd August 17, 2014) (reporting payment to PayPal of \$8.09 on August 12, 2014); SEEC Form 30 – Termination Report for Candidate and Exploratory Committees (Non Standard) - Amendment (*Committee to Elect Joe Doering*, March 16, 2015) (reporting payment to PayPal of \$.88 on January 8, 2015).

¹² See General Statutes § 9-606 (a) ("The treasurer of each committee shall deposit contributions in the committee's designated depository not later than twenty days after receiving them.")

¹³ See SEEC Form 30 – Second Additional Itemized Statement in the support of application for Public Grant (*Committee to Elect Joe Doering*, rec'd September 4, 2014) (reporting \$150 in contributions received on September 3, 2014).

¹⁴ See General Statutes §§ 9-608 (c)(1)(B) (requiring treasurers to file itemized accounting of all expenditures made by committee); 9-607 (f) (requiring treasurers to maintain documentation of expenditures for four years after reporting of expenditure).

10. General Statutes § 9-7b provides in part:

- (a) The State Elections Enforcement Commission shall have the following duties and powers: . . .
 - (2) To levy a civil penalty not to exceed . . . (D) two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, . . .

11. 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.

12. 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.

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

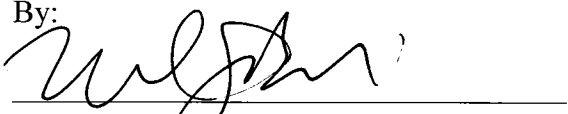
IT IS HEREBY ORDERED THAT the Respondent J. Christopher Kervick shall pay a civil penalty of \$600 and that in the future that he will strictly comply with the requirements of General Statutes §§ 9-607, 9-608 and 9-707.

The Respondent

For the State of Connecticut

By:

By:



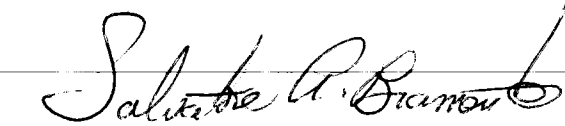
J. Christopher Kervick
100 Paul Dr
Windsor Locks, CT

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: Nov 12, 2018

Dated: 11/14/18

Adopted this 19th day of December 2018 at Hartford, Connecticut by vote of the Commission.



~~Anthony J. Castagno, Chairman~~
By Order of the Commission
Salvatore A. Bramante - Co-Chair