

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

Commission Initiated Investigation of
“Committee to Elect Joseph Vollano”

File No. 2016-079A

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between John Rich, of the City of Meriden, County of New Haven, Connecticut, hereinafter referred to as “Respondent,” and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and section 9-7b-54 of the Regulations of Connecticut State Agencies. In accordance herewith, the parties agree that:

1. The Commission at its October 15, 2016 meeting initiated this matter, finding it necessary to investigate “*Committee to Elect Joseph Vollano*” (hereinafter “Committee”).
2. The predicate for this matter originates from the validation of the Vollano campaign. That validation raised issues that included dissimilar handwriting appearing on contribution cards submitted in the names of the same individuals.
3. By way of background Candidate Joseph Vollano participated in the Citizens’ Election Program (CEP) and the Committee was approved for a grant from the Citizens’ Election Fund (CEF).
4. This agreement is exclusive to settlement with Respondent and any settlements with other Respondents pertaining to this matter are treated under separate dispositions.
5. The validation that served as a predicate for this Commission initiated complaint and investigation did not reveal any conclusive evidence of irregularities suggesting a pattern of fraud by the candidate or campaign, or knowing violations of the eligibility requirements for public funding on behalf of the candidate or the Committee.

6. General Statutes § 9-622 provides, in pertinent part, the following persons shall be guilty of illegal practices:

...

(7) *Any person who, directly or indirectly, individually or through another person, makes a payment or promise of payment to a campaign treasurer in a name other than the person's own*, and any campaign treasurer who knowingly receives a payment or promise of payment, or enters or causes the same to be entered in the person's accounts in any other name than that of the person by whom such payment or promise of payment is made;

....

(10) *Any person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter;*

[Emphasis added.]

7. Upon investigation, the Commission finds that Respondent provided the cash for four family members to make contributions and completed portions of respective contributor cards that were submitted to the Committee. The Commission finds that each of these payments was \$10.00 for an aggregate of \$40.00. Finally, the Commission finds that those contributions and contributor cards were claimed as qualifying contributions in an application submitted to the Commission by the Committee to receive a grant from the CEF.
8. General Statutes § 9-622 provides that the following persons shall be guilty of illegal practices: *Any person who . . . makes a payment or promise of payment to a campaign treasurer in a name other than the person's own . . . ; [and] Any person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter.* § 9-622 (7) and § 9-622 (10). Using the money of other individuals and falsely certifying that the money is the personal funds of those individuals constitutes (1) giving in the name of another and results in (2) prohibited contributions, pursuant to § 9-622 (7) and § 9-622 (10) respectively.
9. The Commission concludes, for the reasons detailed herein, that Respondent, made payments to the Committee in the names of his family members in violation of General Statutes § 9-622 (7). The Commission further concludes that each of those aforementioned payments were prohibited contributions to the Committee in violation of § 9-622 (10).

10. The Commission has had prior occasion to treat violations of General Statutes § 9-622 (7) and (10). Recently, the Respondent in *Commission Initiated Investigation of Contributions by Brian Lippey*, provided incorrect addresses for his family and extended family members and admitted giving 8 contributions in the maximum amount of \$100 for a CEP participant using his credit card to Tom Foley's 2014 gubernatorial candidate committee. See *Lippey*, File No. 2014-081, Greenwich.
11. Further, in *Lippey*, the Commission viewed the assessment of a substantial civil penalty totaling twelve thousand dollars (\$12,000.00) under the aforementioned circumstances as a "meaningful deterrent to Respondent and others regarding the seriousness with which the Commission will judge and treat violations concerning the giving contributions in the name of another pursuant to General Statutes § 9-622 (7)."
12. Section 9-7b-48 of the Regulations of Connecticut State Agencies provides that the Commission may consider mitigating or aggravating circumstances when determining whether to impose a civil penalty. The Commission may consider:
 1. *the gravity of the act* or omission;
 2. *the amount necessary to insure immediate and continued compliance*;
 3. the previous history of similar acts or omissions; and,
 4. whether the person shown good faith in attempting to comply with the applicable provisions of the General Statutes.[Emphasis added.]
13. The Commission determines in this instance that the imposition of a \$250.00 civil penalty against Respondent, based on his providing cash to four family members, two of which included his minor children, to make contributions, and completing portions of respective contributor cards submitted to the Commission as qualifying contributions regarding a CEP application, sufficiently addresses the gravity of Respondent's act and serves to insure his immediate and continued compliance with General Statutes § 9-622.

14. Notwithstanding the seriousness with which the Commission regards Respondent's conduct and violations in this matter, the Commission nevertheless declines to exercise its authority pursuant to General Statutes § 9-7b (8) to refer this matter to the Chief State's Attorney because the Respondent has entered into this agreement and exhibited an interest to resolve this matter through conciliation.
15. Furthermore, the Commission notes that it has been Commission practice that when matters do not implicate the candidate or campaign such cases are not referred to the Chief State's Attorney. See *Lipsey* and *Matter of a Complaint by Sarah Hemingway*, Sandy Hook, File No. 2010-104 and *Complaint by Christine Campbell*, Thompson, File No. 2017-020.
16. 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 Section 9-7b-56 of the Regulations of Connecticut State Agencies.
17. It is understood and agreed 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 parties and may not be used as an admission by either in any subsequent hearing, if the same becomes necessary.
18. 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.
19. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that henceforth the Respondent shall strictly comply General Statutes § 9-622 (7) and (10).

IT IS HEREBY FURTHER ORDERED that Respondent shall pay a civil penalty of two hundred and fifty dollars (\$250.00), in full settlement of this agreement.

The Respondent:

For the State Elections Enforcement Commission:

By: _____

John Rich
155 Cutlery Avenue
Meriden, Connecticut

By:  _____

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

Adopted this ____th day of _____, 2018 at Hartford, Connecticut.

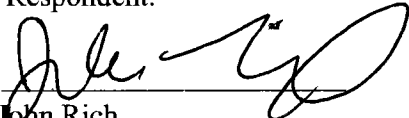
Anthony J. Castagno, Chairman
By Order of the Commission

ORDER

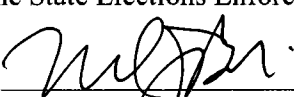
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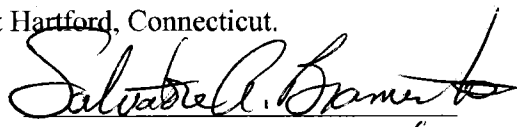
The Respondent:

By: 
John Rich
155 Cutlery Avenue
Meriden, Connecticut

For the State Elections Enforcement Commission:

By: 
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

Adopted this 16th day of MAY, 2018 at Hartford, Connecticut.


~~Anthony J. Castagno, Chairman~~ Salvatore Bramante
By Order of the Commission

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ENFORCEMENT COMMISSION