

SEP 24 2018

ENFORCEMENT COMMISSION

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Noreen Clough
Town of East Haven

File No. 2016-095

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between Linda Hennessey, Town of East Haven, 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. Complainant Noreen Clough filed this complaint on November 22, 2016, alleging that the candidate committee of Steven Tracey had failed to report costs related to a sign promoting Tracey's candidacy in the 2016 election.¹ The complaint also alleged that the vehicle on which the campaign sign was placed also carried signage that promoted Tracey's personal business.²
2. Tracey established his candidate committee for the 99th General Assembly district on August 22, 2016.³ His candidate committee participated in the Citizens' Election Program and received a grant from the Citizens' Election Fund totaling \$28,150 on October 6, 2016.⁴
3. On November 3, 2016, Tracey's candidate committee reported a payment to JC Design on October 28, 2016, that totaled \$664.68 and was for "lawn signs/car lettering," according to the entry on the committee's campaign finance disclosure form.⁵ According to a receipt submitted to the commission after the initiation of this investigation, JC Signs billed the Tracey campaign for the lawn signs and "car lettering" on October 28, 2016.⁶

¹ See Complaint by Noreen Clough, East Haven (SEEC File No. 2016-095) (Rec'd November 22, 2016) (alleging that Tracey or his candidate committee had failed to report costs associated with sign placed on his vehicle).

² *Id.*

³ See SEEC Form 1 – Registration of Candidate Committee (*Tracey for East Haven 2016*, August 22, 2016) (reflecting Steve Tracey's establishment of candidate committee for 99th district General Assembly seat).

⁴ See SEEC Form 30 – First Weekly Supplemental Filing, General Election (*Tracey for East Haven 2016*, Oct. 20, 2016) (reflecting receipt of grant from Citizens' Election Fund).

⁵ See SEEC Form 30 – Final Weekly Supplemental Filing, General Election (*Tracey for East Haven 2016*, Nov. 3, 2016) (reflecting payment of \$664.68 to JC Design on October 28, 2016).

⁶ See Invoice, JC Design, October 28, 2016 (reflecting billing to "Tracey for State Rep. [sic] 2016" totaling \$664.68).

4. As part of the investigation, Tracey also provided a copy of the vehicle title, showing that the vehicle to which the sign promoting his candidacy was affixed was owned by him personally and not his business.
5. In her complaint, Clough swore that she had first seen the signs on Tracey's vehicle on September 10, 2016, more than a month before Tracey's candidate committee was billed for the signage.
6. General Statutes § 9-608 requires candidate committees to report all expenditures made by a committee when they are incurred.
7. General Statutes § 9-607 requires that all committee funds be used to promote the candidacy of the candidate that established the committee. There was no evidence to show that the candidate committee had paid for any other advertisement on the vehicle to promote the candidate's business, only for the signage to promote the candidate committee. The vehicle is owned personally by Tracey.
8. If the expenses for the car signage were actually incurred before September 10, as the complainant swore, the incurred expenses for the signs should have been reported in the candidate committee's should have been reported on the committee's campaign finance disclosure report that accompanied the committee's grant application filed on September 27, 2016, even if those expenses were paid at a later date.
9. 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, against
10. 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. 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. 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.

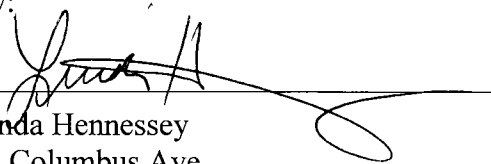
ORDER

IT IS HEREBY ORDERED THAT the Respondent Linda Hennessey shall henceforth report all expenditures related to a candidate committee at the time those expenses are incurred as required by General Statutes § 9-608.

The Respondent

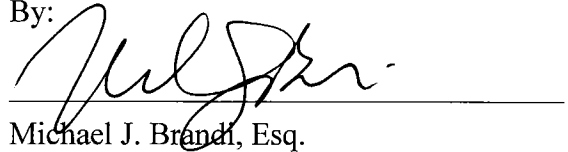
For the State of Connecticut

By:



Linda Hennessey
34 Columbus Ave
East Haven, CT 06512

By:

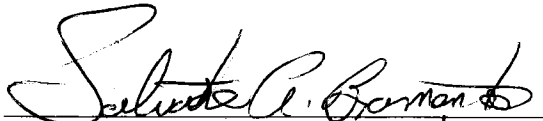


Michael J. Brandt, Esq.
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT 06106

Dated: 8-31-18

Dated: 9/24/18

Adopted this 7th day of October, 2018 at Hartford, Connecticut by vote of the Commission.


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