

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by
Caroline Atwood, Durham

File No. 2008-091

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission pursuant to General Statutes §9-7b(a)(1), alleging that the “Stay with Ray ‘08” candidate committee failed to report expenditures associated with maintaining a web presence on its Itemized Campaign Finance Disclosure Statement (SEEC Form 30) from January through July 2008. Additionally, complainant alleged that the website, www.raykalinowski.com, contained an inaccurate attribution.

After an investigation of the matter, the Commission makes the following findings and conclusions:

1. The “Stay with Ray ‘08” committee, which was formed on or about January 3, 2008, was the campaign vehicle of the then incumbent candidate for State Representative for the 100th General Assembly District, Raymond C. Kalinowski, in the November 4, 2008 state election.
2. Tracy Mancinelli was the “Stay with Ray ‘08” campaign treasurer and served in that post until her resignation on or about August 18, 2008. Following her resignation, the Deputy Treasurer and candidate’s wife, Sandra Kalinowski, became the campaign treasurer.
3. General Statutes § 9-608 provides, in relevant part, as follows:

... (c) (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; (B) in the case of anonymous contributions, the total amount received and the denomination of the bills; (C) *an itemized accounting of each expenditure*, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; (D) *an itemized accounting of each expense incurred but not paid*, provided if the expense is incurred by use of a credit card, the accounting shall include secondary payees, and the amount owed to each such payee; . . . [Emphasis added.]

4. The web site, www.raykalinowski.com, was activated on or about May 28, 2008, using a design firm, Aspire by Design, that had been used by prior campaigns of the same candidate.
5. The investigation revealed that on or about August 4, 2008, then treasurer Tracy Mancinelli was unaware that web design and hosting services had been contracted for, consequently, reports filed prior to that date by her did not include a description of such expenditures.
6. In fact, the Kalinowskis had arranged for such services without informing Ms. Mancinelli, but had not directly paid for such services and submitted for reimbursement, as provided in General Statutes § 9-607(k).
7. Ms. Mancinelli gathered the relevant information, and filed an amended report on or about August 11, 2008 covering the period between April 1 and June 30, 2008, disclosing Expenses Incurred But Not Paid to Aspire by Design for A-WEB (web advertising) of \$120.75 incurred on May 28, 2008 and \$14 incurred on June 30, 2008. Ms. Mancinelli then resigned as treasurer on or about August 18, 2008.
8. Following Ms. Mancinelli's resignation, Deputy Treasurer Sandra Kalinowski became campaign treasurer by operation of General Statutes § 9-602(c). Additionally, Rep. Kalinowski further amended the committee registration statement to designate her as treasurer. On the committee's October 10, 2008 Itemized Campaign Finance Disclosure Statement (SEEC 30), Ms. Kalinowski disclosed an expenditure of \$190.75 to Aspire by Design made on September 29, 2008.
9. Nevertheless, the Complainant was correct, Stay for Ray '08 had a web presence from on or about May 28, 2008, and prior to the August 11, 2008 amendment to the July 10, 2008 report, had not reported expenses incurred but not paid for such web presence. However, under the facts and circumstances of this case, where the treasurer at the time had no knowledge that the candidate and/or deputy campaign treasurer had incurred such expenditures, the Commission will not take any further action against the then treasurer, Ms. Mancinelli.
10. General Statutes § 9-607 provides, in pertinent part:
 - (a) No financial obligation shall be incurred by a committee unless authorized by the campaign treasurer, except that certain expenditures of a candidate's personal funds may be reimbursed as provided in subsection (k) of this section.
11. The Commission notes that Ms. Kalinowski was the deputy treasurer at the time and had personal knowledge that expenses for a web presence had been incurred. However, she maintains that she had a pending inquiry at the Commission concerning how to report such web expenses, and did not receive her answer until after the complaint in this matter was filed. The timing of the inquiry, however, was not until approximately six weeks after the web site was activated. Nevertheless, under these facts, the Commission will take no further action with respect to Connecticut General Statutes §9-607a.

12. Turning to the attribution issue, Complainant alleged the following:

“The disclaimer at the bottom of the page reads: “Paid for by Stay With Ray ’08, T. Mancinelli, Treasurer. ©Copyright 2008, Stay With Ray ’08. Approved by Ray Kalinowski.” Below that is a watermark crediting web design to the firm “Aspire by Design, LLC.” Contrary to the disclaimer, publicly accessible WHOIS records indicate the domain name raykalinowki.com was registered and paid for personally by the candidate Ray Kalinowski.

13. The domain name raykalinowski.com was originally registered in 2002 to Ray Kalinowski. In campaign cycles since in even years, it has been activated, and then become dormant following the campaign period. During the campaign period, candidate committees have paid hosting fees and design services, and changed the attribution accordingly. Maintenance fees have been paid personally by the Kalinowskis during the dormant periods between campaigns, and campaign materials and attributions removed. The website is presently inactive.

14. Due to the lapse of time, the original domain name fee cannot be determined with precision, but appears to have been between ten and thirty dollars. Although its value is small, the use of a prior asset such as the domain name, which is separate and apart from the design and hosting services incurred in connection with the 2008 campaign, should have been estimated and disclosed. Due to the small amount of the expenditure and the significant lapse of time, the Commission will take no further action with respect to that issue.

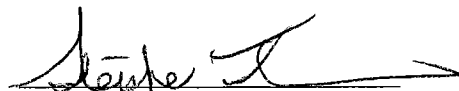
15. With respect to the allegation concerning the accuracy of the attribution, it is found that the attribution for 2008 was accurate, as the web design and hosting services were, in fact, paid for by Stay with Ray ’08.

ORDER

The following Order is issued on the basis of the aforementioned findings:

That the matter be dismissed.

Adopted this 24th day of March of 2010 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission