

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by  
Anthony DiPace, Enfield

File No. 2008-136

**FINDINGS AND CONCLUSIONS**

Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that the campaign of Sue Lavelli-Hozempa, Republican candidate for state representative in the 58<sup>th</sup> House District, accepted impermissible contributions by holding a fundraising event in Enfield in which campaign volunteers washed cars in exchange for a donation to the Lavelli-Hozempa campaign. After the investigation, the Commission makes the following findings and conclusions:

1. "Committee to Elect Sue Lavelli-Hozempa" was the authorized candidate committee for Susan A. Lavelli-Hozempa's candidacy for election to the Connecticut General Assembly in the 58th House District for the November 4, 2008 general election.
2. The Respondent here is Richard S. Hozempa, who at all times relevant to the instant Complaint was treasurer of "Committee to Elect Sue Lavelli-Hozempa."
3. At all times relevant to the instant Complaint, Susan A. Lavelli-Hozempa was a "participating candidate," as that term is defined in General Statutes § 9-703 (b).
4. During the period prior to its submission of an application for a grant through the Citizen's Election Program, the Lavelli-Hozempa campaign intended to hold a carwash fundraiser in Enfield on July 23, 2008 from 9 a.m. until 2 p.m. The campaign placed an advertisement for the carwash in, *inter alia*, *The Hartford Courant*. The campaign planned to set the price for the carwash at \$5 per car, and sought to put each \$5 payment towards its qualifying contribution threshold of \$5,000 in contributions of \$100 or less from no less than 150 individuals living within the 58<sup>th</sup> House District to obtain a grant from the Citizens Election Fund.
5. General Statutes § 9-601a provides, in pertinent part:
  - (a) As used in this chapter and sections 9-700 to 9-716, inclusive, the term "contribution" means:

...

(1) *Any* gift, subscription, loan, advance, *payment* or deposit of money or anything of value, *made for the purpose of influencing the nomination for election, or election, of any person* or for the purpose of aiding or promoting the success or defeat of any referendum question or on behalf of any political party;

...

(4) An expenditure when made by a person with the cooperation of, or in consultation with, any candidate,

candidate committee or candidate's agent or which is made in concert with, or at the request or suggestion of, any candidate, candidate committee or candidate's agent, including a coordinated expenditure. . . . [Emphasis added.]

6. General Statutes § 9-702 (b) provides, in pertinent part:

Any such candidate committee is eligible to receive such grants for a primary campaign, if applicable, and a general election campaign if (1) the candidate certifies as a participating candidate under section 9-703, (2) the candidate's candidate committee receives the required amount of qualifying contributions under section 9-704, (3) *the candidate's candidate committee returns all contributions that do not meet the criteria for qualifying contributions under section 9-704*, (4) the candidate agrees to limit the campaign expenditures of the candidate's candidate committee in accordance with the provisions of subsection (c) of this section, and (5) the candidate submits an application and the commission approves the application in accordance with the provisions of section 9-706. [Emphasis added.]

7. General Statutes § 9-704 (a) provides, in pertinent part:

The amount of qualifying contributions that the candidate committee of a candidate shall be required to receive in order to be eligible for grants from the Citizens' Election Fund shall be:

. . .

(4) In the case of a candidate for nomination or election to the office of state representative for a district, contributions from individuals in the aggregate amount of five thousand dollars, including contributions from at least one hundred fifty individuals residing in municipalities included, in whole or in part, in said district. The provisions of this subdivision shall be subject to the following: (A) The candidate committee shall return the portion of any contribution or contributions from any individual, including said candidate, that exceeds one hundred dollars, and such excess portion shall not be considered in calculating the aggregate contribution amount under this subdivision, (B) no contribution shall be counted for the purposes of the requirement under this subdivision for contributions from at least one hundred fifty individuals residing in municipalities included, in whole or in part, in the district unless the contribution is five dollars or more, and (C) all contributions received by an exploratory committee established by said candidate that meet the criteria for qualifying contributions to candidate committees under this section shall be considered in calculating the aggregate contribution amount under this subdivision and all such

exploratory committee contributions that also meet the requirement under this subdivision for contributions from at least one hundred fifty individuals residing in municipalities included, in whole or in part, in the district shall be counted for the purposes of said requirement.

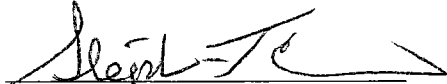
8. Qualifying contributions are small amounts of money given by individuals in order to show a level of public support for the participating candidate seeking public funds. Since qualifying contributions are intended to show a significant level of public support for the candidate seeking public office, participating candidate fundraising includes some restrictions not found in the private campaign financing system. The participating candidate's fundraising tools should not include offering valuable gifts or services as a quid pro quo for qualifying contributions. When a participating candidate sells or exchanges valuable items or services to raise contributions, the contributions may not clearly evince support for a particular candidate.<sup>1</sup> Accepting payments for a carwash is just such an exchange of a service that puts into question the payer's donative intent.
9. However, the investigation revealed that prior to holding the aforesaid event, the Respondent sought compliance advice from Commission staff and canceled the event based on the advice that he received.
10. Since the carwash never actually occurred, the Complainant's allegations cannot be substantiated.

### ORDER

The following Order is recommended on the basis of the aforementioned finding:

That the Complaint be dismissed.

Adopted this 24<sup>th</sup> day of March of 2010 at Hartford, Connecticut

  
Stephen F. Cashman, Chairman  
By Order of the Commission

<sup>1</sup> See generally Understanding Connecticut Campaign Finance Laws: A Guide for 2008 General Assembly Candidates Participating in the Citizens' Election Program (Connecticut State Elections Enforcement Commission. Hartford, Connecticut) June 2008.