

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Anthony Joseph Razel, East Hampton

File No. 2007-159

AGREEMENT CONTAINING CONSENT ORDER AND
PAYMENT OF A CIVIL PENALTY FOR A VIOLATION OF
CONNECTICUT GENERAL STATUTES §9-333h(c)

This agreement, by and between William Devine, of the Town of East Hampton, County of Middlesex, State of Connecticut (hereinafter referred to as the Respondent) and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Respondent was the Republican candidate for state representative from the 34th General Assembly District in the November 7, 2006 state election.
2. Respondent established the candidate committee "Friends of Bill Devine" to finance his campaign and designated Mr. Theodore W. Hintz, Sr. committee treasurer.
3. The Complainant filed a complaint alleging that the treasurer of *Friends of Bill Devine* committed numerous reporting errors and omissions in a statement of receipts and expenditures filed for the committee on January 8, 2007. The allegations with respect to the treasurer are not addressed in this document.
4. The report at issue covered the period between October 25 and December 31, 2006. The applicable law therefore is Chapter 150 and applicable sections prior to the January 1, 2007 re-codification and the effective date of Public Act 05-5.
5. The Complainant alleged that a \$210 anonymous contribution was reported on the committee's January 8, 2007 Statement of Receipts and Expenditures. This was in forms of \$10, \$5, and single dollars, and from many individuals.
6. Connecticut General Statutes § 9-333h (Rev. 2005), provides in pertinent part:

(b) A contribution in the form of a check drawn on a joint bank account shall, for the purpose of allocation, be deemed to be a contribution made by the individual who signed the check. If a check is signed by more than one individual, the total amount of the check shall be divided equally among the cosigners for

the purpose of allocation. *If a committee receives an anonymous contribution of more than fifteen dollars the campaign treasurer shall immediately remit the contribution to the State Treasurer. The State Treasurer shall deposit the contribution in the General Fund.*

... (c) The campaign treasurer of each committee, other than a political committee established by an organization which receives its funds from the organization's treasury, may appoint solicitors. *If solicitors are appointed, the campaign treasurer shall receive and report all contributions made or promised to each solicitor. Each solicitor shall submit to the campaign treasurer a list of all contributions made or promised to him. The list shall be complete as of seventy-two hours immediately preceding midnight of the day preceding the dates on which the campaign treasurer is required to file a sworn statement as provided in section 9-333j. Lists shall be received by the campaign treasurer not later than twenty-four hours immediately preceding each required filing date. ... [Emphasis added.]*

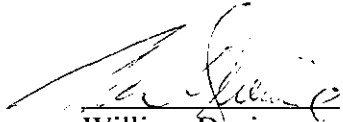
7. Respondent collected \$210 in cash contributions that were placed by individuals in baskets labeled "Bucks for Bill," which were placed unattended at a campaign event. Respondent delivered the total amount received to his treasurer, who deposited it in the candidate committee account. Respondent did not collect the names and addresses of individual contributors, and therefore could not report this information to his treasurer, who was not present at the events. Respondent was informed at a town committee meeting that if a contribution was under \$30 that the names and addresses of the contributors were unnecessary.
8. The contributions were reported as a single anonymous contribution of \$210. However, the Commission has stated: "An anonymous contribution is given without the contributor present and with no information about the contributor known or provided. The treasurer must be incapable of discerning the identity of the contributor." (A Guide for Municipal Candidates, Rev. 2007)
9. It is concluded that the contributions were not "anonymous" because the donors were present and their identities ascertainable.
10. It is concluded that Respondent violated Conn. Gen. Stat. § 9-333h(c) by receiving contributions as a solicitor for his own campaign, without obtaining the required identifying information from the contributors and providing a list of such contributors to his treasurer. The contributions were made by many individuals in \$1, \$5, and \$10 dollar amounts who wanted to remain anonymous.

11. 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.
12. 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 Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
13. 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.
14. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

ORDER


IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of Connecticut General Statutes §9-333h(c) and shall pay a civil penalty to the State Elections Enforcement Commission in the amount of three hundred dollars (\$300.00) on or before July 9, 2007.

The Respondent


William Devine
43 Main Street
East Hampton, Connecticut


Dated: 7/16/07

For the State of Connecticut

By: 
Joan M. Andrews, Esq.
Director of Legal Affairs
and Enforcement and
Authorized Representative
of the State Elections
Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Dated: 7/18/07

Adopted this 18th day of July 2007 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission