

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Robert Congdon, Preston

File No. 2007-198

FINDINGS AND CONCLUSIONS

Complainant brings this complaint pursuant to Connecticut General Statutes § 9-7b and alleges that Utopia Studios, Ltd. violated General Statutes § 9-602 and § 9-605 in connection with a flyer that was disseminated prior to a May 8, 2007 referendum in the Town of Preston.

After an investigation of the complaint, the following Findings and Conclusions are made:

1. On May 8, 2007, the Town of Preston held a referendum to decide whether to uphold the Board of Selectman's prior decision to terminate an agreement between the town and Utopia Studios, Ltd., to develop the Norwich State Hospital property. The referendum affirmed the Board's decision with 1103 "yes" votes to 73 "no" votes.
2. Prior to the vote, Utopia Studios made expenditures in the amount of \$433.50 for flyers disseminated by hand in Preston advocating a "no" vote on the referendum.
3. The flyer that is the subject of this complaint is titled "An Open Letter to All Preston Residents" and is from Joseph Gentile, Chief Financial Officer, Utopia Studios, Ltd. It urges a defeat of the referendum and bears the attribution: "Paid for by Utopia Studios, Ltd. Christopher Thompson, Esq., President."
4. Before the referendum, Mr. Thompson sought advice from the Preston town clerk pertaining to the campaign finance requirements regarding a referendum. In addition, Mr. Thompson claims to have reviewed Commission materials in an effort to comply with campaign finance requirements prior to making expenditures to advocate a position on the referendum.
5. Connecticut General Statutes § 9-620, provides in pertinent part:
(d) Any such person other than an individual or a committee which makes expenditures or has expenses incurred but not paid in excess of one thousand dollars in the state or political subdivision thereof in which a referendum question is to be voted upon, shall file all designations and sworn financial statements required to be filed by political committees and comply with all provisions of this chapter which apply to political committees.
[Emphasis added.]

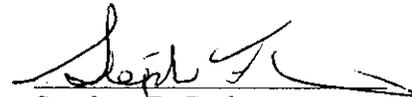
6. Utopia Studios spent less than \$1,000 to advocate for a defeat of the May 8, 2007 referendum in the Town of Preston.
7. It is concluded that Utopia Studios, Ltd. was not required to file with either the Preston Town Clerk or the State Elections Enforcement Commission. Therefore, no violation of campaign finance laws occurred in this case.

ORDER

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

The complaint is hereby dismissed.

Adopted this 15th day of August, 2007 at Hartford, Connecticut.



Stephen F. Cashman,
Chairman
By Order of the Commission