

AUG 10 2007

STATE OF CONNECTICUT

STATE ELECTIONS ENFORCEMENT COMMISSION **ENFORCEMENT  
COMMISSION**

In the Matter of a Complaint by  
Ronald San Angelo, Naugatuck

File No. 2007-199

AGREEMENT CONTAINING CONSENT ORDER FOR A VIOLATION OF  
CONNECTICUT GENERAL STATUTES § 9-608

This agreement, by and between Joseph Grabinski of the Town of Naugatuck, County of New Haven, 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 Connecticut General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. Complainant filed this complaint with the Commission on May 4, 2007 alleging that a group known as *Taxpayers Alliance for Good Government* (hereinafter T.A.G.G.) failed to file as a political committee with the Town Clerk in connection with the May 7, 2007 municipal election in the Town of Naugatuck.
2. Complainant further alleged that T.A.G.G. did not file required campaign finance statements 7 days prior to the Naugatuck municipal election despite making expenditures for three full page ads in the *Citizen's News* in connection with the May 7, 2007 Naugatuck municipal election.
3. T.A.G.G. filed a SEEC Form 3 Political Committee (PAC) Registration on March 22, 2007. T.A.G.G. registered as a committee of two or more individuals and indicated the purpose of the committee was "ongoing" and that it was formed for "both" state and municipal elections. Respondent is the treasurer of T.A.G.G.
4. Connecticut General Statutes § 9-603, provides in pertinent part:
  - (a) Statements filed by party committees, political committees formed to aid or promote the success or defeat of a referendum question proposing a constitutional convention, constitutional amendment or revision of the Constitution, individual lobbyists, and those political committees and candidate committees *formed to aid or promote the success or defeat of any candidate for the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, State Comptroller, Attorney General, judge of probate and members of the General Assembly, shall be filed with the State Elections Enforcement Commission. A copy of each statement filed by a town committee shall be filed at the same time with the town clerk of the municipality in which the committee*

is situated. A political committee formed for a slate of candidates in a primary for the office of justice of the peace shall file statements with both the State Elections Enforcement Commission and the town clerk of the municipality in which the primary is to be held.

(b) Statements filed by political committees formed solely to aid or promote the success or defeat of a referendum question to be voted upon by the electors of a single municipality and those political committees or candidate committees formed to aid or promote the success or defeat of any candidate for public office, *other than those enumerated in subsection (a) of this section*, or the position of town committee member *shall be filed only with the town clerk of the municipality in which the election or referendum is to be held*. Each unsalaried town clerk shall be entitled to receive ten cents from the town for the filing of each such statement.

[Emphasis added.]

5. The Commission accepts T.A.G.G.'s designation that it was formed to influence both state and municipal elections, and as such, the allegations concerning T.A.G.G.'s failure to register as a committee with the Naugatuck Town Clerk is dismissed.
6. With respect to Complainant's other allegation, the Commission received T.A.G.G.'s campaign finance report due April 30, the seventh day preceding the May 7 election, on May 1, 2007. The report was postmarked April 30, 2007 and accordingly, was timely filed within the meaning of § 9-608, General Statutes. The April 30 report covers a reporting period from 4/1/07 to 4/23/07 and discloses three separate expenditures for advertising in the amount of \$1,050 each, to the Citizen's News, on April 9, 16, and 23, 2007, are disclosed by the Respondent on the April 30 report. Accordingly, the allegation that Respondent failed to file his pre-election report is dismissed.
7. However, on July 3, 2007, Respondent filed an SEEC Form 21 Short Form Campaign Finance Disclosure Statement for T.A.G.G.'s July 10, 2007 quarterly filing. This report covers 04/24/2007 thru 06/30/2007, and was filed after the committee disclosed expenditures in excess of \$1,000 for 2007, and Respondent attested that the committee had not received contributions or made expenditures in excess of \$1,000 for the applicable reporting period.
8. Connecticut General Statutes § 9-608, provides in pertinent part:
  - (a) Filing dates. (1) Each campaign treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) *on the tenth calendar day in the*

*months of January, April, July and October, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, (B) on the seventh day preceding each regular state election, except that (i) in the case of a candidate or exploratory committee established for an office to be elected at a municipal election, the statement shall be filed on the seventh day preceding a regular municipal election in lieu of such date, and (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date, and (C) if the committee has made or received a contribution or expenditure in connection with any other election, a primary or a referendum, on the seventh day preceding the election, primary or referendum. The statement shall be complete as of the last day of the month preceding the month in which the statement is required to be filed, except that for the statement required to be filed on the seventh day preceding the election, primary or referendum, the statement shall be complete as of seven days immediately preceding the required filing day. The statement shall cover a period to begin with the first day not included in the last filed statement. In the case of a candidate committee, the statement required to be filed in January shall be in lieu of the statement formerly required to be filed within forty-five days following an election. The statements required to be filed under subsection (a) of this section and subdivisions (2) and (3) of subsection (e) of this section, shall not be required to be filed by: (1) A candidate committee or political committee formed for a single primary or election until such committee receives or expends an amount in excess of one thousand dollars for purposes of the primary or election for which such committee was formed; (2) a political committee formed solely to aid or promote the success or defeat of any referendum question until such committee receives or expends an amount in excess of one thousand dollars; or (3) a party or political committee organized for ongoing political activities until such committee receives or expends an amount in excess of one thousand dollars for the calendar year except the statements required to be filed on the second Thursday in the month of January and on the seventh day preceding any election shall be so filed. The provisions of this subsection shall not apply to state central committees or to the statement required to be filed by an exploratory committee upon its termination. A committee which is exempted from filing statements under the provisions of this subsection shall file in lieu thereof a statement sworn under penalty of false statement, indicating that the committee has not received or expended an amount in excess of one thousand dollars.*

(b) Exemption from filing requirements. The statements required to be filed under subsection (a) of this section and subdivisions (2) and (3) of subsection (e) of this section, shall not be required to be filed by: (1) A candidate committee or political committee formed for a single

primary or election until such committee receives or expends an amount in excess of one thousand dollars for purposes of the primary or election for which such committee was formed; (2) a political committee formed solely to aid or promote the success or defeat of any referendum question until such committee receives or expends an amount in excess of one thousand dollars; or (3) a party or political committee organized for ongoing political activities until such committee receives or expends an amount in excess of one thousand dollars for the calendar year except the statements required to be filed on the second Thursday in the month of January and on the seventh day preceding any election shall be so filed. The provisions of this subsection shall not apply to state central committees or to the statement required to be filed by an exploratory committee upon its termination. *A committee which is exempted from filing statements under the provisions of this subsection shall file in lieu thereof a statement sworn under penalty of false statement, indicating that the committee has not received or expended an amount in excess of one thousand dollars.*  
[Emphasis added.]

9. However, committees can no longer use the short form for the balance of the year, once a committee receives or expends in excess of \$1,000, pursuant to Conn. Gen. Stats. § 9-608 (a) & (b).
10. Respondent failed to comply with Conn. Gen. Stats. § 9-608 by filing a SEEC Form 21 "short form" for the July 10 report. Instead, an itemized SEEC Form 20 was required because the committee has already exceeded the \$1,000 threshold in the calendar year, even if there were no additional transcripts to report.
11. The Respondent's failure to file Form SEEC 20 Itemized Campaign Finance Disclosure Statement for T.A.G.G. for the July 10, 2007 filing date constitutes a violation of General Statutes § 9-608.
12. 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.
13. 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.

14. The Respondent waives:

- (a) Any further procedural steps;
- (b) The requirement that the Commission's decision contains 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.

15. 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 comply with the requirements of General Statutes § 9-608 with respect to the filing of itemized campaign finance disclosure statements, and shall file an amended statement for the July 10, 2007 filing date utilizing the SEEC Form 20 Itemized Campaign Finance Disclosure Statement by August 15, 2007.

For the State of Connecticut

Dated:

8/10/07

BY:

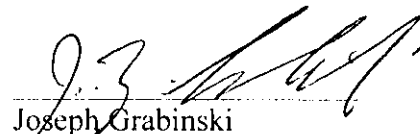


Joan M. Andrews, Esq.  
Director of Legal Affairs and Enforcement,  
and Authorized Representative  
of the State Elections  
Enforcement Commission  
20 Trinity Street  
Hartford, Connecticut

The Respondent,

Dated:

8/9/07



Joseph Grabinski  
199 Fieldstone Terrace  
Naugatuck, CT 06770

Adopted this 15<sup>th</sup> day of August, 2007 at Hartford, Connecticut by vote of the Commission.



Stephen Cashman, Chairman  
By Order of the Commission