

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by  
Patrick DeAngelis, Middlebury

File No. 2007-271

AGREEMENT CONTAINING CONSENT ORDER AND PAYMENT  
OF A CIVIL PENALTY FOR A VIOLATION OF  
CONNECTICUT GENERAL STATUTES § 9-604

This agreement, by and between Francis Brennan, hereinafter referred to as the Respondent, of the Town of Middlebury, County of New Haven, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut.

In accordance herewith, the parties agree that:

1. Respondent was one of three Republican candidates for Middlebury First Selectman in the September 11, 2007 Middlebury Republican primary, but he did not win the nomination.
2. Respondent held an announcement fundraiser on June 11, 2007. Invitations for the announcement fundraiser were disseminated on or about June 1, 2007. An in-kind contribution was made by Mark Brennan to the Respondent's campaign for the invitations to the June 11, 2007 fundraiser.
3. Connecticut General Statutes § 9-601 provides in pertinent part:

As used in this chapter:

(11) "**Candidate**" means an individual who seeks nomination for election or election to public office whether or not such individual is elected, and for the purposes of this chapter and sections 9-700 to 9-716, inclusive, an individual shall be deemed to seek nomination for election or election if such individual has (A) been endorsed by a party or become eligible for a position on the ballot at an election or primary, or (B) solicited or received contributions, made expenditures or given such individual's consent to any other person to solicit or receive contributions or make expenditures with the intent to bring about such individual's nomination for election or election to any such office. "Candidate" also means a slate of candidates which is to appear on the ballot in a primary for the office of justice of the peace. For the purposes of sections 9-600 to 9-610, inclusive, and section 9-621, "candidate" also means an individual who is a candidate in a primary for town committee members.

4. Accordingly, Respondent became a candidate for purposes of the campaign finance laws on or about June 1, 2007.
5. Respondent filed a *Registration by Candidate* SEEC Form 1 with the Middlebury Town Clerk's Office on June 19, 2007.
6. Connecticut General Statutes § 9-604 provides in pertinent part:

**(a) Each candidate for a particular public office or the position of town committee member shall form a single candidate committee for which he shall designate a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds and shall file a committee statement containing such designations, not later than ten days after becoming a candidate, with the proper authority as required by section 9-603. The candidate may also designate a deputy campaign treasurer on such committee statement. The campaign treasurer and any deputy campaign treasurer so designated shall sign a statement accepting such designation which the candidate shall include as part of, or file with, the committee statement. [Emphasis added.]**

7. It is concluded that the Respondent unintentionally violated Conn. Gen. Stat. § 9-604 by failing to file SEEC Form 1 *Registration by Candidate* within ten days of becoming a candidate.
8. 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.
9. 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.
10. 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 agreement or Order entered into pursuant to this agreement.

11. 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 pay a civil penalty to the State of Connecticut in the sum of one hundred and fifty dollars (\$150.00);

IT IS FURTHER ORDERED that the Respondent shall henceforth strictly comply with Conn. Gen. Stats. § 9-604.

For the State of Connecticut

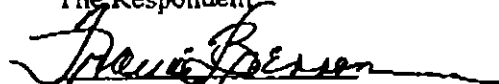
Dated: 11/14/07

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

Date Nov. 13, 2007

The Respondent



Francis Brennan  
Middlebury, Connecticut

Adopted this 14<sup>th</sup> day of November, 2007 at Hartford, Connecticut



Stephen F. Cashman, Chair  
By Order of the Commission