

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

FILED SEEC

In the Matter of a Complaint by
Andrew Grossman, Bridgeport

File No 2007-277
2007 NOV 15 1:38

**AGREEMENT CONTAINING CONSENT ORDER
TO PAY A CIVIL PENALTY FOR
VIOLATIONS OF CONNECTICUT GENERAL STATUTES § 9-608**

This agreement by and between Kenneth Moales of the City of Bridgeport, County of Fairfield, 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) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. The Respondent is the campaign treasurer for "Bill Finch for Mayor," a candidate committee (the "Committee") formed to support the mayoral candidacy of Bill Finch at the November 6, 2007 Bridgeport municipal election.
2. Complainant alleged that the Respondent failed to provide all of the contributor information required by law in the Committee's Itemized Campaign Finance Disclosure Statement (the "Disclosure Statement") which was due to the Bridgeport Town Clerk on July 10, 2007. Specifically, he contends that there were "numerous inaccuracies, omissions, and inconsistencies in Senator Finch's report in section B – Itemized contributions from Individuals" and that "in some cases" the addresses, occupations, and employers of individual contributors have been erroneously omitted. The Complaint also alleges that the Disclosure Statement was not timely filed.
3. General Statutes § 9-606 provides in pertinent part that:

The **campaign treasurer** of each committee shall be responsible for (1) **depositing**, receiving and **reporting** all contributions and other funds in the manner specified in section 9-608. . . . (Emphasis added.)

4. General Statutes § 9-602 (c) further provides that:

An individual who is designated as campaign treasurer of a committee shall be responsible for all duties required of him under this chapter until the committee is terminated. The campaign treasurer shall be relieved of such duties upon his permanent incapacity, resignation, or replacement, provided a statement to that effect is filed with the proper authority as provided in section 9-603. . . . (Emphasis added.)

5. General Statutes § 9-608(a)(1) sets forth the dates on which the Disclosure Statement was required to be filed. It provides in relevant part as follows:

Each campaign treasurer of a committee . . . shall file a statement . . . with the proper authority in accordance with the provisions of section 9-603, (A) on the tenth calendar

day in the months of . . . July and . . . if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day

6. General Statutes § 9-603(b) provides the location at which the Disclosure Statement should have been filed. It provides the following:

(a) Statements filed by . . . 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.

(b) Statements filed by . . . 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 . . . shall be filed only with the town clerk of the municipality in which the election . . . is to be held. (Emphasis added.)

7. In the present case, the Commission finds that the Disclosure Statement was not filed with the Bridgeport Town Clerk's Office until Tuesday, July 12, 2007; two days beyond the statutory deadline. There is a statutory procedure that addresses late filed reports. C.G.S. § 9-623. Because this report was filed within the seven day period prescribed by section 9-623, following the Town Clerk's notice, a mandatory late fee of \$100 was imposed but a referral to the Commission was not warranted. Under these circumstances, that mandatory late fee becomes a collection matter for the City.

8. Turning to the Complainants other allegations, General Statutes § 9-608(c) provides the following in pertinent part:

(1) Each statement filed under subsection (a) . . . of this section shall include, but not be limited to: (A) an itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution (G) for each individual who contributes in excess of one hundred dollars but not more than one thousand dollars, in the aggregate, to the extent known, the principal occupation of such individual and the name of the individual's employer, if any (J) for each individual who contributes in excess of four hundred dollars in the aggregate to or for the benefit of any candidate's campaign for nomination at a primary or election for the office of chief executive officer of a . . . city . . . a statement indicating whether the individual or a business with which he is associated has a contract with said municipality that is valued at more than five thousand dollars.

...

(2) If a campaign treasurer receives a contribution from an individual . . . to or for the benefit of any candidate's campaign for nomination at a primary or election to the office of chief executive officer of a town, city or borough, which separately, or in the aggregate, is in excess of four hundred dollars and the contributor has not provided the information required by said subparagraph (J), the campaign treasurer: (i) Within three business days after receiving the contribution, shall send a request for such information to the contributor by certified mail, return receipt requested; (ii) shall not deposit the contribution until the campaign treasurer obtains such information from the contributor,

notwithstanding the provisions of section 9-606; and (iii) shall return the contribution to the contributor if the contributor does not provide the required information within fourteen days after the treasurer's written request or the end of the reporting period in which the contribution was received, whichever is later.

9. An analysis of the Disclosure Statement, which itemized the contributions of over 190 individuals, reveals that: (1) the principal occupations and employers for three additional contributors donating in excess of \$100, were not provided; (2) the addresses for two contributors were not provided; and (3) the Respondent failed to indicate on that Statement whether three contributors donating in excess of \$400, or businesses with which they were associated, had contracts with the municipality that exceeded \$5,000. In short, only eight omissions out of over 190 itemized contributor entries in the Disclosure Statement.
10. The Commission finds that while the principal occupations and employers for three additional contributors donating in excess of \$100 were not provided, the Deputy Treasurer of the Committee did make good faith efforts to obtain such information. She indicated this on the Disclosure statement by writing "requested" in the appropriate spot. Furthermore, the Commission finds that the three contributors at issue did not provide said information to the Committee prior to the July 10, 2007 filing deadline. The Committee has, however, obtained such information and will provide it on a future amendment to the Disclosure Statement.
11. As a consequence of the contributor's failure to provide the requisite information to the Committee and due to the Committee's good faith efforts to identify that information, the Commission concludes that the Respondent did not violate General Statutes § 9-608(c)(1)(G).
12. With respect to the address information that was not provided for two contributors, the Committee represents that the information was omitted from the Disclosure Statement because it was not provided by the contributors. Instead, the contributors only provided a mailing address - a post office box - rather than a residential address. The Committee has made attempts to obtain another address from the contributors but has been unsuccessful. Nevertheless, the failure to provide said information constitutes a violation of section 9-608(c)(1)(A).
13. Finally, with regard to the omitted statements regarding contributors' contracts with municipalities, the Commission finds that Respondent failed to indicate whether three contributors who donated in excess of \$400 had contracts with the City of Bridgeport that exceeded \$5,000. Each of those three individuals contributed \$1,000 to the Committee and the Committee deposited each contribution. The Commission finds that of those three omissions, two of the statements were received by the Committee prior to the deposit of the \$1,000 contributions. The omissions in the Disclosure Statement in those instances were the result of an administrative oversight. Even so, the Respondent violated General Statutes § 9-608(c)(1)(J) by failing to provide the requisite information on the Disclosure Statement.
14. The Commission finds that with respect to that third contract information omission, that statement has never been received from the contributor and the Respondent has not requested it as required by General Statutes § 9-608(c)(2). That individual's \$1,000 contribution was deposited into the Committee's account. The Respondent has not refunded that contribution. The Commission concludes that the Respondent violated

General Statutes § 9-608(c), subsections (c)(1) and (2) by failing to provide the requisite information on the Disclosure Statement and by depositing the \$1,000 contribution without obtaining that information.

15. General Statutes § 9-7b provides in relevant part that:

(a) The State Elections Enforcement Commission shall have the following duties and powers: . . . (2) To levy a civil penalty not to exceed . . . (D) two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155. . . .

16. 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.

17. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if the Commission does not accept it, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if said hearing becomes necessary.

18. 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
- 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.

19. Upon the Respondent's agreement to comply 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 Commission in the amount of three hundred dollars (\$300.00) made payable to the State of Connecticut on or before November 14, 2007.

IT IS FURTHER ORDERED that the Respondent shall henceforth comply with the requirements of Connecticut General Statutes § 9-608.

The Respondent:

Kenneth Moales
Kenneth Moales
851 Central Avenue
Bridgeport, Connecticut

For the State of Connecticut:

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

Dated: 11/14/07

Dated: 11/16/07

Adopted this 10th day of December of 2007 at Hartford, Connecticut

Stephen F. Cashman
Stephen F. Cashman, Chairman
By Order of the Commission