

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
John J. Ahern III, Windsor Locks

File No. 2007-378
April 9, 2008

FINDINGS AND CONCLUSIONS

Complainant filed this complaint, pursuant to Connecticut General Statutes § 9-7b, and alleged that the Victory '07 municipal slate committee violated campaign finance laws in connection with the sale of advertising space in a program book.

After the investigation of the Complainant's complaint, the Commission makes the following findings and conclusions:

1. Victory '07 was a municipal slate committee formed to fund the municipal campaigns of Steve Wawruck, First Selectman Candidate and Joe Calsetta, Selectman Candidate in the November 6, 2007 Windsor Locks municipal election. Eleanor Leonard served as the treasurer of Victory '07.
2. At or near the beginning of the Victory '07 campaign, Ms. Leonard inquired with Commission staff regarding selling advertising space in a program booklet to business entities and Ms. Leonard was informed by Commission staff that a municipal slate committee could sell advertising space in a program booklet to business entities.
3. Accordingly, Ms. Leonard, Mr. Wawruck and Mr. Calsetta were under the impression that a municipal slate committee, such as Victory '07, could sell advertising space in a program booklet to business entities.
4. Furthermore, based on this understanding, Mr. Wawruck and Mr. Calsetta choose to form a slate committee, believing that Victory '07 could sell advertising space in a program booklet to business entities.
5. As a further result of this misunderstanding Victory '07 held a campaign kickoff fundraiser on September 19, 2007. Victory '07 sold advertising space to nine business entities for the program book associated with the campaign kickoff fundraiser. The program book advertising purchases from the business entities totaled two thousand two hundred and fifty dollars (\$2,250.00). The program book purchases by the business entities were reported on the October 10, 2007 Victory '07 itemized campaign finance disclosure statement.
6. General Statutes § 9-601a provides in pertinent part:
 - (b) As used in this chapter and sections 9-700 to 9-716, inclusive, **"contribution" does not mean:**
 - (10) (A) **The purchase of advertising space** which clearly identifies the purchaser, in a program for a fund-raising affair **sponsored by the candidate**

committee of a candidate for an office of a municipality, provided the cumulative purchase of such space does not exceed two hundred fifty dollars from any single such candidate or the candidate's committee with respect to any single election campaign if the purchaser is a business entity or fifty dollars for purchases by any other person;

(B) The purchase of advertising space which clearly identifies the purchaser, in a program for a fund-raising affair sponsored by a town committee, provided the cumulative purchase of such space does not exceed two hundred fifty dollars from any single town committee in any calendar year if the purchaser is a business entity or fifty dollars for purchases by any other person. Notwithstanding the provisions of this subparagraph, the following may not purchase advertising space in a program for a fund-raising affair sponsored by a town committee: (i) A communicator lobbyist, (ii) a member of the immediate family of a communicator lobbyist, (iii) a state contractor, (iv) a prospective state contractor, or (v) a principal of a state contractor or prospective state contractor. As used in this subparagraph, "state contractor", "prospective state contractor" and "principal of a state contractor or prospective state contractor" have the same meanings as provided in subsection (g) of section 9-612;

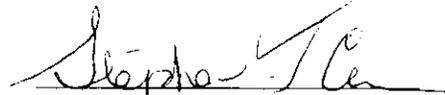
7. Public Act 05-5 amended the above section to remove political committees from the exemption, effective December 31, 2006.
8. Accordingly, "Victory '07," a municipal slate committee could no longer avail itself of the exception in General Statutes § 9-601a, which is now only applicable to a fund-raising affair sponsored by the candidate committee of a candidate for an office of a municipality or a town committee. Without the application of the exemption, such business entity purchases constitute prohibited business entity contributions, pursuant to General Statutes § 9-613.
9. General Statutes § 9-622(10) makes it an illegal practice to receive a contribution that is otherwise prohibited by any provision of Chapter 155 of the General Statutes.
10. The program book advertising purchases by the business entities in connection with the kickoff fundraiser constitute prohibited contributions, the receipt of which constitutes a violation of General Statutes § 9-622(10) by Ms. Leonard.
11. Upon learning that the exemption did not apply, Ms. Leonard returned all of the funds that were received from the business entities in connection with their purchases of advertising space in the Victory '07 program book.
12. Under the facts and circumstances of this case, it is concluded that the violation by Victory '07 of Conn. Gen. Stat. § 9-622(10) was due largely in part to incorrect information that was provided by Commission staff.
13. Accordingly, the Commission will take no further action in this matter and the complaint is dismissed.

ORDER

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

That the complaint is dismissed.

Adopted this 9th day of April 2008 at Hartford, Connecticut.



Stephen F. Cashman

Chairman

By Order of the Commission