

JAN 17 2007

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

ENFORCEMENT
COMMISSION

In the Matter of a Complaint by
Michael Bokon, Wolcott

File No. 2007-379

AGREEMENT CONTAINING
CONSENT ORDER AND PAYMENT
OF A CIVIL PENALTY FOR VIOLATIONS
OF CONNECTICUT GENERAL STATUTES
§ 9-621

This agreement, by and between Albert E. Podzunas, Jr. of the Town of Wolcott, County of New Haven, State of Connecticut, hereinafter referred to as 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 Section 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Respondent was certified by the Office of the Secretary of the State on October 26, 2007 as a write-in mayoral candidate at the November 6, 2007 municipal election in the Town of Wolcott. Respondent received 773 votes while his opponent petitioning candidate Thomas G. Dunn received 4027 votes. Respondent was a first-time candidate.
2. Complainant alleged that Respondent (1) failed to register a candidate committee or file an exemption in a timely manner; (2) failed to properly complete the SEEC 20 Itemized Campaign Finance Disclosure Statement; and (3) failed to utilize the proper attributions or maintain consistency in the attributions used.
3. In the September 2007 edition of the *Wolcott Community News* Respondent had two separate campaign advertisements with the following attributions: (1) "Paid for by Albert Podzunas for Mayor" and (2) "Paid by Albert Podzunas for Mayor."
4. In the October 2007 edition of the *Wolcott Community News* Respondent had a total of four advertisements. One did not indicate the source of its funding but included Respondent's name and address. Another indicated that it was "Approved and paid for by Al Podzunas," and two others indicated that they were "Paid for by Albert Podzunas for Mayor."
5. Respondent also had a post card advertisement which included the attribution "Approved and Paid for by Al Podzunas" and included his name, photo and an address.

6. Connecticut General Statutes § 9-621, provides in pertinent part:
- (a) *No individual shall make or incur any expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, and no candidate or committee shall make or incur any expenditure for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or solicits funds to benefit any political party or committee unless such communication bears upon its face (1) the words "paid for by" and the following: (A) In the case of such an individual, the name and address of such individual; (B) in the case of a committee other than a party committee, the name of the committee and its campaign treasurer; or (C) in the case of a party committee, the name of the committee, and (2) the words "approved by" and the following: (A) In the case of an individual making or incurring an expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, the name of such individual; or (B) in the case of a candidate committee, the name of the candidate. No candidate or candidate committee or exploratory committee established by a candidate shall make or incur any expenditure for a mailing to promote the success of said candidate's campaign for nomination at a primary or election or the defeat of another candidate's campaign for nomination at a primary or election, unless the mailing contains a photograph of the candidate conducting the mailing and said candidate's name in a font that is not less than the size of the font used for the narrative of the mailing. [Emphasis added.]*
7. Respondent was clearly identified, as the source of the six advertisements subject to this complaint. Additionally, the lack of a disclaimer on one of the advertisements was partially the result of an error by the newspaper publisher who scanned a two-sided campaign card to produce two advertisements. The side of the card without the disclaimer therefore appeared as its own advertisement without *any* attribution.
8. The Commission concludes that Respondent's omission of "approved by," his address, and his failure to include the words "paid for by," on each advertisement constituted violations of Conn. Gen. Stats. § 9-621.

9. With respect to complainant's allegation that Respondent did not timely file, Respondent filed an SEEC Form 1 Registration by Candidate and SEEC Form 1B Certification of Exemption From Forming a Candidate Committee at the Wolcott Town Clerk's office on September 13, 2007. He checked box 10b the exemption from forming a candidate committee and box 11b indicating that he was funding his campaign entirely from his own funds and agreeing to file financial disclosures should he exceed \$1,000 in expenditures.

10. 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.

(b) *The formation of a candidate committee by a candidate and the filing of statements pursuant to section 9-608 shall not be required if the candidate files a certification with the proper authority required by section 9-603, not later than ten days after becoming a candidate, and any of the following conditions exist for the campaign: (1) The candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election or primary and expenditures made on behalf of the candidate's campaign are reported by the committee sponsoring the candidate's candidacy; (2) the candidate finances the candidate's campaign entirely from personal funds and does not solicit or receive contributions, provided if said candidate personally makes an expenditure or expenditures in excess of one thousand dollars to, or for the benefit of, said candidate's campaign for nomination at a primary or election to an office or position, said candidate shall file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a candidate committee under section 9-608; (3) the candidate does not receive or expend funds in excess of one thousand dollars; or (4) the candidate does not receive or expend any*

funds, including personal funds, for the candidate's campaign. ...[Emphasis added.]

11. Connecticut General Statutes § 9-601(11), provides in pertinent part:
(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.
12. Respondent first made an expenditure for a newspaper advertisement promoting his candidacy on September 9, 2007.
13. The Commission concludes that because Respondent's September 13, 2007 registration occurred within ten days of his initial September 9 expenditure for an advertisement, he complied with the requirements of Conn. Gen. Stat. § 9-604.
14. Respondent filed the SEEC Form 20 Itemized Campaign Finance Disclosure Statement on October 3, 2007 for the period covering September 1, 2007 thru September 30, 2007. His termination report filed with the Wolcott Town Clerk's office on November 9, 2007 indicates that his total expenditures in his campaign were \$30,417.62.
15. It is concluded that Respondent complied with the filing requirements. Since he was spending his own personal funds, he did not need to disclose any contribution sources.
16. The Commission further concludes that there is evidence that Respondent, a first time candidate, sought in good faith to comply with registration and disclosure requirements by seeking advice from Commission staff and from the Wolcott's Town Clerk's office, and through these efforts was largely successful in disclosing his expenditures as a self-financed mayoral candidate.

17. 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. Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
18. 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.
19. 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 Order entered into pursuant to this agreement.
20. Upon Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

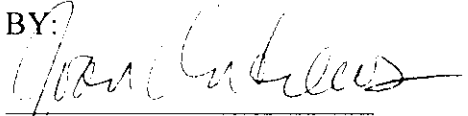
ORDER

IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of Conn. Gen. Stats. § 9-621.

IT IS FURTHER ORDERED THAT the Respondent shall pay a civil penalty of two hundred and fifty dollars (\$250.00) to the Commission no later than January 15, 2008.

For the State of Connecticut

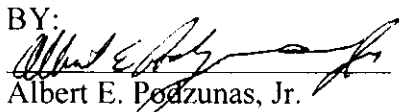
DATED: 1/17/08

BY: 

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

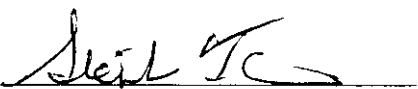
The Respondent

DATED: 1/14/08

BY: 

Albert E. Podzunas, Jr.
28 Pratt Lane
Wolcott, Connecticut

Adopted this 16th day of January 2008 at Hartford, Connecticut by a vote of the Commission.


Stephen F. Cashman, Chairperson
By Order of the Commission