

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by  
Brett Hasbrouck, Middletown

File No. 2007-410

AGREEMENT CONTAINING CONSENT ORDER AND PAYMENT OF A CIVIL  
PENALTY FOR VIOLATIONS OF CONN. GEN. STAT. §§ 9-607 and 9-621

This agreement by and between Catherine M. Johnson of the City of Middletown, County of Middlesex, 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. The Respondent was a Republican candidate for the Planning and Zoning Commission in the November 6, 2007 Middletown municipal election.
2. The Respondent filed an exemption from forming a candidate committee and designated the Middletown Republican Town Committee ("MRTC") as her authorized funding vehicle. The Middletown Republican Town Committee is duly registered with the State Elections Enforcement Commission.
3. The Respondent paid \$140.00 in cash from her own personal funds to The Middletown Press to purchase six (6) one column by six inch box print political advertisements advocating her candidacy to be published October 26<sup>th</sup>, 30<sup>th</sup> and November 1<sup>st</sup>, 2<sup>nd</sup>, 5<sup>th</sup>, and 6<sup>th</sup>. The advertisement, as submitted by the Respondent, did not contain an attribution. However, the advertising representative of The Middletown Press informed the Respondent that one was required.
4. Based upon information received from a third party, the Respondent instructed The Middletown Press to use "Paid For: MRTC." This attribution ran on the October 26<sup>th</sup> and 30<sup>th</sup> advertisements.
5. This expenditure was neither authorized by, nor approved by Laura M. Gionfriddo, the Treasurer of the Middletown Republican Town Committee. No deputy treasurer exists for the Middletown Republican Town Committee.
6. The Respondent attempted to correct the erroneous attribution and instructed The Middletown Press to change the attribution to "Paid For By: Catherine Johnson." This attribution ran on the November 1<sup>st</sup>, 2<sup>nd</sup>, 5<sup>th</sup>, and 6<sup>th</sup> advertisements.

7. The Respondent also purchased postcards containing political advertisements advocating her candidacy. Similar to the newspaper advertisements, an initial postcard sent via the United States Post Office contained the attribution "Paid For by the Middletown RTC," but similarly was not authorized by the MRTC. Further, this mailer did not contain a photograph of the Respondent.
8. The Respondent also attempted to cure the inaccurate attribution in the first postcard. A second postcard was sent via the United States Post Office and contained the attribution "Paid for by Catherine Johnson." This mailer did not contain a photograph of the Respondent and did not indicate that the mailer was approved by Catherine Johnson.
9. General Statutes § 9-621 (a) provides as follows:

No individual...shall make or incur any expenditure for any ...printed communication...which promotes the success or defeat of any candidate's campaign...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.***

10. The first two newspaper advertisements contained inaccurate attributions, in violation of Conn. Gen. Stat. §9-621(a).
11. Although the Respondent attempted to correct the attribution on the next four newspaper advertisements, because she paid for them with her own personal funds, the attribution was required to state "Paid for by and approved by Catherine Johnson" and include her address. The failure to do so constitutes a violation of Conn. Gen. Stat. §9-621(a).
12. The first postcard contained an inaccurate attribution in violation of Conn. Gen. Stat. §9-621(a).
13. Although the Respondent attempted to correct the attribution on the second postcard, because she paid for it with personal funds, the attribution was required to state: "Paid for by and approved by Catherine Johnson," and include her address, as well as a photograph

because it was a mailing. The failure to do so, constitutes a violation of Conn. Gen. Stat. §9-621(a).

14. General Statutes §9-610(c) provides, in pertinent part, as follows:

A candidate may make any expenditure permitted by section 9-607 to aid or promote the success of his campaign for nomination or election from his personal funds, or the funds of his immediate family, which for the purposes of this chapter shall consist of the candidate's spouse and issue. Any such expenditure shall not be deemed a contribution to any committee.

15. General Statutes § 9-607(k) provides, in pertinent part, as follows:

A candidate shall report to his campaign treasurer each campaign expenditure of more than fifty dollars which he has made directly from his own personal funds...

16. The Respondent expended \$746.27 of her own personal funds, but did not report these expenditures to the MRTC until after the instant complaint was filed. Therefore, the Respondent's failure to report her expenditures constitutes a violation of Conn. Gen. Stat. § 9-607(k).

17. Finally, 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. . . .

18. Despite the Respondent's original submission to The Middletown Press, the Commission concludes that there was thereafter a willingness and attempts by the Respondent to comply with the requirements of Chapter 155. Further, the Respondent asserts that she received minimal information from her town committee.

19. 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.

20. 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.

21. 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.
  
22. Upon Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter.

RECEIVED  
STATE ELECTIONS COMMISSION

STATE ELECTIONS COMMISSION  
HARTFORD, CONNECTICUT

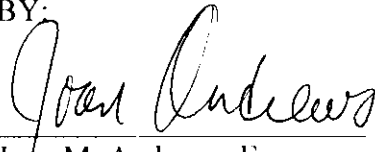
ORDER

IT IS HEREBY ORDERED THAT the Respondent shall pay a civil penalty to the State Elections Enforcement Commission in the amount of two hundred fifty dollars (\$250.00) on or before the date the Commission adopts the same and shall henceforth strictly comply with the requirements of Conn. Gen. Stats. §§ 9-607 and 9-621.

For the State of Connecticut

DATED: 2/11/08

BY:

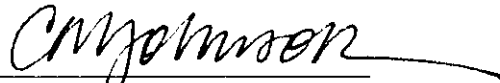


Joan M. Andrews, Esq.  
Director of Legal Affairs &  
Enforcement and Authorized  
Representative of the Commission  
20 Trinity Street, Suite 101  
Hartford, Connecticut

The Respondent

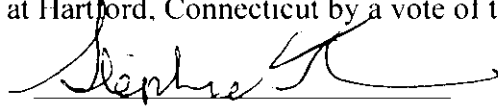
DATED: 2/11/08

BY:



Catherine Johnson  
161 College Street  
Middletown, Connecticut

Adopted this 12<sup>th</sup> day of March 2008 at Hartford, Connecticut by a vote of the Commission.



Stephen F. Cashman, Chairperson  
By Order of the Commission