

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
George Pleau, Harwinton

File No. 2008-009
April 9, 2008

FINDINGS AND CONCLUSIONS

Complainant filed this complaint, pursuant to Connecticut General Statutes § 9-7b, and alleged that the Harwinton Democratic Town Committee failed to timely file an October 10, 2007 campaign finance disclosure statement and that the Chiaramonte/Davis Campaign *Itemized Campaign Disclosure Statement (SEEC Form 20)* filing on January 4, 2008 (January 10, 2008) includes expenditures for campaign mailings that should have been reported on prior campaign finance disclosure statements. Complainant further alleges that David E. Barlow and Frank Chiaramonte made contributions to the Chiaramonte/Davis Campaign and that the aggregate contribution amounts do not add up with the contributions; and he further alleges that Elizabeth Brayboy made a contribution of stamps in the amount of \$75.00 and that the contribution is an in-kind contribution listed in the wrong section of the October 10, 2007 Chiaramonte/Davis Campaign *Itemized Campaign Disclosure Statement (SEEC Form 20)*.

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

1. The Complainant is the treasurer of the Harwinton Republican Town Committee.
2. The Harwinton Town Clerk's Office received the Harwinton Democratic Town Committee's October 10, 2007 *Itemized Campaign Finance Disclosure Statement (SEEC Form 20)* on October 11, 2007. The envelope that the *Itemized Campaign Finance Disclosure Statement (SEEC Form 20)* came to the Town Clerk's Office in, was postmarked October 9, 2007.
3. General Statutes § 9-608(d) provides in pertinent part:

. . . Each statement required to be filed under this section and subsection (g) of section 9-610, **shall be deemed to be filed in a timely manner if it is delivered by hand to the office of the proper authority before four-thirty o'clock p.m. or postmarked by the United States Postal Service before midnight on the required filing day.** . . . [Emphasis added.]
4. Accordingly, the Harwinton Democratic Town Committee's October 10, 2007 *Itemized Campaign Finance Disclosure Statement (SEEC Form 20)* received on October 11, 2007 by the Harwinton Town Clerk's Office and postmarked October 9, 2007 was filed in a timely manner.
5. The Chiaramonte/Davis Campaign made three expenditures to Omniprint, LLC for campaign mailings that were reported on the committee's January 10, 2008 *Itemized Campaign Finance Disclosure Statement (SEEC Form 20)*. The three

invoices for the three expenditures were dated October 25, 2007, October 31, 2007 and November 5, 2007. The period covered by the January 10, 2007 *Itemized Campaign Finance Disclosure Statement (SEEC Form 20)* was from October 24, 2007 to December 31, 2007.

6. General Statutes § 9-608 provides in pertinent part:

(a)(1) Each campaign treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) on the tenth calendar day in the months of January, April, July and October, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, (B) on the seventh day preceding each regular state election, except that (i) in the case of a candidate or exploratory committee established for an office to be elected at a municipal election, the statement shall be filed on the seventh day preceding a regular municipal election in lieu of such date, and (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date, and (C) if the committee has made or received a contribution or expenditure in connection with any other election, a primary or a referendum, on the seventh day preceding the election, primary or referendum. **The statement shall be complete as of the last day of the month preceding the month in which the statement is required to be filed**, except that for the statement required to be filed on the seventh day preceding the election, primary or referendum, the statement shall be complete as of seven days immediately preceding the required filing day. **The statement shall cover a period to begin with the first day not included in the last filed statement.** . . . [Emphasis added.]

(c)(1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: . . . (C) an itemized accounting of each expenditure,

7. Accordingly, the three expenditures Chiaramonte/Davis Campaign made to Omniprint, LLC on October 25, 2007, October 31, 2007 and November 5, 2007 that were reported on the committee's January 10, 2008 *Itemized Campaign Finance Disclosure Statement (SEEC Form 20)* which covered the reporting period from October 24, 2007 to December 31, 2007.
8. David E. Barlow made a contribution of \$100.00 to the Chiaramonte/Davis Campaign on July 16, 2007. Mr. Barlow made an in-kind contribution of \$8.15 to the Chiaramonte/Davis Campaign on August 30, 2007. Mr. Barlow's aggregate contribution amount of \$108.15 was reported on the Chiaramonte/Davis Campaign October 10, 2007 *Itemized Campaign Finance Disclosure Statement (SEEC Form 20)*. The contribution, the in-kind contribution and the aggregate contribution amounts were properly reported.
9. Complainant alleged that Frank Chiaramonte made a \$500.00 contribution and that the aggregate contribution amount was reported as \$517.00. Mr.

Chiaromonte did not make a \$500.00 contribution as alleged and accordingly, there is nothing to substantiate the allegation made by the Complainant.

10. Upon further review, it appears that the Respondent may have been referring to a \$500.00 contribution and a \$17.99 in-kind donation not considered a contribution made by Girvice Archer, Jr. that was properly reported.

11. General Statutes § 9-601a(b) provides in pertinent part:

As used in this chapter and sections 9-700 to 9-716, inclusive, "contribution" does not mean:

(5) The use of real or personal property, and the cost of invitations, food or beverages, voluntarily provided by an individual to a candidate or on behalf of a state central or town committee, in rendering voluntary personal services for candidate or party-related activities at the individual's residence, to the extent that the cumulative value of the invitations, food or beverages provided by the individual on behalf of any single candidate does not exceed two hundred dollars with respect to any single election, and on behalf of all state central and town committees does not exceed four hundred dollars in any calendar year;

12. Elizabeth Brayboy made an in-kind donation not considered a contribution on October 21, 2007 to the Chiaromonte/Davis Campaign in connection with a fundraising event held on October 21, 2007 at Ms. Brayboy's residence. The in-kind donation not considered a contribution was properly reported on the Chiaromonte/Davis Campaign's October 30, 2007 *Itemized Campaign Finance Disclosure Statement (SEEC Form 20)*. The description of the donations was listed as stamps, paper goods and beverages.

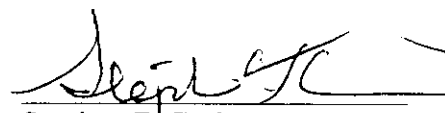
13. There are no campaign finance law violations as alleged by the Complainant in his complaint and accordingly, the complaint is dismissed.

ORDER

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

That the complaint is dismissed.

Adopted this 14 th day of May 2008 at Hartford, Connecticut.



Stephen F. Cashman
Chairman
By Order of the Commission