

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

Complaint of Kevin M. Cunningham
Plainfield

File No. 2008-220

**AGREEMENT CONTAINING CONSENT ORDER AND
PAYMENT OF A CIVIL PENALTY FOR VIOLATIONS OF
GENERAL STATUTES § 9-607(k)**

This Agreement, by and between Paul Sweet, of the Town of Plainfield, County of Windham, State of Connecticut and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes. In accordance herewith, the parties agree that:

1. Respondent in this matter was a petitioning candidate for the office of First Selectman in the Town of Plainfield in the November 6, 2007 municipal election. The Committee to Elect Paul Sweet (hereinafter "the Committee") was the designated funding vehicle for the Respondent's campaign and he filed a "Registration by Candidate" (SEEC Form 1) and a "Candidate Committee Registration" (SEEC Form 1A) with the Town Clerk of Plainfield on or about August 7, 2007 for the aforesaid candidacy.
2. Complainant alleged in the complaint that the Committee failed to disclose expenditures for campaign signs and associated materials, including paint, stencils, stakes and plywood. Complainant further alleged that the Committee failed to disclose expenditures for lawn signs and expenditures for a banner that the campaign used in a parade.
3. Respondent personally paid by credit card a total of \$771.50 for lawn signs. The Respondent reported this payment to his Committee treasurer who disclosed the payment by the Respondent as a loan from the candidate on the October 10, 2007 disclosure statement. The Respondent sought and received reimbursement from the Committee and the Committee treasurer disclosed that the Committee reimbursed the Respondent for the purchase of the lawn signs.
4. Although not reported in the candidate's payment of expenditures section of the campaign finance disclosure statement, the campaign treasurer's reporting was substantially in compliance as it was reported timely and disclosed an itemized accounting of the campaign's obligation. Accordingly, the Commission will take no further action with respect to this allegation.
5. Respondent provided paint, stencils, stakes and plywood that were used for campaign signs. The Respondent indicated that these items were all found on his farm. The costs of these items were in excess of \$50.

6. Respondent also made an expenditure in the amount of \$100 for the purchase of a banner. The Respondent did not report this expenditure from his own personal funds in excess of \$50 to his campaign treasurer.
7. General Statutes § 9-607(k) requires that a candidate report to his campaign treasurer each campaign expenditure of more than \$50 which he has made directly from his own personal funds. The Respondent did not do this in connection with the items set forth above in paragraph 4.
8. By failing to report to his campaign treasurer the materials and purchases described in paragraphs 5 and 6 above, the Respondent violated General Statutes § 9-607(k).
9. The campaign received an in-kind contribution of approximately 20 sheets of plywood from an individual in the amount of \$140. The individual provided the plywood directly to the Respondent without the knowledge of the campaign treasurer. The Respondent did not inform the campaign treasurer that he had received an in-kind contribution from the individual.
10. As a result of the Respondent failing to inform the campaign treasurer of the in-kind, Respondent caused the campaign treasurer to violate General Statutes § 9-608(c) because the campaign treasurer did not disclose an itemized accounting of the in-kind contribution of plywood.
11. Respondent takes sole responsibility for the campaign treasurer's violation of General Statutes § 9-608(c).
12. 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.
13. 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.
14. 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; 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.
15. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him or his campaign pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall pay a civil penalty of \$100 to the Commission on or before October 21, 2009 and that the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-607.

The Respondent:

Paul Sweet
Paul Sweet
Plainfield, Connecticut

For the State of Connecticut:

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

Dated: 10-29-09

Dated: 11/3/09

Adopted this 18th day of ~~October~~ November of 2009 at Hartford, Connecticut

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