

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Arthur Scialabba
Norwalk

File No. 2009-030

FINDINGS AND CONCLUSIONS

Complainant filed this complaint with the Commission pursuant to General Statutes §9-7b against Sara Sikes, of the City of Norwalk, County of Fairfield, State of Connecticut (hereinafter referred to as the Respondent), who is the Chairperson of the District D Democratic Committee of Norwalk (hereinafter the Committee) alleging that the Committee failed to put an attribution on an e-mail invitation to a fundraiser for the Committee in violation of General Statutes § 9-621:

After an investigation of the matter, the Commission makes the following findings and conclusions:

1. Complainant is the Chairman of the Norwalk Republican Town Committee and filed this complaint alleging that District D Democratic Committee of Norwalk (hereinafter the Committee) disseminated an email in connection with a March 15, 2009 fundraising event that might be in violation of General Statutes § 9-621 (a).
2. The Committee is duly registered as an ongoing political committee of two or more individuals and is a political committee as that term is defined in General Statutes § 9-601 (3). The Respondent is the duly designated chairperson of the Committee.
3. On or about February 17, 2009, Mary Pugh sent an email from her personal email address that was an invitation for the Committee's traditional Saint Patrick's Day Irish reception with special invited guest Congressman Jim Himes on March 15, 2009 from 5:00 to 7:00 p.m. at the home of Andy and Caren O'Glickson in Norwalk. The suggested contribution was \$25 in advance and \$30 at the door. RSVPs for the event were to be emailed to Tish Gibbs at her email address, or via phone.
4. Tish Gibbs is a member of the Committee and she volunteered to be the contact person for the Committee's March 15th fundraising event. Mary Pugh was responsible for disseminating the invitation in question via email. Ms. Pugh is not a member of the Committee.
5. Ms. Gibbs asked Ms. Pugh to send the email with the invitation attached, but which contained no attribution.
6. The Respondent denies personally authorizing the dissemination of the email—as does the Treasurer for the Committee, Colleen Hains—but acknowledges that Ms. Gibbs is a member of the District D Democratic Committee of Norwalk and that she has run this specific fundraiser in the past. She further indicated that Gibbs volunteered to be the contact person for this event.
7. General Statutes § 9-621 (a), provides, in relevant part, as follows:

(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. . . ." (Emphasis added.)

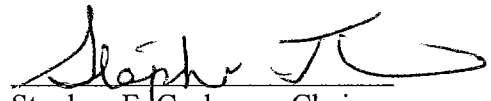
8. In the instant case, Mary Pugh, an individual, made or incurred an expenditure in connection with the email she disseminated. She did so at the request of Ms. Gibbs, a member of the Committee whom the Respondent knew to be in charge of this particular fundraiser for the Committee. In short, Ms Gibbs was acting as an agent of the Committee for this fundraising event.
9. In making said expenditure at the Committee's request—and not seeking reimbursement for same—Ms. Pugh made an in-kind contribution to the Committee.
10. Because an agent of the Committee requested that Ms. Pugh send the email invitation and, in effect, accepted Ms. Pugh's in-kind contribution, the Committee is deemed to have made an expenditure through Ms. Pugh, albeit without the knowledge of the Chairperson or Treasurer of the Committee.
11. As a result, it is concluded that Respondent technically violated § 9-621 (a) of the General Statutes for distributing a communication that failed to include the required attribution requirement, which in this case, for a political committee, should have been "Paid for by the District D Democratic Committee of Norwalk, Colleen Hains, Treasurer."
13. The evidence suggests, however, that the Chairperson and Treasurer had no actual knowledge that the e-mail was sent and that it lacked the proper attribution.
14. Additionally, the fair market value of the e-mail under these specific facts is nominal. The email was sent by a non-member of the Committee and the distribution was very limited. Under these specific facts and circumstances, the Commission has determined to take no further action in this matter.

ORDER

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

That no further action be taken.

Adopted this 17th day of Nov., 2010 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission