

STATE OF CONNECTICUT

STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Cynthia Penkoff, Trumbull

File No. 2009-057

AGREEMENT CONTAINING CONSENT ORDER FOR VIOLATION OF
CONNECTICUT GENERAL STATUTE § 9-608

This agreement, by and between Mary Markham (hereinafter, the "Respondent") and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with the Regulations of Connecticut State Agencies § 9-7b-54 and Connecticut General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. The Respondent is the legally designated treasurer of the Trumbull Democratic Town Committee (hereinafter, the "TDTC"). Pursuant to General Statutes § 9-606(a), as treasurer, the Respondent is responsible for receiving all contributions made to that committee and reporting those contributions in accordance with the requirements of General Statutes § 9-608.
2. The Complainant alleged that the TDTC received impermissible contribution from an individual in the amount of \$1250.
3. A contribution is defined in General Statutes § 9-601a in relevant part as "[a]ny . . . payment . . . of money . . . made on behalf of any political party. . . ."
4. General Statutes § 9-612 provides, in pertinent part, as follows:

No individual shall make a contribution or contributions in any one calendar year in excess of . . . one thousand dollars to a town committee of any political party
5. General Statutes § 9-622 further provides in relevant part as follows:

The following persons shall be guilty of illegal practices and shall be punished in accordance with the provisions of section 9-623:

* * *

(10) Any person who . . . receives a contribution that is otherwise prohibited by any provision of this chapter

6. The Respondent admits that in the April 10, 2009 Itemized Campaign Finance Disclosure Statement (SEEC Form 20) for the TDTC she reported a contribution from Martin Shapiro in the amount of \$1250.
7. The Commission finds, however, that no such contribution in that amount was made by Mr. Shapiro. Instead, the evidence establishes that Mr. Shapiro made a contribution in the amount of \$1000 to the TDTC.
8. Due the Respondent's unintentional clerical error, however, that contribution was combined with a separate \$250 contribution from another individual which was not reported separately. As a consequence, it merely appeared that Mr. Shapiro's contribution exceeded the \$1000 contribution limit.
9. The Commission concludes that the Respondent did not receive and Mr. Shapiro did not make a contribution in excess of \$1000 to the TDTC. As such, the Respondent did not violate General Statutes § 9-622 (10).
10. Nevertheless, the Respondent admits that she did not provide an itemized accounting of each contribution.
11. Pursuant to General Statutes § 9-606 (a)(1), the Respondent was responsible for reporting all contributions to the TDTC in the manner specified in section 9-608. General Statutes § 9-608 directs the treasurer of each committee to provide an itemized accounting of each contribution. See § 9-608 (c)(1) ("Each statement filed under subsection (a), (c) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution. . . .")
12. The Commission therefore concludes that the Respondent violated General Statutes § 9-608 (c)(1) when she failed to itemize each contribution properly. The Commission notes, however, that the Respondent's violation of General Statutes § 9-608 (c)(1) was unintentional.
13. 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 the Regulations of Connecticut State Agencies § 9-7b-56.
14. 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.

15. 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.


20. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent with respect to this matter.

ORDER

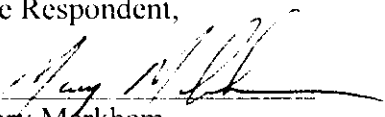
IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of Connecticut General Statutes § 9-608; and

IT IS FURTHER ORDERED that the Respondent shall amend the April 10, 2009 Itemized Campaign Finance Disclosure Statement (SEEC Form 20) for the Trumbull Democratic Town Committee to comply with the requirements of General Statutes § 9-608 by disclosing the two separate contributions described herein.

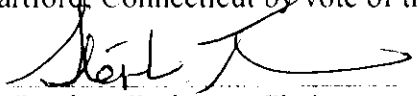
Dated: 10/20/09

For the State of Connecticut
BY: 
Joan M. Andrews, Esq.
Director of Legal Affairs and Enforcement,
and Authorized Representative
of the State Elections
Enforcement Commission
20 Trinity Street
Hartford, Connecticut

Dated: 10/19/09

The Respondent,

Mary Markham
Trumbull, Connecticut

Adopted this 21st day of October, 2009 at Hartford, Connecticut by vote of the Commission.


Stephen Cashman, Chairman
By Order of the Commission