

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint
By Mel Thompson, Derby

File No. 2009-060

FINDINGS AND CONCLUSIONS

Complainant filed this complaint with the Commission alleging a series of violations against various individuals and relating to the Derby Democratic Town Committee (hereinafter "DDTC"), pertaining to General Statutes Title 9, Chapter 155.

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

1. Complainant alleged various violations of General Statutes Title 9, Chapter 155, by Respondents Anita Duggato, Marc Garafalo, John Oraziotti and Sam Rizzitelli relating to their participation and affiliation with the DDTC. Allegations against Ms. Dugatto are treated under a separate agreement.
2. Complainant specifically alleged that John Oraziotti, the former Chairman of the DDTC, failed to appoint by letter or amended registration Ms. Dugatto as Treasurer. Further, that he failed to remove an individual as the Deputy Treasurer of the DDTC also in violation of General Statutes § 9-605 (a).
3. Complainant further alleged that Sam Rizzitelli, as DDTC Chair, failed to appoint Ms. Dugatto as Treasurer and failed to amend the DDTC registration statement to remove individuals as Deputy Treasurer and Treasurer of the DDTC.
4. Finally, Complainant alleged that Marc Garofalo and Mr. Rizzitelli failed to report two expenditures by them for DDTC mailings as "in-kind" contributions to the DDTC from each.
5. General Statutes § 9-602, provides in pertinent part:

(a) Except with respect to an individual acting on his own, no contributions may be made, solicited or received and no expenditures may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual or any party or referendum question, unless (1) the candidate or *chairman of the committee has filed a designation of a campaign treasurer* and a depository institution situated in this state as the depository for the committee's funds or (2) the candidate or, in the event of a referendum question, a group of individuals

has filed a certification in accordance with the provisions of section 9-604 or 9-605, as the case may be. ***In the case of a political committee, the filing of the statement of organization by the chairman of such committee, in accordance with the provisions of section 9-605 shall constitute compliance with the provisions of this subsection.***

...

(c) ***An individual who is designated as campaign treasurer of a committee shall be responsible for all duties required of him under this chapter until the committee is terminated.*** The campaign treasurer shall be relieved of such duties upon his permanent incapacity, resignation or replacement, provided a statement to that effect is filed with the proper authority, as provided in section 9-603. In the event of the death of the campaign treasurer or after a statement has been filed concerning the campaign treasurer's incapacity, resignation or replacement, ***if a deputy campaign treasurer has been designated, the deputy campaign treasurer shall be responsible for all duties required of the campaign treasurer under this chapter until the candidate or chairman of the committee files with the proper authority a designation of a successor campaign treasurer. If a deputy campaign treasurer has not been designated, the candidate or chairman shall designate a successor campaign treasurer and file such designation with the proper authority not more than ten days after the death of the campaign treasurer or the filing of the statement of his incapacity, resignation or replacement.***

[Emphasis added.]

6. General Statutes § 9-605 provides, in pertinent part:

(a) ***The chairperson of each political committee shall designate a campaign treasurer and may designate a deputy campaign treasurer. The campaign treasurer and any deputy campaign treasurer so designated shall sign a statement accepting the designation.*** The chairperson of each political committee shall file a registration statement described in subsection (b) of this section along with the statement signed by the designated campaign treasurer and deputy campaign treasurer with the proper authority, within ten days after its organization, provided that the chairperson of any political committee organized within ten days prior to any primary, election or referendum in connection with which it intends to make any contributions or expenditures, shall immediately file a registration statement.

(b) The registration statement shall include: (1) The name and address of the committee; (2) a statement of the purpose of the committee; (3) ***the name and address of its campaign treasurer, and deputy campaign treasurer if applicable;*** (4) ***the name, address and position of its chairman, and other principal officers if applicable;*** ...

(c) *The chairman* of each political committee *shall report any addition to or change in information previously submitted* in a statement of organization to the proper authority *not later than ten days after the addition or change.*

[Emphasis added.]

7. The Commission finds that between 2005 and 2007 Ms. Dugatto did not appear on DDTC membership lists. The Commission further finds that the assertions of Mr. Oraziotti and Ms. Duggato in response to this complaint are consistent with the aforementioned finding.
8. The Commission additionally finds that Ms. Dugatto was not a member or the treasurer of the DDTC at the time alleged by Complainant for the years 2005 through 2007 according to DDTC internal records. Commission records indicate that at no time between 2005 through 2007, as alleged, was Ms. Dugatto appointed treasurer, but rather the DDTC registration was pursuant to General Statutes § 9-605 (a) was amended to reflect the appointment of a new treasurer in September 2004, and another new treasurer in treasurer in December 2006, who subsequently served through April 2008.
9. The Commission concludes that the allegation as described in paragraph 2 is not supported by its findings detailed in paragraph 7 and 8 above, and lacks merit. That allegation is therefore dismissed.
10. With regard to the allegation in paragraph 4, that Mr. Garofalo and Mr. Rizzitelli failed to report to the DDTC in-kind contributions by them for DDTC mailings, the Commission finds that financial statements filed by the DDTC disclose expenditures for mailings paid for with DDTC checks totaling \$1,776.00 and paid to Zip Mail, during the times relevant to this allegation. The commission finds that at the time of its April 10th 2009 financial statement, the mailings specified by Complainant were proper expenditures incurred but not paid by the DDTC and accordingly reported as such by the DDTC.
11. The Commission finds that Mr. Garofalo and Mr. Rizzitelli did not make in-kind contributions to the DDTC as alleged, and therefore concludes that the allegation detailed in paragraph 4, 9 and 10 above is dismissed for lack of merit.

ORDER

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

That the matter be dismissed with respect to Marc Garofalo, John Oraziatti, and Sam Rizzitelli.

Adopted this 15th day of Dec. 2010 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission