

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION
STATE ELECTIONS

FEB 03 2010

File No. 2009-063

In the Matter of a Complaint by
Alan Vaglivello, Monroe

ENFORCEMENT COMMISSION

AGREEMENT CONTAINING CONSENT ORDER AND
PAYMENT OF A CIVIL PENALTY FOR VIOLATION OF
CONNECTICUT GENERAL STATUTES § 9-621(c)

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

1. Complainant filed the instant Complaint dated May 19, 2009 alleging that the political committee "Monroe Friends of Democracy" ("MFD") took out advertisements and mailed communications advocating the defeat of three separate budget referenda pending in the Town of Monroe in April and May of 2009, which advertisements and communications did not contain the attributions required by Connecticut General Statutes § 9-621(c). Complainant further alleges that MFD mailed two of the aforesaid communications and paid bulk mailing rates which Complainant alleges were "inconsistent with the bulk mailing rates prevailing at the U.S. Post Office" resulting in an unreported contribution received by the MFD.
2. The Respondent in this matter is Dorothy Stedman, treasurer of MFD, which is an ongoing political committee of two or more individuals that first registered with the Town Clerk as such in September of 2008.
3. Three referenda were held in Monroe regarding the 2009-10 budget. The First and Second Budgets were defeated at referenda held on April 7th and 28th respectively. The Third Budget passed after a mandatory recanvass of a close vote at a referendum held on May 12th.
4. General Statutes § 9-621, provides in pertinent part:

...

(c) *No* business entity, organization, association, *committee*, or group of two or more individuals who have joined solely to promote the success or defeat of a referendum question and is required to file a certification in accordance with subsection (d) of section 9-605, ***shall make or incur any expenditure for any written, typed or other printed communication which promotes the success or defeat of any referendum question unless such communication bears upon its face the words "paid for by" and the following:*** (1) In the case of a business entity, organization or association, the name of the entity, organization or association and the name of its chief executive officer; (2) *in*

the case of a political committee, the name of the committee and the name of its campaign treasurer; (3) in the case of a party committee, the name of the committee; or (4) in the case of such a group of two or more individuals, the name of the group as it appears on the certification filed in accordance with subsection (d) of section 9-605, and the name and address of its agent. [Emphasis added.]

5. With respect to the first referendum, MFD paid for and distributed flyers that urged Monroe electors to "Vote 'No' April 7." In addition to words of advocacy, the flyer contained what appeared to be a logo for MFD, which logo contained the name "Monroe Friends of Democracy."
6. With respect to the second referendum, MFD paid for and distributed a flyer and a mailer, each of which urged Monroe electors to "Vote NO April 28." In addition to words of advocacy, the flyer and the mailer contained a copyright attribution, "© Copyright 2009 – Monroe Friends of Democracy – All Rights Reserved."
7. With respect to the third referendum, MFD paid for and distributed a mailer that urged Monroe electors to "Vote NO Tuesday, May 12!" In addition to words of advocacy, the flyer contained what appeared to be a logo for MFD, which logo contained the name "Monroe Friends of Democracy."
8. Since MFD is a political committee, General Statutes § 9-621 (c) required that each of the aforesaid communications include the attribution "Paid for by Monroe Friends for Democracy, Dorothy Stedman, Treasurer." However, while the source of the communications is reasonably clear by the use of the logo or the copyright, none of the above communications advocating the defeat of the respective referenda included the necessary attribution.
9. Accordingly, the Commission finds that the Respondent is liable for four violations of General Statutes § 9-621 (c), one for each communication that failed to include an attribution.
10. We now turn to the allegation regarding the bulk mail permit. According to the July 2009 quarterly Itemized Campaign Finance Disclosure Statement (SEEC Form 20) filed by MFD, the committee purchased a bulk mailing permit (Permit #98), which was reported to cost \$180. The same filing reported two (2) \$979.30 expenses to the Monroe Postmaster in April and May 2009 for bulk mailings.
11. According to the Monroe postmaster, "Monroe Friends of Democracy," through the Respondent, was the holder of permit #98. Exactly 6995 mailers were mailed using the permit on April 23, 2009. Another 6995 mailers were mailed using the permit on May 28, 2009. The mailers were pre-sorted by carrier route by the Respondent and used a "simplified" address, which meant that the mailers were generically addressed and were sent to all of the postal addresses on each route. These two mailers went to every residential address in town. Because the materials were pre-sorted and used the "simplified" address, the Respondent received the lowest possible bulk rate available for the materials sent. This rate is available to any postal customer seeking to do the

same type of mailing. The postmaster's office confirmed that the cost was \$979.50 for each mailing, as reported by the Respondent.

12. The Commission finds that the bulk mailing rate received by the Respondent was available to any postal customer seeking to do the same type of mailing. As such, this allegation is dismissed.
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 Section 9-7b-56 of the Regulations of Connecticut State Agencies.
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.
16. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter

ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of Connecticut General Statutes § 9-621 (c).

IT IS HEREBY FURTHER ORDERED THAT the Respondent shall pay a civil penalty of one hundred dollars (\$100.00) to the Commission on or before February 9, 2010.

The Respondent:

Dorothy Stedman
Dorothy Stedman
PO Box 662
Monroe, CT 06468

For the State of Connecticut:

BY: Joan 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: 2/1/10

Dated: 2/3/10

Adopted this 17th day of February of 20 10 at Hartford, Connecticut

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