

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Carol Georgette, Oxford

File No. 2009-078

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint pursuant to General Statutes § 9-7b, alleging that www.oxford-ct.com was operating as an ongoing political committee, but failed to register as the same.

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

1. Complainant alleged that Mr. Joseph Raspberry and W3Webmaster.com, LLC (hereinafter “W3Webmaster”) were operating as an ongoing political committee in that they published political opinions, political advertisements and linked to a political party, but failed to register as an ongoing political committee.
2. Complainant additionally alleged that Mr. Raspberry and W3Webmaster were disseminating materials promotional to a party committee and municipal candidates, as detailed in paragraph 1 above, as a business entity through the website www.oxford-ct.com.
3. At all times relevant to this complaint, General Statutes § 9-602¹, provided in pertinent part:

(1)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 campaign treasurer*

[Emphasis added.]

¹ Public Act 10-187, amended Subsection (A), in part, by excepting groups of individuals expending less than \$1,000.00, from the requirement of designating a campaign treasurer.

4. General Statutes § 9-613, provides in pertinent part:

No business entity shall make any contributions or expenditures to, or for the benefit of, any candidate's campaign for election to any public office or position subject to this chapter or for nomination at a primary for any such office or position, or to promote the defeat of any candidate for any such office or position. No business entity shall make any other contributions or expenditures to promote the success or defeat of any political party, except as provided in subsection (b) of this section. No business entity shall establish more than one political committee. A political committee shall be deemed to have been established by a business entity if the initial disbursement or contribution to the committee is made under subsection (b) of this section or by an officer, director, owner, limited or general partner or holder of stock constituting five per cent or more of the total outstanding stock of any class of the business entity.

[Emphasis added.]

5. Upon complaint and investigation, the Commission finds that the communications on the website www.oxford-ct.com and referenced in paragraph 1 above, included promotional materials for a party committee and municipal candidates in the Town of Oxford, and that the aforementioned website was registered to the webhosting company W3Webmaster.
6. The Commission further finds that www.oxford-ct.com was maintained by the webhosting company W3Webmaster, which is a limited liability corporation registered with the State of Connecticut, and solely owned by Mr. Raspberry.
7. Accordingly, for the reasons stated herein, the Commission concludes that W3Webmaster was owned by Mr. Raspberry as a sole proprietor, and therefore was not required to file a committee pursuant to the requirements of General Statutes § 9-602, at all times relevant to this complaint. The Commission for the reasons so stated therefore dismisses the allegation pertaining to a failure to register as an ongoing political committee.

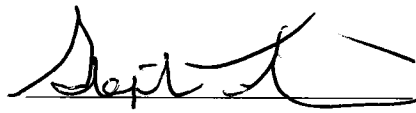
8. The Commission further concludes, for the reasons detailed in paragraph 6 above, that Mr. Raspberry as the sole proprietor of W3Webmaster was not a business entity and therefore not prohibited by General Statutes § 9-613 from making expenditures for the communications subject to this complaint that are detailed in paragraphs 1 and 5 above.
9. The Commission notes that, while not specifically alleged, the website and communications detailed herein pursuant to General Statutes § 9-621, did not, *as required* include attributions as to their source. While the Commission declines to take further action with regard to the aforementioned, it nevertheless considers Mr. Raspberry on notice of this requirement in the interest of future compliance with the attribution requirements of § 9-621.
10. The Commission concludes therefore, for the reasons stated herein, Mr. Raspberry and W3Webmaster did *not* violate General Statutes §§ 9-602 or 9-613, by promoting a party committee and municipal candidates in the Town of Oxford on the website www.oxford-ct.com.

ORDER

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

That the complaint is dismissed.

Adopted this 21st day of March, 2012 at Hartford, Connecticut.



Stephen F. Cashman, Chairman
By Order of the Commission