

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by  
Robert Symmes, West Haven

File No. 2009-082

FINDINGS AND CONCLUSIONS

The Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b and alleged that the municipal political slate committee "Team Picard 2009," through the Respondent treasurer Albert Stiewing, failed to timely and properly report the cost of a print advertisement for the committee and failed to properly attribute the funding source for the advertisement, in violation of General Statutes §§ 9-608 (a) & (c) and 9-621 (a).

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

1. At all times relevant hereto, "Team Picard 2009" filed a Political Committee (PAC) Registration (SEEC Form 3), with the Town Clerk of West Haven, naming the Respondent, Albert Stiewing, as treasurer, and designating the committee as a durational committee formed to support a slate of candidates.
2. A full-page advertisement for "Team Picard 2009" appeared in the print newspaper the New Haven Register on September 9, 2009 urging the reader to "Vote Team Picard" at the upcoming Democratic primary in West Haven on September 15, 2009.
3. The Complainant alleges that the fair market value of the aforementioned advertisement was approximately \$12,800, paid in advance. He alleges that the committee could not have paid for such an advertisement at that time, because as of its September 8, 2009 Itemized Campaign Finance Disclosure Statement (SEEC Form 30), which detailed contributions and expenditures of the committee up to August 31, 2009, the committee had a balance of only \$5,205 remaining and \$4,571 in outstanding expenses incurred, but not paid.
4. The Complainant further alleges that the committee failed to report the cost of the advertisement in the aforementioned September 8, 2009 Statement, even though, he alleges, the expenditure for the advertisement was most likely incurred during the reporting period for that Statement.
5. General Statutes § 9-608 reads, in pertinent part:
  - (a) (1) Each campaign treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) on the tenth calendar day in the months of January, April, July and October, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, (B) on the seventh day preceding each regular state election,

except that (i) in the case of a candidate or exploratory committee established for an office to be elected at a municipal election, the statement shall be filed on the seventh day preceding a regular municipal election in lieu of such date, and (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date, and (C) if the committee has made or received a contribution or expenditure in connection with any other election, a primary or a referendum, on the seventh day preceding the election, primary or referendum. The statement shall be complete as of the last day of the month preceding the month in which the statement is required to be filed, *except that for the statement required to be filed on the seventh day preceding the election, primary or referendum, the statement shall be complete as of seven days immediately preceding the required filing day.* The statement shall cover a period to begin with the first day not included in the last filed statement. In the case of a candidate committee, the statement required to be filed in January shall be in lieu of the statement formerly required to be filed within forty-five days following an election.

...

(c) (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: . . . (C) *an itemized accounting of each expenditure*, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; (D) *an itemized accounting of each expense incurred but not paid*, provided if the expense is incurred by use of a credit card, the accounting shall include secondary payees, and the amount owed to each such payee; (Emphasis added.)

6. The evidence in this matter shows that, as alleged, the September 8, 2009 Itemized Campaign Finance Disclosure Statement does not report expenditures for the aforementioned advertisement. However, the evidence shows that the Itemized Campaign Finance Disclosure Statement due within 30 days following the primary and filed on or about October 13, 2009, reflects an expenditure of \$999 incurred and paid on September 3, 2009 for an advertisement with the New Haven Register.

7. After investigation, the Commission finds that \$999 was the cost of the advertisement that is the subject of this Complaint. The newspaper was running a special price of \$999 for full page advertisements on September 9, 2009 to coincide with the numerical uniqueness of the date (9/9/09). "Team Picard 2009" took advantage of this price for the instant advertisement. As such, the Commission concludes that the evidence is insufficient to show that the Respondent failed to accurately report the expenditure for the advertisement. This allegation should be dismissed.
8. Further, the Commission finds that the expenditure for the advertisement was not incurred until September 3, 2009, after the relevant period for the September 8, 2009 Itemized Campaign Finance Disclosure Statement, which ended on September 1, 2009, and was not required to be reported until the subsequent statement, which is what ultimately occurred. As such, the Commission concludes that the evidence is insufficient to show that the Respondent failed to timely report the expenditure for the advertisement. This allegation should be dismissed.
9. Turning to the Complainant's final allegation, he alleges that the advertisement failed to properly comply with the requirements of General Statutes § 9-621.
10. General Statutes § 9-621 (a) (Rev. to June 8, 2010) reads, in pertinent part:

[N]o 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: . . . (B) in the case of a committee other than a party committee, the name of the committee and its campaign treasurer; . . . (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.)

11. Pursuant to § 9-621 (a), the attribution for the advertisement should have read "Paid for by Team Picard 2009, Al(bert) Stiewing, Treasurer."
12. Instead, at the bottom of the advertisement there was an attribution that read: "This message is approved by Team Picard 2009 • Al Stiewing, Treasurer."
13. Where a group's public filings were filed with the proper filing repository and where the Respondent has achieved partial, but substantial compliance with § 9-621, the Commission has in the past concluded that no further action is required in the matter. See *In the Matter of a Complaint by Jennifer Day*, File No. 2010-136 (2011).

14. Here, the Political Committee (PAC) Registration (SEEC Form 3) for "Team Picard 2009" was on file with the Town Clerk of West Haven and the relevant attribution substantially complied with the requirements of § 9-621 (a). As such, the Commission concludes that no further action is required regarding this allegation.

### ORDER

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

- 1) That the allegations of violations of General Statutes §§ 9-608 (a) & (c) be dismissed.
- 2) That no further action be taken regarding the allegation of a violation of General Statutes § 9-621 (a).

Adopted this 13th day of April, 2011 at Hartford, Connecticut.



Stephen F. Cashman, Chairperson  
By Order of the Commission