

JAN 20 2010

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Margaret A. West, Oxford

File No. 2009-099

AGREEMENT CONTAINING CONSENT ORDER
AND PAYMENT OF A CIVIL PENALTY FOR A VIOLATION OF
GENERAL STATUTES § 9-603

This Agreement, by and between William Neary, (hereinafter referred to as "Respondent") of the Town of Oxford, County of New Haven, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with General Statutes § 4-177(c) and section 9-7b-54 of the Regulations of Connecticut State Agencies.

In accordance herewith, the parties agree that:

1. The Complainant, the Town Clerk of Oxford, Connecticut, alleged that the Oxford Republican Town Committee failed to file a copy of its July 2009 Campaign Finance Disclosure Statement with her office as required by law.
2. The Oxford Republican Town Committee (hereinafter the "Committee") is a party committee as defined in General Statutes § 9-601 (2).
3. On November 8, 2007, William Neary was appointed treasurer of that Committee and continued in said role until September 17, 2009, at which time he resigned.
4. As such, the Respondent was the individual responsible for making and submitting the July 2009 Campaign Finance Disclosure Statement (SEEC Form 20 or 21) (hereinafter the "Statement") for the Committee. See General Statutes §§ 9-602 (c) (campaign treasurer is responsible for all duties required of him under Chapter 155) and 9-608 (a)(1) (campaign treasurer shall file statement with proper authority in accordance with section 9-603 on tenth calendar day in July).
5. On July 10, 2009, Respondent Neary made a timely filing of that Statement with the Commission. He did not, however, file a copy of such Statement with the Oxford Town Clerk's office.
6. General Statutes § 9-603 (a) provides in relevant part as follows:

Statements filed by party committees . . . shall be filed with the State Elections Enforcement Commission. **A copy of each statement filed by a town committee shall be filed at the same time with the town clerk of the municipality in which the committee is situated.** . . . [Emphasis added.]

7. Similarly, General Statutes § 9-608 (a) (1) provides in pertinent part that:

Each campaign treasurer of a 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
[Emphasis added.]

8. The Respondent admits that he failed to timely file a copy of the Statement with the Oxford Town Clerk but maintains that his failure was the result of a good faith error rather than an intentional violation of the law.

9. Nevertheless, the Commission concludes that the Respondent violated General Statutes § 9-603 by failing to timely file a copy of the Statement. In addition, the Commission finds that a civil penalty is warranted because the Respondent has also failed to file timely campaign finance reports for this Committee on two prior occasions. See SEEC File Nos. 2008-185NF and 2009-46NF.

10. As a final note, the Commission also concludes that because this matter concerns the Respondent's failure to file a *copy* of the Statement with the Oxford Town Clerk rather than the original Statement, the requirements and mandatory minimum fine provisions of General Statutes § 9-623 do not apply. See Complaint of Lourena Helt, New Hartford, File No. 96-111.

11. 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 Regulations of Connecticut State Agencies § 9-7b-56.

12. It is understood 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.

13. 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 challenge or contest the validity of this Agreement or Order hereinafter stated.

14. Upon the Respondent's agreement with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

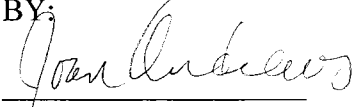
ORDER

IT IS HEREBY ORDERED that the Respondent shall pay a civil penalty in the amount of two hundred dollars (\$200.00) made payable to the State Elections Enforcement Commission;

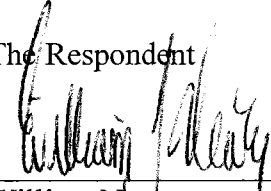
IT IS FURTHER ORDERED that the Respondent shall henceforth strictly comply with General Statutes § 9-603.

Dated: 1/20/10

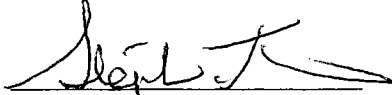
For the State of Connecticut

BY: 
Joan M. Andrews, Esq.
Director of Legal and
Enforcement Unit and
Authorized Representative
of the State Elections
Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Dated: 1/10/10

The Respondent

William Neary
Oxford, CT

Adopted this 22 ^{January, 2010} day of ~~December, 2009~~ at Hartford, Connecticut


Stephen F. Cashman, Chair
By Order of the Commission