

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by  
Jonathan Pelto, Wallingford

File No. 2009-104

FINDINGS AND CONCLUSIONS

The Complainant brings this complaint pursuant to Connecticut General Statutes § 9-7b and alleges that M. Jodi Rell, Jodi Rell, Governor exploratory committee (hereinafter the "Committee"), and/or its treasurer, Thomas Filomeno violated campaign finance laws by failing to report significant campaign expenditures and contributions, by accepting contributions that exceeded the \$375 contribution limit, accepting business entity contributions, by accepting services provided by state employees, working on state time and using state resources.

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

1. Complainant asserts that M. Jodi Rell, the Committee, and/or its treasurer, Thomas Filomeno, committed significant violations of campaign finance laws in connection with the following activities:
  - a. "A poll developed, but apparently not utilized, under a state contract, and with the involvement of state employees, on state time in June 2008;
  - b. "A focus group conducted in December 2008 that was developed under a state contract and with the involvement of state employees, on state time but utilized for political purposes. The net effect of this violation is that Jodi Rell and the Jodi Rell, Governor Exploratory Committee received the benefit of focus group worth \$4,000 - \$5,000 but did not pay anything nor report anything for that benefit; and
  - c. "A poll that was conducted in May 2009 that was not properly accounted for on Jodi Rell, Governor Exploratory Campaign Finance Reports and apparently included the involvement of state employees, on state time. The net effect of this violation is that the Jodi Rell and the Jodi Rell, Governor Exploratory Committee received the benefit of a survey research project worth \$20,000 - \$30,000 but only paid and reported an expenditure of \$6,000."
2. Complainant specifically alleges that, in connection with the aforementioned activities, M. Jodi Rell, the Committee, and/or Thomas Filomeno violated state campaign finance laws in the following ways:
  - a. by failing to report significant campaign expenditures;
  - b. by failing to report significant in-kind contributions;
  - c. by accepting in-kind contributions that exceeded \$375;
  - d. by accepting corporate in-kind contributions; and
  - e. by accepting services provided by state employees, working on state time and using state resources.

3. We will address each allegation in turn but note that allegations concerning the activities of Dr. Kenneth Dautrich as well as the use of state resources will be addressed in a separate document.
4. We begin by setting forth the facts relevant to our resolution of the Complaint.
5. At all times pertinent to the Complaint, Dr. Kenneth Dautrich was an Associate Professor in the Department of Public Policy at the University of Connecticut ("UCONN"). According to that Department's website, Dr. Dautrich, "established the Masters in Survey Research (MSR degree program at the University of Connecticut, and teaches courses in survey research and polling. . . . Ken is also a policy advisor to Connecticut Governor M. Jodi Rell."
6. According to Dr. Dautrich, he has worked as an uncompensated advisor for the Rell administration since 2005.
7. According to M. Lisa Moody, Governor Rell's Chief of Staff, she has known Dr. Dautrich for a number of years and that, while she and Dr. Dautrich did discuss matters of state government, he had no formal relationship within Governor Rell's administration.
8. On April 12, 2008, Dr. Dautrich submitted a research proposal to Ms. Moody for a State Budget and Agency Performance Review Project ("CSAR Project"). According to that proposal, the Project would include, among other things, the identification of how to best spend public funds and spending efficiencies and methods of eliminating the deficit. The proposal provided a total cost of \$123,406 and, indicated that the Project would require the services of two to three graduate students.
9. In June of 2008, Dr. Dautrich sent Ms. Moody an email about utilizing a poll to gauge public opinion regarding the budget concerns. Dr. Dautrich provided Ms. Moody with a sample poll to consider. He maintains that in preparing sample poll questions he worked off a previous poll used during the Rowland administration for a budget crisis. Ms. Moody declined the polling effort at that time.
10. The April, 2008 proposal was, however, approved and a Memorandum of Understanding ("MOU") was entered into by UCONN and the state's Office of Policy and Management ("OPM") on July 17, 2008. According to that MOU, state funds were transferred to UCONN "to conduct a review of state agency performance to determine how the state might achieve cost savings and more efficient and cost effective ways to deliver service." The MOU further states that "UConn shall provide the services of Dr. Kenneth Dautrich as principal investigator for the research. One-third of his professional time during the contract period will be dedicated to this project. In addition, two graduate research assistants at UConn will be assigned to this project. Dr. Dautrich will also work with staff at OPM and the Governor's office in carrying out the project."
11. The final project budget totaled \$223,406 and was to be conducted from June 15, 2008 through August 30, 2010.

12. The MOU was executed by Robert Genuario from OPM and Dr. Michael Crouch from UCONN. Ms. Moody maintains that she had no role in the development, negotiation, or approval of the MOU/CSAR Project and, to her knowledge that was handled by OPM.
13. On August 7, 2008, Governor Rell filed with the Commission an Exploratory Committee Registration (SEEC Form 4). That Registration Statement identified that committee as "Jodi Rell, Governor," and named M. Jodi Rell as candidate, Thomas J. Filomeno as treasurer, and Brian Farnen as deputy treasurer. It also indicated that, with the exception of state treasurer, Governor Rell was only considering running for a statewide office in the November 2010 election.
14. Between July and September of 2008, in addition to conducting research, 54 agency heads were interviewed in connection with the CSAR Project.
15. In addition, between November of 2008 and January of 2009, three focus groups were conducted. The first two focus groups were held on November 12, 2008 and November 19, 2008 respectively. Those focus groups were both entitled *Connecticut Residents' Perception of the State Budget Deficit*, were led by two graduate students, were supervised by Dr. Dautrich, and consisted of four participants. In total, only \$526.81 was associated with those focus groups and those funds came from a departmental research account rather than from CSAR Project. Furthermore, the data from those focus groups was not used to support the CSAR Project. Instead, those focus groups were used as educational exercises for the two graduate students.
16. The third focus group was conducted on December 16, 2008. It too was entitled *Connecticut Residents' Perception of the State Budget Deficit*. This focus group was, however, led by Dr. Dautrich rather than by the graduate students, although those students did participate. Nine individuals participated in that focus group. In total, \$2339 in costs were associated with that focus group and those costs were charged to the CSAR project account.
17. According to Dr. Dautrich, that focus group derived from a meeting he attended in late 2008 with, among others, Governor Rell and Ms. Moody to discuss the Governor's budget proposal. Dr. Dautrich maintains that that focus group was designed to gather public opinion about the budget crisis, taxes, state leadership, and to identify the best method of communicating a budget plan to the public.
18. The topic guide for that focus group was approved by Dr. Dautrich. In addition to budget and tax questions, it included ratings of the state legislature and Governor Rell, and their response to the budget crisis. During the focus group, Dr. Dautrich asked the participants to identify "strong leaders" they had faith in and that they trusted to resolve the budget crisis. He asserts that he asked participants about those individuals to identify the public's opinion about the qualities those individuals would need to possess. Dr. Dautrich asserts that those questions related to the CSAR Project because the answers would help identify ways to get a budget proposal implemented. He maintains that he did not ask the participants to compare and contrast state leadership which he would have done if the focus group was designed for partisan purposes. The notes taken at the focus group suggest that it followed the topic guide.

19. In response to those questions, several participants identified specific individuals, including Richard Blumenthal. The participants were also asked their opinion of Governor Rell and whether she possessed the qualities necessary to lead the state.
20. The data from this focus group was used in connection with the CSAR Project. Specifically, a memorandum summarizing the focus group was provided to Matt Fritz of the Governor's Office on December 22, 2008. That memorandum also included specific recommendations on what to emphasize to the public concerning the budget deficit including the "Governor's vision for the future of Connecticut."
21. Ms. Moody observed this focus group as did other members of Governor Rell's staff, specifically, Matthew Fritz, Special Assistant to Governor Rell, and Adam Jaemel, Director of Public Affairs. According to Dr. Dautrich, he invited those individuals to attend because it is common and valuable for the sponsor/client of a research project to observe the results of that project. Dr. Dautrich maintains that he was not aware whether any of those individuals worked for the Committee. He also maintains that he never discussed the Governor's plans for reelection with Ms. Moody or anyone from the Governor's office.
22. Ms. Moody maintains that the first time she met the graduate students involved with the CSAR Project was at this focus group. She further maintains that she did not know the scope of their efforts on that project or how/if they were compensated. The Commission has not uncovered evidence to the contrary.
23. With respect to the Committee, Herb Shepardson, who acted as the Committee's campaign manager, maintained that the Committee was formed to give the Governor time to consider her political options. He stated that it was not a very active Committee and operated with a few volunteers before Governor Rell decided not to run for reelection or election to any other office. He noted that had the Governor decided to seek reelection, the Committee's staffing would have been drastically different.
24. According to Governor Rell, Dr. Dautrich, and Ms. Moody had no official role in the Committee. Mr. Shepardson also maintained that Ms. Moody did not have a relationship with the Committee. Mr. Filomeno also indicated that he had never met nor spoken to Lisa Moody and that he did not know Dr. Dautrich and had no way of knowing every Committee volunteer.
25. Mr. Filomeno also asserted that Mr. Shepardson would inform him which invoices needed to be paid with Committee funds. Mr. Filomeno was not aware of other individuals that may have been involved in the invoice review process.
26. On April 3, 2009, Ms. Moody sent Dr. Dautrich an email requesting that he contact her. Dr. Dautrich maintains that around that time Ms. Moody requested that he prepare some sample questions for a statewide poll (hereinafter, "the Poll"). According to Ms. Moody, in April of 2009, the Governor reconsidered conducting a statewide poll. Ms. Moody maintains that the budget process was stalling due to the legislative process and the Governor saw the value in conducting a statewide poll to respond to the legislature and assist in moving a budget proposal forward. Dr. Dautrich had previously suggested a similar polling effort in June of 2008 but Ms. Moody declined.

27. On April 6, 2009, Dr. Dautrich sent Ms. Moody an email with suggested topics/question for the Poll. That email was sent from Dr. Dautrich's personal email account and included topics such as "rating Rell in dealing with budget issues," and "rating Dems in legislature in dealing with budget issues." Also proposed were questions concerning budget crisis solutions and whether the participants were more likely to support the Governor's plan or the "Dem leg plan."
28. On April 7, 2009, Dr. Dautrich sent Ms. Moody an email via his personal email account in which he asked, "Want this to be UConn or private." On April 8, 2009, at 11:42 a.m., Dr. Dautrich again wrote to Ms. Moody via his personal email account and stated, "just let me know if I should log this in as a uconn project, or not -- then I'll start things up. If we start today, I'll have results by Monday." At 12:58 p.m., Ms. Moody responded as follows to Dr. Dautrich via email: "Got the sign off -- private." At 9:23 p.m., Dr. Dautrich responded via his personal email account, "Probably total cost for about \$6,000. The costs are just for the phone facility -- and the one I use is very good and has given a good price on this -- based on the volume of work I do with him."
29. Ms. Moody indicated that that she and the Governor reviewed, discussed, and revised the Poll. She also stated that the Governor elected to use private funds to support the Poll because she wanted to ensure that public funds were not used inappropriately. Ms. Moody further stated that she told Dr. Dautrich that the cost of the Poll would be covered by the Committee. Governor Rell admits authorizing the use of Committee funds to cover the costs of the phone facility. She maintains that said authorization was conveyed to a Committee volunteer.
30. Two of the graduate assistants (hereinafter "GA-A" and "GA-B")<sup>1</sup> that worked on the CSAR Project were also approached by Dr. Dautrich in the spring of 2009 to work on the Poll. Those students both maintain that Dr. Dautrich informed them that their efforts would have to be conducted on their personal time and with personal resources. Those students could not recall when Dr. Dautrich told them this. Dr. Dautrich maintains that he informed them that they could not use UCONN resources for the Poll after he knew the poll would be privately funded and that prior to that time, he believed their efforts could have fell with the scope of the CSAR project.
31. GA-A helped Dr. Dautrich draft the initial versions of the Poll. GA-B was responsible for obtaining the vendor to conduct the telephone services. According to GA-B, he obtained Braun Research Inc.'s ("Braun") telephone survey services for \$6000 based upon a prior relationship he had with that company. He indicated that Dr. Dautrich had no involvement in Braun's retention or the negotiation of the \$6000 price.
32. Braun is a privately held marketing and public opinion research firm based in New Jersey.
33. The final version of the Poll was transmitted to Braun on April 9, 2009 by GA-A and contained nineteen questions including "Do you think Governor Rell deserves to be reelected to another term as Governor or is it time for someone else to be Governor?"

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<sup>1</sup> In an effort to comply with the Family Education Rights and Privacy Act of 1974 ("FERPA" or "the Buckley Amendment"), 20 U.S.C. § 1232g, the Commission will not reveal the identity of those students.

34. After receiving the Poll results from Braun, GA-A and GA-B assumed responsibility for the breakdown of the data provided by Braun.
35. According to UCONN's records, GA-A and GA-B recorded their efforts for the Poll under their graduate assistantships. Specifically, GA-A reported ten hours of time and GA-B reported twenty eight hours of time to the Poll. GA-A and GA-B were compensated for those efforts from the CSAR Project funding.
36. As noted, Dr. Dautrich was the principal investigator of the CSAR Project. According to UCONN's *Policies and Guidelines for Financial Management of Sponsored Projects*, "[d]etailed and summary financial project reports are distributed to PI's [principal investigator] monthly. . . . Accounts should be reviewed carefully for incorrect salary distribution, incorrect charges, and other errors." Despite those guidelines, Dr. Dautrich signed the graduate students' reports in August of 2009 and certified that their reported time allocations and compensation under the CSAR Project was accurate.
37. According to UCONN's records, the total estimated value associated with the work executed by GA-A and GA-B for the Poll was \$2582.52. That value is not based on an hourly wage but rather the estimated value of a half-time graduate assistantship as GA-A and GA-B were not compensated on an hourly basis.
38. The Complainant has not provided, nor has the Commission uncovered any evidence that, with the exception of Dr. Dautrich, any individual associated with the Committee was aware that graduate student efforts and/or UCONN resources were being used in connection with the Poll.
39. The graduate students transmitted to Dr. Dautrich an analysis of the data provided by Braun. Dr. Dautrich used that information to complete a four to six page Poll results summary. Dr. Dautrich maintains that it took him about three to four hours at home to complete that summary.
40. Dr. Dautrich further maintains that all of his personal efforts on the CSAR Project were voluntary and did not involve the use of state resources. There is, however, evidence that Dr. Dautrich used his UCONN email account at least eleven times in connection with the Poll.
41. On April 13, 2009, Dr. Dautrich provided his Poll results summary to Ms. Moody at the State Capitol. Ms. Moody passed that summary on to Governor Rell. Mr. Filomeno admits that he was not aware of that summary, nor did he have it in his possession, until after the Complaint was filed.
42. A \$6000.00 expenditure to Braun was reported by the Committee in its Itemized Campaign Finance Disclosure Statement (SEEC Form 30) dated July 10, 2009.
43. Said expenditure appears to have been made by the Committee on May 1, 2009 and deposited in Braun's account on May 8, 2009. Mr. Filomeno admits that at the time of that payment, he did not know who retained Braun or negotiated the \$6000 price but did have an invoice from Braun which read "Connecticut Voters Project, 500 completed interviews through SPSS deliverable." Mr. Filomeno further admits that he did not know what the Connecticut Voters Project meant at the time he made the expenditure but assumed it

related to polling. Mr. Filomeno also acknowledges that prior to making the relevant expenditure, he never saw the product of Braun's services.

44. Mr. Filomeno also maintains that he left it Herb Shepardson to decide whether that expenditure was permissible. The invoice from Braun was addressed to "Jody Rell for Governor, Attn: Herb Shepardson." There is a notation on that invoice that reads "Ok to pay per Herb Shepardson on 4/30/09." Mr. Shepardson maintains that he learned of Braun's services and invoice from Mr. Filomeno or his assistant. He maintains that he has never seen the invoice and was not a party to Braun's retention. He further indicated that he learned of a survey from Governor Rell, Lisa Moody or Adam Jeamel. He stated that although he did not know when, where, or how the survey was conducted, he believed the use of a survey was permissible and that the cost seemed reasonable.
45. The Commission notes that Mr. Filomeno is now in possession of the Poll results summary that was written by Dr. Dautrich and provided to Governor Rell concerning the Poll results.
46. With those facts in mind, we now turn to the Complainant's allegations.
47. The Complainant first alleges that campaign expenditures were not properly reported. With respect to the reporting of such expenditures, General Statutes § 9-608 (c) (1) provides as follows in relevant part:

**Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution; . . . (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 . . . . [Emphasis added.]**

48. While Mr. Filomeno was the duly designated treasurer of the Committee and was, therefore, responsible for complying with the aforementioned requirements pursuant to General Statutes § 9-606 (a), the Complainant did not provide, and the investigation did not reveal, evidence that establishes that he did not comply with § 9-608 (c) (1) (C) with respect to activities related to the CSAR Project or the Poll. Instead, the evidence establishes that Mr. Filomeno properly reported the expenditure made by the Committee for Braun's services and that that was the only expenditure made by the Committee in connection with the Poll.
49. The Commission therefore concludes that the Complainant's first allegation is without merit.
50. The Complainant next alleges that significant in-kind contributions were not reported by the Committee.
51. As previously noted, General Statutes § 9-608 (c) (1) provides as follows in relevant part:

Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution . . . .

52. Given the evidence, the Commission must determine whether Dr. Dautrich, the graduate students, and/or Ms. Moody provided an in-kind contribution to the Committee that Respondent Filomeno failed to report.
53. Pursuant to General Statutes § 9-601a (a) (4), an expenditure coordinated with a candidate or a candidate's agent qualifies as a contribution to that candidate's committee. An expenditure is defined, in part, as "any . . . gift of money or anything of value, when made for the purpose of influencing the nomination for election, or election . . . ." However, uncompensated services provided by individuals volunteering their time are not considered contributions or expenditures. General Statutes §§ 9-601a (b) (4) and 9-601b (b) (4).
54. With respect to Dr. Dautrich, the evidence is insufficient to establish that his work on the CSAR Project constituted an expenditure by Dr. Dautrich. As a consequence, the Commission concludes that there was no in-kind contribution from Dr. Dautrich to the Committee that Mr. Filomeno was required to report.
55. With regard to the Poll, Dr. Dautrich takes the position that his personal polling efforts constituted volunteer services rather than a contribution or expenditure to the Committee.
56. The evidence supports Dr. Dautrich's claim that his personal efforts with respect to the Poll, including the preparation and printing of his Poll results summary, qualify as "uncompensated services" pursuant to General Statutes §§ 9-601a (b)(4) and 9-601b (b)(4). Put another way, unlike GA-A or GA-B, the evidence does not establish that Dr. Dautrich received compensation for his Poll efforts. As such, the evidence does not establish that Dr. Dautrich made a contribution to the Committee and, thus, there was no in-kind contribution that Mr. Filomeno failed to report.
57. With respect to GA-A's and GA-B's Poll efforts, while the evidence does establish that they performed work on the Poll and were ultimately compensated for that work, the evidence does not establish sufficiently that those students performed that work to influence Governor Rell's nomination or election. Instead, the weight of the evidence suggests that the students participated in the poll for academic purposes rather than political purposes. As such, the evidence does not sufficiently establish GA-A or GA-B intentionally made a contribution to the Committee. Thus, there was no contribution for Mr. Filomeno to report.
58. Finally, with respect to Ms. Moody, the evidence is insufficient to prove that she was compensated for the minimal amount of time she spent on the Poll. As such, her efforts fall within the "uncompensated services" exception to the definition of contribution. General Statutes §§ 9-601a (b) (4). The evidence is therefore insufficient to establish that Ms. Moody made a contribution to the Committee that Mr. Filomeno was required to report.
59. The Complainant next asserts that the Committee accepted in-kind contributions that exceeded \$375.

60. General Statutes § 9-611 (b) (1) prohibits an individual from making “a contribution or contributions to, or for the benefit of, an exploratory committee, in excess of three hundred seventy-five dollars.”

61. Furthermore, General Statutes § 9-622 provides in relevant part as follows:

The following persons shall be guilty of illegal practices and shall be punished in accordance with the provisions of section 9-623:

\* \* \*

(10) Any person who . . . makes or receives a contribution that is otherwise prohibited by any provision of this chapter.

62. This allegation concerns the same facts, potential respondents, and legal issues as presented above. In other words, the Commission must determine 1) whether an expenditure was made by those individuals; and 2) whether that expenditure also qualified as a contribution pursuant to General Statutes § 9-601a (a) (3) or (4). In addition, the evidence must establish that the value of that contribution was greater than \$375.

63. In light of the Commission’s foregoing conclusion that the evidence does not sufficiently establish that Dr. Dautrich, GA-A, GA-B, or Ms. Moody made a contribution to the Committee in connection with the CSAR Project or Poll, the Commission cannot conclude that anyone made, or that Mr. Filomeno received, a contribution to the Committee in connection with the Poll or the CSAR Project that exceeded \$375.

64. The Complainant next alleges that the Committee accepted an impermissible business entity contribution.

65. General Statutes § 9-601 (8) defines “business entity”:

"Business entity" means the following, whether organized in or outside of this state: Stock corporations, banks, insurance companies, business associations, bankers associations, insurance associations, trade or professional associations which receive funds from membership dues and other sources, partnerships, joint ventures, private foundations, as defined in Section 509 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended; trusts or estates; corporations organized under sections 38a-175 to 38a-192, inclusive, 38a-199 to 38a-209, inclusive, and 38a-214 to 38a-225, inclusive, and chapters 594 to 597, inclusive; cooperatives, and any other association, organization or entity which is engaged in the operation of a business or profit-making activity; but does not include professional service corporations organized under chapter 594a and owned by a single individual, nonstock corporations which are not engaged in business or profit-making activity, organizations, as defined in subdivision (6) of this section, candidate committees, party committees and political committees as defined in this section. For purposes of this chapter, corporations which are component members of a controlled group of corporations, as those terms are defined in Section 1563 of the Internal Revenue

Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, shall be deemed to be one corporation.

66. General Statutes § 9-613 (a) prohibits a “business entity” from making contributions to, or for the benefit of, any candidate's campaign for election to any public office.
67. Although the Complainant does not expressly allege it, his allegation appears to concern the polling services provided by Braun to the Committee. The evidence establishes that Braun is a corporation which is engaged in the operation of a business or profit-making activity and, as such, falls within the definition of “business entity” set forth in General Statutes § 9-601 (8).
68. Thus, in order to determine whether this allegation has merit, the Commission must determine whether the Committee paid Braun fair market value for its services. The Commission has regularly concluded that when a business entity is paid fair market value for its services, no contribution has been made by that entity. *See, e.g., Complaint of Steve Elworthy*, Fairfield, File No. 2007-354 (concluding that a business entity that was paid fair market value for services rendered to political committee did not provide a contribution to that committee).
69. As previously noted herein, Braun billed the Committee \$6000 for its services. The evidence does not establish that that price was less than fair market value for these services.
70. We therefore conclude that this allegation is without merit.
71. We note that, to the extent that the Complainant was referring to the alleged state resources utilized for the Poll, this allegation is also without merit as the State of Connecticut does not fall within the statutory definition of a “business entity” and, thus, does not fall within the prohibition on business entity contributions set forth in General Statutes § 9-613. *See* General Statutes § 9-601 (8) (Rev. 2009).
72. We note, however, that the investigation revealed that Governor Rell authorized the expenditure of Committee funds for the polling services provided by Braun.
73. General Statutes § 9-607 provides in relevant part as follows:
  - (a) **No financial obligation shall be incurred by a committee unless authorized by the campaign treasurer**, except that certain expenditures of a candidate's personal funds may be reimbursed . . . .
  - (b) No candidate, campaign treasurer, or committee shall be liable for any debt incurred in aid of or in opposition to any political party, referendum question or the candidacy of any person or persons for said offices or positions unless such debt was incurred pursuant to an authorization issued under subsection (a) of this section.
74. In the present matter, the Governor admits that her authorization to retain Braun’s services was made without Mr. Filomeno’s consent. The Commission concludes that, in doing so, the requirements General Statutes § 9-607 (a) were not met.

75. The evidence also establishes, however, that the poll at issue was permissible pursuant to General Statutes § 9-607 (g) (1) (A) (i) and (g) (2) (S) and that the expense that was incurred pursuant to Governor Rell's authorization was ultimately satisfied by the Committee's treasurer (i.e., Mr. Filomeno). As a consequence, the Commission will take no further action concerning said authorization. That decision is in line with prior Commission cases where the Commission found that an obligation was incurred by the Committee without treasurer authorization. *See In the Matter of a Complaint by Caroline Atwood*, Durham, File No. 2008

76. The investigation also revealed the Mr. Filomeno made an expenditure of Committee funds to pay Braun when all he had to support that expenditure was an invoice that read "Connecticut Voters Project, 500 completed interviews through SPSS deliverable," and Mr. Filomeno admits that he did not know what "Connecticut Voters Project" meant and did not see the poll question in advance of paying that invoice.

77. General Statutes § 9-607 provides in relevant part as follows:

(f) The campaign treasurer shall preserve all internal records of transactions required to be entered in reports filed pursuant to section 9-608 for four years from the date of the report in which the transactions were entered. **Internal records required to be maintained in order for any permissible expenditure to be paid from committee funds include, but are not limited to, contemporaneous invoices, receipts, bills, statements, itineraries, or other written or documentary evidence showing the campaign or other lawful purpose of the expenditure. . . .**

(g)(1) As used in this subsection, (A) "the lawful purposes of his committee" means:  
(i) For a . . . exploratory committee, the promoting of the nomination or election of the candidate who established the committee . . . .

(2) Unless otherwise provided by this chapter, any campaign treasurer, in accomplishing the lawful purposes of his committee, may pay the expenses of: . . .  
(S) conducting polls concerning any political party, issue, candidate or individual . . .  
.. [Emphasis added.]

78. Even assuming Braun's invoice did not substantiate "the campaign or other lawful purpose of the expenditure" as required by General Statutes § 9-607 (f), the Commission will take no further action concerning this expenditure since that expenditure was permissible pursuant to General Statutes § 9-607 (g) (1) (A) and (g) (2) (S) and Mr. Filomeno is now in possession of the Dr. Dautrich's summary Poll report as evidence of the permissibility of Braun's payment.

79. Finally, the Complainant alleges that the Committee accepted services provided by state employees, working on state time and using state resources. The Commission will address this allegation in a separate document.

**ORDER**

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

That no further action be taken.

Adopted this 26th day of January, 2011 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Stephen F. Cashman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen F. Cashman, Chairperson  
By Order of the Commission