

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

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STATE ELECTIONS

SEP 14 2010

In the Matter of a Complaint by
Murray B. Darvick, Ridgefield

File No. 2009-106

ENFORCEMENT COMMISSION
**AGREEMENT CONTAINING HENCEFORTH ORDER
FOR VIOLATION OF GENERAL STATUTES § 9-621(a)**

This agreement, by and between Russell S. Katz, of the Town of Ridgefield, County of Fairfield, State of Connecticut (hereinafter referred to as the Respondent) and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. The Complainant filed this complaint against the Respondent and Ridgefield Board of Education member, Russell Katz, for allegedly distributing a campaign flyer in connection with the Ridgefield November 3, 2009 Municipal Election that failed to include the "Paid for by" and "approved by" attribution as required by General Statutes § 9-621(a).
2. The subject flyer contained the names of the Respondent and three other Board of Education candidates: John Palermo, Keith Miller and Sandra Rose. The aforementioned flyer was distributed on Main Street in Ridgefield, Connecticut.
3. General Statutes § 9-621(a), provides in pertinent part,

(a) No individual shall make or incur any expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, and no 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: (A) In the case of such an individual, the name and address of such individual; (B) in the case of a committee other than a party committee, the name of the committee and its campaign treasurer; or (C) in the case of a party committee, the name of the committee, and (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. No candidate or candidate committee or exploratory committee established by a candidate shall make or incur any expenditure for a mailing to promote the success of said candidate's


campaign for nomination at a primary or election or the defeat of another candidate's campaign for nomination at a primary or election, unless the mailing contains a photograph of the candidate conducting the mailing and said candidate's name in a font that is not less than the size of the font used for the narrative of the mailing. [Emphasis added.]

4. Respondent claimed that *"I printed about 30 handouts from my computer on paper from my house. The cost was nominal."* He added that *"John Palermo, Keith Miller, and Sandi Rose were not involved in this incident."*
5. Respondent stated that he contacted the candidates named on the flyer and mentioned to them what he was planning to do with the flyer. Respondent maintained that the other three named candidates did not contribute any monies toward the creation, production and distribution of the flyer.
6. Respondent admits the attribution omission and apologized for it. He stated that it was an unintended error.
7. It is concluded that Respondent violated § 9-621(a) of the General Statutes for distributing campaign material that failed to include the required "paid for by" and "approved by" attribution.
8. 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.
9. 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.
10. 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.
11. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

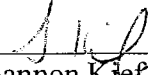
ORDER

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

The Respondent:


Russell Katz
216 Florida Road
Ridgefield, Connecticut

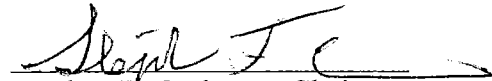
For the State of Connecticut:

BY: 
Shannon Kier, Esq.
Legal Program Director
& Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: 9/13/2010

Dated: 9-16-2010

Adopted this 22nd day of Sept of 2010 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission