

MAY 12 2011

ENFORCEMENT
COMMISSION

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Larry McCloskey, Stafford

File No. 2009-109

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Respondents Timothy Curnan and Jane Slater, of the Town of Stafford Springs, County of Tolland, State of Connecticut, and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. The Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b and alleged various violations concerning the Stafford Democratic Town Committee ("SDTC") and the municipal political slate committee "Krol/Hathaway 09," concerning campaign activities occurring during the 2009 municipal election cycle in the town of Stafford.
2. The Complainant made the following allegations:
 - a. That the SDTC gave in-kind contributions to "Krol/Hathaway 09" in excess of the statutory limits on contributions from party committees to political committees, in violation of General Statutes § 9-617 (c) (2);
 - b. that the SDTC failed to properly report the in-kind contributions, in violation of General Statutes § 9-608 (c);
 - c. that "Krol/Hathaway 09" failed to properly report the in-kind contributions, in violation of General Statutes § 9-608 (c);
 - d. that the "Michael P. Krol & Co., CPA PC" made an impermissible business entity contribution to "Krol/Hathaway 09" in coordination with that committee, in violation of General Statutes §§ 9-613 & 9-622 (10) in connection with a letter soliciting funds for the "Krol/Hathaway 09" committee;
 - e. that "Michael P. Krol & Co., CPA PC" and/or "Krol/Hathaway 09" failed to properly comply with the requirements of General Statutes § 9-621 in connection with the aforementioned letter soliciting funds for the "Krol/Hathaway 09" committee; and
 - f. that the SDTC failed to properly comply with the requirements of General Statutes § 9-621 in connection with a letter soliciting funds for the committee.
3. At all times relevant hereto, "Krol/Hathaway 09" filed a Political Committee (PAC) Registration (SEEC Form 3), with the Town Clerk of Stafford, naming the Respondent, Jane Slater, as treasurer, and designating the committee as a durational committee formed to support a slate of candidates, including Micheal P. Krol for First Selectman and Dennis L. Hathaway for Selectman.
4. Turning to the Complainant's first three allegations, he asserts in allegations (a) through (c) that the SDTC, by Respondent Treasurer Timothy Curnan, made contributions to "Krol/Hathaway 09" well in excess of the \$1,500 yearly limitation enumerated in General Statutes § 9-617 (c) (2), which reads, in pertinent part:

No town committee shall make a contribution or contributions in any one calendar year to, or for the benefit of (A) a legislative caucus committee or legislative leadership committee, in excess of two thousand dollars, or (B) any other political committee, other than an exploratory committee . . . *in excess of one thousand five hundred dollars. . .* (Emphasis added.)

5. Accepting contributions in excess of the limits set in § 9-617 also constitutes a violation by the receiving committee. General Statutes § 9-622 (10) reads, in pertinent part:

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 solicits, makes or receives a contribution that is otherwise prohibited by any provision of [Chapter 155]; . . . (Emphasis added.)

6. As an initial matter, the Commission takes notice that the SDTC reported in its October 10, 2009 Itemized Campaign Finance Disclosure Report (SEEC 20) that it made a maximum monetary contribution of \$1,500 to the “Krol/Hathaway 09” committee; as such, any additional contributions from the SDTC to the committee would be in excess of the statutory limit.
7. The Complainant attaches specific evidence of expenditures by the SDTC that he alleges were in-kind contributions that should have been reported as such by both committees. They are as follows:
 - a. A printed double-sided flier, one side promoting the candidates of the entire slate of Democratic candidates in Stafford and one side promoting just the candidacies of Mr. Krol and Mr. Hathaway, with no value alleged;
 - b. A sticker promoting the candidacies of Mr. Krol and Mr. Hathaway placed on the front of the Reminder News newspaper, with an alleged value of \$1,100;
 - c. An approximately 1/2-page print advertisement in the October 2009 edition of the North Central News, a local newspaper promoting the candidacies of Mr. Krol and Mr. Hathaway, with an alleged value of \$300;
 - d. An approximately 1/4-page print advertisement in the Reminder News inviting readers to attend a debate between Mr. Hathaway and his Republican opponent, Fowler Knowlton, with an alleged value of \$150;
 - e. An approximately 1/4-page print advertisement in the Reminder News inviting readers to “Meet the Democratic Candidates!” featuring images of various candidates, including Mr. Hathaway and Mr. Krol, with an alleged value of \$150;
 - f. Three full-page advertisements in the Reminder News promoting the candidacies of Mr. Krol and Mr. Hathaway, with an alleged value of \$600 each;
 - g. Two full-page advertisements in the Reminder News comparing Mr. Krol and Mr. Hathaway to their opponents, with an alleged value of \$600 each;

8. In summary, the Complainant alleges that the aforementioned expenditures promoted the success of Mr. Krol and Mr. Hathaway and that the total approximate value of those expenditures was \$4,250, \$2,750 over the limit enumerated in General Statutes §9-617 (c) (2).
9. Respondent Timothy Curnan, treasurer of the SDTC, and Respondent Jane Slater, Treasurer of “Krol/Hathaway 09” assert that the aforementioned expenses incurred by the SDTC were not expenditures, but rather were “organization expenditures,” as defined in General Statutes § 9-601 (25) (Rev. to June 8, 2010), were exempted from the definitions of “contribution” and “expenditure” in General Statutes §§ 9-601a & 9-601b (both rev. to June 8, 2010), respectively, and as such, did not count towards the \$1,500 limitation in General Statutes § 9-617 (c) (2). Specifically, they assert that the “organization expenditures” were “party candidate listings” as enumerated in subdivision (A) of subsection (25).
10. General Statutes § 9-601 (Rev. to June 8, 2010) defines “Organization Expenditure” in pertinent part, as follows:

(25) “Organization expenditure” means an expenditure by a *party committee*, legislative caucus committee or legislative leadership committee *for the benefit of a candidate or candidate committee* for:

(A) The preparation, display or mailing or other distribution of a party candidate listing. As used in this subparagraph, “party candidate listing” means any communication that meets the following criteria: (i) The communication lists the name or names of candidates for election to public office, (ii) the communication is distributed through public advertising such as broadcast stations, cable television, newspapers or similar media, or through direct mail, telephone, electronic mail, publicly accessible sites on the Internet or personal delivery, (iii) the treatment of all candidates in the communication is substantially similar, and (iv) *the content of the communication is limited to (I) for each such candidate, identifying information, including photographs, the office sought, the office currently held by the candidate, if any, the party enrollment of the candidate, a brief statement concerning the candidate’s positions, philosophy, goals, accomplishments or biography and the positions, philosophy, goals or accomplishments of the candidate’s party, (II) encouragement to vote for each such candidate, and (III) information concerning voting, including voting hours and locations; (Emphasis added.)*

11. Organization expenditures are specifically exempted from the definitions of both “contribution” and “expenditure”

12. General Statutes § 9-601a (Rev. to June 8, 2010) reads, in pertinent part:

(a) As used in this chapter and sections 9-700 to 9-716, inclusive, the term "*contribution*" means:

(1) *Any gift, subscription, loan, advance, payment or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person or for the purpose of aiding or promoting the success or defeat of any referendum question or on behalf of any political party;*

...

(b) The term "contribution" does not mean:

...

(16) An organization expenditure by a party committee, legislative caucus committee or legislative leadership committee (Emphasis added.)

13. General Statutes § 9-601b (Rev. to June 8, 2010) reads, in pertinent part:

(a) As used in this chapter and sections 9-700 to 9-716, inclusive, the term "*expenditure*" means:

(1) *Any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, when made for the purpose of influencing the nomination for election, or election, of any person or for the purpose of aiding or promoting the success or defeat of any referendum question or on behalf of any political party;*

...

(b) The term "expenditure" does not mean:

(8) An organization expenditure by a party committee, legislative caucus committee or legislative leadership committee. (Emphasis added.)

14. In order to determine whether the aforementioned expenses exceeded the SDTC's contribution limit to "Krol/Hathaway 09" the Commission must determine first whether each individual expense was an exempt organization expenditure and, if not whether such expense constituted an expenditure "made for the purpose of influencing the nomination for election, or election," of either candidate supported by "Krol/Hathaway 09." In order to make this determination, the Commission must separately consider the content of each of the ten communications enumerated above in order to determine whether each communication constituted a "party candidate listing."

15. Turning to the flier described in Paragraph 7a, herein, the Commission concludes that both sides of this communication constituted a "party candidate listing" for the following reasons:

- a. On both sides, the communication lists the names of Democratic candidates for the upcoming municipal election;
 - b. The communication was distributed through direct mail and/or personal delivery;
 - c. On both sides, the treatment of all candidates in the communication is substantially similar;
 - d. On both sides, the content of the communication is limited to (I) for each such candidate, identifying information, including photographs, the office sought, the office currently held by the candidate, if any, the party enrollment of the candidate, a brief statement concerning the candidate's positions, philosophy, goals, accomplishments or biography and the positions, philosophy, goals or accomplishments of the candidate's party and (II) encouragement to vote for each such candidate.
16. Regarding the sticker described in Paragraph 7b, herein, the Commission concludes that this communication constituted a "party candidate listing" for the following reasons:
- a. The communication lists the names of Democratic candidates for the upcoming municipal election;
 - b. The communication was distributed through public advertising;
 - c. The treatment of all candidates in the communication is substantially similar;
 - d. The content of the communication is limited to (I) for each such candidate, identifying information, including the office sought, the party enrollment of the candidate, and (II) encouragement to vote for each such candidate.
17. Regarding the advertisement described in Paragraph 7c, herein, the Commission concludes that this communication constituted a "party candidate listing" for the following reasons:
- a. The communication lists the names of Democratic candidates for the upcoming municipal election;
 - b. The communication was distributed through public advertising;
 - c. The treatment of all candidates in the communication is substantially similar;
 - d. The content of the communication is limited to (I) for each such candidate, identifying information, including photographs, the office sought, the office currently held by the candidate, if any, the party enrollment of the candidate, a brief statement concerning the candidate's positions, philosophy, goals, accomplishments or biography and the positions, philosophy, goals or accomplishments of the candidate's party and (II) encouragement to vote for each such candidate.
18. Regarding the advertisement described in Paragraph 7d, herein, the Commission concludes that this communication does not constitute an expenditure benefitting either candidate supported by "Krol/Hathaway 09," and as such, does not constitute a contribution to that committee. The advertisement is a general invitation to attend a debate between the Republican and Democratic candidates for Selectman, not an advertisement promoting the candidacy of any candidate or candidates.

19. Regarding the advertisement described in Paragraph 7e, herein, the Commission concludes that this communication constituted a “party candidate listing” for the following reasons:
- a. The communication lists the names of Democratic candidates for the upcoming municipal election;
 - b. The communication was distributed through public advertising;
 - c. The treatment of all candidates in the communication is substantially similar;
 - d. The content of the communication is limited to (I) for each such candidate, identifying information, including photographs, the office sought, the party enrollment of the candidate, and (II) encouragement to vote for each such candidate.
20. Regarding the three advertisements described in Paragraph 7f, herein, the Commission concludes that these communications constituted “party candidate listings” for the following reasons:
- a. The communications list the names of Democratic candidates for the upcoming municipal election;
 - b. The communications were distributed through public advertising;
 - c. The treatment of all candidates in the communications is substantially similar;
 - d. The content of the communications is limited to (I) for each such candidate, identifying information, including photographs, the office sought, the office currently held by the candidate, if any, the party enrollment of the candidate, a brief statement concerning the candidate’s positions, philosophy, goals, accomplishments or biography and the positions, philosophy, goals or accomplishments of the candidate’s party and (II) encouragement to vote for each such candidate.
21. Regarding the two advertisements described in Paragraph 4g, herein, the Commission concludes that these communications did not constitute “party candidate listings” based on the following analysis:
- a. The communications list the names of both the Democratic and Republican candidates for the upcoming municipal election;
 - b. The communications were distributed through public advertising;
 - c. However, the treatment of all candidates in the communications is not substantially similar—the Democratic candidates are portrayed in a positive light, whereas the Republican candidates are portrayed in a negative light;
 - d. The content of the communications are not limited to encouragement to vote for each such candidate—the communications only exhort the reader to vote for the Democratic candidates.
22. Accordingly, although there is no requirement in the definition of “organization expenditure” that the candidate be of the same party as the party committee making the expenditure, because the advertisement was negative, the advertisements were not “party candidate listings” and thus were not “organization expenditures.”
23. After investigation, the Commission finds that the cost of the two advertisements was \$598.14 and \$509.04, as reflected in the SDTC’s Itemized Campaign Finance Disclosure Report due and timely filed on or before the 7th day preceding the 2009 municipal election.

24. Because the payments for the aforementioned advertisements did not constitute “organization expenditures,” they were not exempted from the definitions of “expenditure” and “contribution.”
25. As an initial matter then, the Commission concludes that the payments for the two advertisements constituted expenditures by the SDTC.
26. However, whether the expenditures for the two advertisements constituted in-kind contributions to the “Krol/Hathaway 09” committee depends on whether or not such expenditures were made independent of the “Krol/Hathaway 09” campaign and its agents.
27. In order to determine whether the committee received an in-kind contributions, the Commission must first determine (1) that the SDTC made an “expenditure” as that term is defined in General Statutes § 9-601b (Rev. to June 8, 2010); and (2) that the expenditure was not an independent expenditure as that term is defined in General Statutes § 9-601 (18) (Rev. to June 8, 2010), but rather was made with the cooperation of, in consultation or concert with, or at the request or suggestion of the candidates or their agents. The Commission has determined above that the SDTC made an “expenditure.” Accordingly, we turn to the second question.
28. General Statutes § 9-601 (18) and (19) (Rev. to June 8, 2010) provide, in pertinent part, as follows:

(18) “Independent expenditure” means an expenditure that is made without the consent, knowing participation, or consultation of, a candidate or agent of the candidate committee and is not a coordinated expenditure.

(19) “Coordinated expenditure” means an expenditure made by a person:

(A) In cooperation, consultation, in concert with, at the request, suggestion or direction of, or pursuant to a general or particular understanding with (i) a candidate, candidate committee . . . or (ii) a consultant or other agent acting on behalf of a candidate, candidate committee

(B) For the production, dissemination, distribution or publication, in whole or in substantial part, of any broadcast or any written, graphic or other form of political advertising or campaign communication prepared by (i) a candidate, candidate committee . . . or (ii) a consultant or other agent acting on behalf of a candidate, candidate committee

(C) Based on information about a candidate’s plans, projects or needs, provided by (i) a candidate, candidate

committee . . . or (ii) a consultant or other agent acting on behalf of a candidate, candidate committee . . . with the intent that such expenditure be made;

(D) Who, in the same election cycle, is serving or has served as the campaign chairperson, campaign treasurer or deputy treasurer of a candidate committee . . . benefiting from such expenditure, or in any other executive or policymaking position as a member, employee, fundraiser, consultant or other agent of a candidate, candidate committee

(E) For fundraising activities (i) with or for a candidate, candidate committee, political committee or party committee, or a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee, or (ii) for the solicitation or receipt of contributions on behalf of a candidate, candidate committee, political committee or party committee, or a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee;

(F) Based on information about a candidate's campaign plans, projects or needs, that is directly or indirectly provided by said candidate, the candidate's candidate committee . . . or a consultant or other agent acting on behalf of said candidate, candidate committee . . . to the person making the expenditure or said person's agent, with an express or tacit understanding that said person is considering making the expenditure; or

(G) For a communication that clearly identifies a candidate during an election campaign, if the person making the expenditure, or said person's agent, has informed said candidate, the candidate's candidate committee . . . or a consultant or other agent acting on behalf of said candidate, candidate committee concerning the communication's contents, intended audience, timing, location or mode or frequency of dissemination. . . .

29. General Statutes § 9-601 also provides, in relevant part, as follows:

. . .
(10) "Person" means an individual, committee, firm, partnership, organization, association, syndicate, company trust, corporation, limited liability company or any other legal entity of any kind but does not mean the state or any political or administrative subdivision of the state.

...
(27) "Agent" means any person acting at the direction
of an individual

30. The Commission acknowledges that notwithstanding an expenditure made by a party committee that benefits one of its party's candidates, directly or indirectly, such expenditure may still be found to have been made independently of the candidate or his/her committee. That is, the fact of the expenditure alone does not establish that the expenditure was, per se, made with the cooperation of, in consultation or concert with, or at the request or suggestion of the candidate or her/his agents. See, *Colorado Republican Federal Campaign Committee v. Federal Election Commission*, 518 U.S. 604 (1996) (party can make an independent expenditure benefiting one of its candidates); *Complaint of Matthew Knickerbocker*, File No. 2008-132 (Party committee expenditure benefitting a party candidate found to be an independent expenditure.)
31. As a consequence, the Commission must consider the facts and circumstances surrounding the expenditure in order to determine whether or not the expenditure was independent of the "Krol/Hathaway 09" campaign. More specifically, the Commission must determine whether the expenditure was made with the cooperation of, in consultation or concert with, or at the request or suggestion of the candidates or their agents.
32. Here, Respondent Curnan admits that the two advertisements were made with the cooperation and in consultation with the "Krol/Hathaway 09" campaign. He asserts that the parties coordinated the expenditures for the two advertisements under the mistaken belief that they were in fact "party candidate listing" organization expenditures. He asserts that he was a first-time treasurer who started on July 29, 2009 and that he simply did not fully understand the criteria for a "party candidate listing." He further asserts that prior to the 2009 municipal election cycle, it was past practice for the SDTC to serve as the sole funding vehicle for the municipal candidates and issues regarding organization expenditures and/or contribution limits did not apply. Finally, he asserts that if he had known that the expenditures would have breached the contribution limit, he would not have made them.
33. Further, during the investigation of the instant Complaint, Respondent Curnan identified a third expenditure, not identified in the instant Complaint, that he asserts was for an advertisement identical to one of the two noted above. He asserts that this expenditure was also made with the cooperation and in consultation with the "Krol/Hathaway 09" campaign. After investigation, the Commission finds that the cost of this advertisement was \$509.04 and is also reported in the SDTC's Itemized Campaign Finance Disclosure Report due and timely filed on or before the 7th day preceding the 2009 municipal election.
34. Accordingly, the Commission concludes that since the three expenditures were made with the cooperation and in consultation with the "Krol/Hathaway 09" campaign, they also constituted in-kind contributions to that committee. The Commission finds that the total of these three contributions over the course of the campaign was \$1,616.22 and that neither the SDTC nor "Krol/Hathaway 09" reported these contributions in any Itemized Campaign Finance Disclosure Report.

35. As such, the Commission concludes that Respondent Curnan, as treasurer of the SDTC violated General Statutes §§ 9-617 (c) (2) & 9-608 (c) by making \$1,616.22 in contributions in excess of the limits set in the statute and by failing to accurately report those contributions.
36. The Commission further concludes that Respondent Slater, as treasurer of the “Krol/Hathaway 09” committee violated General Statutes §§ 9-622 (10) and 9-608 (c) by accepting \$1,616.22 in contributions in excess of the limits set in § 9-617 (c) (2) and for failing to report those contributions.
37. Turning to the Complainant’s next allegation, he asserts that that “Michael P. Krol & Co., CPA PC” made an impermissible business entity contribution to “Krol/Hathaway 09” in coordination with that committee in violation of General Statutes §§ 9-613 & 9-622 (10) in connection with a letter soliciting funds for the “Krol/Hathaway 09” committee.
38. Michael P. Krol, one of the candidates funded by “Krol/Hathaway 09” sent a letter on the letterhead of his accounting firm, “Michael P. Krol & Co., CPA PC,” addressed to “all my clients and friends.” Some of the content of the letter does appear to be directed at assuring the reader that his duties to them as an account will not be affected by his role as a candidate and, he hoped, as Stafford First Selectman. However, the letter also clearly solicits campaign contributions and even includes a contribution form for the “Krol/Hathaway 09” committee. An attribution compliant with the requirements of General Statutes § 9-621 (a) is not included in the letter.
39. As an initial matter, the Commission concludes that because the letter solicited funds on behalf of the “Krol/Hathaway 09” committee and was written by a candidate funded by that committee, the costs associated with the letter constituted an expenditure by “Michael P. Krol & Co., CPA PC” and a contribution to the “Krol/Hathaway 09” committee.
40. According to Respondent Slater, who included evidence supporting her assertions, approximately 514 such letters were sent at a cost of approximately \$251.13. She did not report the receipt of the \$251.13 in any Itemized Campaign Finance Report of the “Krol/Hathaway 09” committee.
41. The Complainant asserts that “Michael P. Krol & Co., CPA PC” is a business entity who was prohibited from making contributions to the “Krol/Hathaway 09” committee by General Statutes § 9-613 (a), which reads, 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. . . .

42. As stated above, General Statutes § 9-622 (10) prohibits any person from accepting a contribution that is otherwise prohibited by any provision of Chapter 155.
43. General Statutes § 9-601 (8) defines the term “business entity” to mean:

“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.

44. Here, the Respondent Slater asserts that “Michael P. Krol & Co., CPA PC” was not a “business entity” but rather was a single-member professional corporation organized under chapter 594a of the General Statutes and owned only by Michael P. Krol and that the contribution should be treated as coming from Mr. Krol as an individual.

45. General Statutes § 9-601 (9) defines the term “individual” to mean:

“Individual” means a human being, a sole proprietorship, or a professional service corporation organized under chapter 594a and owned by a single human being.
(Emphasis added.)

46. After investigation, the Commission finds that “Michael P. Krol & Co., CPA PC” is a professional service corporation organized under chapter 594a and owned by a single human being, Mr. Krol. As such, the contribution did not come from business entity and was not impermissible, per se. Accordingly, the Commission concludes that “Michael P. Krol & Co., CPA PC” did not violate General Statutes § 9-613 and “Krol/Hathaway 09” did not violate General Statutes § 9-622 (10) in this instance.

47. However, the Commission also recognizes that because “Krol/Hathaway 09” was a political committee, contributions from individuals were limited to \$750 in a calendar year. General Statutes § 9-612 (a) reads, in pertinent part:

(a) No individual shall make a contribution or contributions in any one calendar year in excess of five thousand dollars to the state central committee of any party, or for the benefit of such committee pursuant to its authorization or request; or one thousand dollars to a town committee of any political party, or for the benefit of such committee pursuant to its authorization or request; or one thousand dollars to a legislative caucus committee or legislative leadership committee, or seven hundred fifty dollars to any other political committee other than (1) a political committee formed solely to aid or promote the success or defeat of a referendum question, (2) an exploratory committee, (3) a political committee established by an organization, or for the benefit of such committee pursuant to its authorization or request, or (4) a political committee formed by a slate of candidates in a primary for the office of justice of the peace of the same town. (Emphasis added.)

48. Here, the evidence shows that Michael P. Krol reached the contribution limit by giving a \$750 contribution to “Krol/Hathaway 09” during the 2009 calendar year. As such, the \$251.13 contribution by Mr. Krol through “Michael P. Krol & Co., CPA PC,” which occurred in the 2009 calendar year, was in excess of the limits enumerated in § 9-612 (a).

49. As such, the Commission concludes that Respondent Michael P. Krol, violated General Statutes § 9-612 (a) by making a \$251.13 contribution in excess of the limits set in the statute.

50. The Commission further concludes that Respondent Slater, as treasurer of the “Krol/Hathaway 09” committee violated General Statutes §§ 9-622 (10) and 9-608 (c) by accepting a \$251.13 contribution in excess of the limits set in § 9-612 (a) and for failing to report that contribution.

51. Turning to the allegation in Paragraph 2e, Complainant alleges that “Michael P. Krol & Co., CPA PC” and/or “Krol/Hathaway 09” failed to properly comply with the requirements of General Statutes § 9-621 in connection with the aforementioned letter soliciting funds for the “Krol/Hathaway 09” committee.

52. General Statutes § 9-621 (a) (Rev. to June 8, 2010) reads, 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 including an organization

expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, 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.

53. Pursuant to § 9-621 (a), the attribution for the letter should have read "Paid for by Krol/Hathaway 09, Jane Slater, Treasurer. Approved by Michael P. Krol."
54. Here, the letter contained no attribution explicitly identifying the source of the expenditure or Mr. Krol's approval of its message.
55. 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).
56. However here, while it could be reasonably presumed that Mr. Krol's authorship of the letter clearly signaled his approval of its message, there was no attribution on the letter of any kind. Moreover, as discussed above, the funding source and cost of the letter is not disclosed in any other place by "Krol/Hathaway 09."
57. Accordingly, the Commission must take penal action in this instance. For the reasons set forth above, the Commission concludes that Michael P. Krol violated General Statutes § 9-621 (a).
58. Turning to the Complainant's final allegation, he alleges that the SDTC failed to properly comply with the requirements of General Statutes § 9-621 in connection with a letter soliciting funds for the committee.
59. The letter in question was addressed to "Dear Stafford Democrat," was printed on SDTC letterhead and was signed by the Chairman, David Walsh. The letter asks the reader to support the Democratic candidates in the upcoming municipal election and also solicits funds for the SDTC. According to the Respondent, the letter was sent to 20 previous donors to the SDTC.

60. Pursuant to § 9-621 (a), the attribution for the letter should have read “Paid for by Stafford Democratic Town Committee, Timothy Curnan, Treasurer.”
61. Here, the letter contained no attribution explicitly identifying the source of the expenditure. While the letterhead suggested who might have paid for the letter, there was no attribution on the letter of any kind.
62. Accordingly, the Commission must also take action in this instance. For the reasons set forth above, the Commission concludes that Respondent Timothy Curnan, as treasurer of the SDTC, violated General Statutes § 9-621 (a).

ORDER

IT IS HEREBY ORDERED that:

Respondent Timothy Curnan shall:

- 1) pay a civil penalty of \$250 for violations of General Statutes §§ 9-617 (c) (2) & 9-608 (c);
- 2) pay a civil penalty of \$50 for violation of General Statutes § 9-621 (a); and
- 3) will henceforth strictly comply with the requirements of Connecticut General Statutes §§ 9-617, 9-608, and 9-621.

Respondent Jane Slater shall:

- 1) pay a civil penalty of \$150 for two violations of General Statutes §§ 9-622 (10) & 9-608 (c);
- 2) pay a civil penalty of \$50 for violation of General Statutes § 9-621 (a)

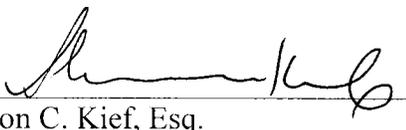
No further action is taken against Respondent Michael P. Krol.

The Respondents:

For the State of Connecticut:



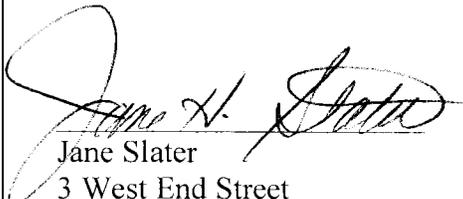
Timothy S. Curnan
33 Grant Ave.
Stafford Springs, CT

BY: 

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

Dated: 5/5/11

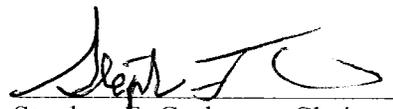
Dated: 5/12/11



Jane Slater
3 West End Street
Stafford Springs, CT

Dated: 5/11/2011

Adopted this 18th day of May of 2011 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission