

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by
John McNamara, New Britain

File No. 2009-111

**AGREEMENT CONTAINING CONSENT ORDER FOR VIOLATIONS OF
CONNECTICUT GENERAL STATUTES**

This agreement, by and between Cheryl S. Blogoslawski, of the City of New Britain, County of Hartford, State of Connecticut, hereinafter "Respondent," and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with the Regulations of Connecticut State Agencies § 9-7b-54 and Connecticut General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. The Respondent was the legally designated treasurer of the "Stewart for Mayor 2007" (hereinafter "Stewart Committee"), at all times relevant to this complaint. Pursuant to General Statutes § 9-606(a), as treasurer, the Respondent was responsible for receiving all contributions made to that committee and reporting those contributions in accordance with the requirements of § 9-608.
2. Complainant, alleged that the New Britain Republican Town Committee (hereinafter "NBRTC") and the Stewart Committee violated election laws. The complaint was received by the Commission on October 19, 2009.
3. Specifically, Complainant alleged that:
 - a. The NBRTC received a \$1,600.00 contribution from Paul M. Carver and a \$1,475.00 contribution from Cindy M. Faienza-Hodkevics which were in excess of the annual \$1,000.00 individual contribution limit to town committees, as reported on their January 10, 2008 campaign finance statement;
 - b. The NBRTC failed to account for an account balance discrepancy between its January 10, 2008 campaign finance statement and its April 10, 2008 campaign finance statement;
 - c. The NBRTC received one contribution of \$8,547.03 from New Britain Mayor Timothy Stewart in excess of the annual \$1,000.00 individual contribution limit to town committees, as reported on their July 10, 2009 campaign finance statement;
 - d. That the Stewart Committee discharged \$1,000.00 of its surplus to an individual on July 14, 2009, which was *after* the January 31, 2008 deadline for disbursement and was to an improper recipient;

...

(e) (1) *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*; (B) in the case of anonymous contributions, the total amount received and the denomination of the bills; (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; ...

...

(e)(1) *Notwithstanding any provisions of this chapter, in the event of a surplus the campaign treasurer of a candidate committee or of a political committee*, other than a political committee formed for ongoing political activities or an exploratory committee, *shall distribute or expend such surplus not later than* ninety days after a primary which results in the defeat of the candidate, an election or referendum not held in November or by *January thirty-first following an election* or referendum *held in November*, in the following manner:

(A) *Such committees may distribute their surplus to a party committee*, or a political committee organized for ongoing political activities, return such surplus to all contributors to the committee on a prorated basis of contribution, distribute all or any part of such surplus to the Citizens' Election Fund established in section 9-701 or distribute such surplus to any charitable organization which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, provided (i) no candidate committee may distribute such surplus to a committee which has been established to finance future political campaigns of the candidate, ...
[Emphasis added.]

- e. That the Stewart Committee failed to account for an account balance discrepancy between its February 2, 2008 campaign finance statement and its July 14, 2009 campaign finance statement; and,
 - f. That the Stewart Committee filed a termination report, while disclosing an impermissible balance on hand that was in the amount of \$7,743.79.
4. Complainant alleged that Cindy M. Faienza-Hodkevics and Paul M. Carver violated campaign finance laws. However, upon investigation the Commission dismisses allegation a in paragraph 3 above, for want of sufficient evidence, and therefore takes no further action against Ms. Faienza-Hodkevics and Mr. Carver.
5. Additionally, the Commission addresses the allegations a, b, and c, detailed in paragraph 3 above, regarding Harry S. Plaut under a separate document.
6. General Statutes § 9-608 provides, in pertinent part, as follows:

(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. ...

7. Complainant alleged that the Stewart Committee discharged \$1,000.00 of its surplus to an individual on July 14, 2009, which was *after* the January 31, 2008 deadline for disbursement and was to an individual, which resulted in an improper expenditure.
8. Respondent acknowledged that the Stewart Committee filed its termination report late. Furthermore, upon investigation, the Commission finds, and the Respondent acknowledges that the July 14, 2009 expenditure was a payment for an expenditure incurred but not paid to an individual who was a consultant. Additionally, Respondent acknowledges that Respondent failed to disclose or report the aforementioned transaction.
9. The Commission, for the reasons detailed in paragraph 8 above, concludes that the Stewart Committee July 14, 2009 \$1,000.00 payment to an individual was for an expenditure incurred but not paid. Furthermore, the Commission concludes that the aforementioned payment was a permissible expenditure for a consultant pursuant to General Statutes § 9-607g (2) (P), and therefore the Commission dismisses the allegation pertaining to an impermissible discharge of surplus, as detailed in allegation d in paragraph 3 above.
10. Nevertheless, the Commission finds, and the Respondent acknowledges, that she failed to disclose and expenditure incurred but not paid, and the subsequent failure to disclose the related payment to the consultant as required by General Statutes § 9-608 (c), as detailed in paragraphs 7 through 9 above.
11. The Commission concludes, for the reasons detailed in paragraph 10 above, that Respondent violated General Statutes § 9-608 (c) in both her failure to disclose an expenditure incurred but not paid, and the subsequent failure to disclose the related payment to the consultant.
12. Upon investigation, the Commission finds that Respondent filed an original termination report on February 7, 2008, and an amended termination report for Stewart Committee on July 14, 2009 with the City of New Britain City Clerk's office, after reviewing this complaint. Furthermore, the Commission finds therefore that Respondent failed to terminate the Stewart Committee by January 31, 2008 after the November 3, 2010 election pursuant to § 9-608 (e).
13. Regarding the allegation that the Stewart Committee's payment of \$1,000.00 of to an individual on July 14, 2009, Respondent acknowledges that this transaction was *after* the January 31, 2008 deadline for disbursement and termination of the committee pursuant to General Statutes § 9-608 (e), and admits that she failed to file the Stewart Committee termination by th January 31, 2008 deadline set by the General Statutes § 9-608 (e), as it applied to the Stewart Committee under the circumstances detailed herein.

14. The Commission concludes, for the reasons detailed in paragraph 13 above, that Respondent violated General Statutes § 9-608 (e), by failing to file a termination report for the Stewart Committee, which was registered for a November 6, 2007 election, by January 31, 2008 as required by the aforementioned statute.
15. Complainant alleged that the Stewart Committee failed to account for a account balance discrepancy between its February 2, 2008 campaign finance statement and its July 14, 2009 campaign finance statement, as detailed in allegation e in paragraph 3 above.
16. Upon investigation, the Commission finds that an account balance discrepancy existed between the Stewart Committee's February 10, 2008 and amended January 14, 2009 termination report in the amount of \$933.19.
17. Additionally, the Commission finds that a review of Stewart Committee financial records, statements, and amended campaign finance reports filed with the New Britain city Clerk's office for the relevant time period referenced in paragraph 16 above accounts for \$922.27 of the \$933.19 balance discrepancy, the remainder of which in the amount of \$10.92 cannot be reconciled with certainty by Respondent.
18. The Commission concludes, for the reasons detailed in paragraphs 16 and 17 above, that the Stewart Committee has reconciled the account balance discrepancy detailed in allegation e in paragraph 3 above to within \$10.92. The Commission due to the degree of reconciliation the Respondent and Stewart committee were able to achieve therefore declines to take further action regarding the aforementioned allegation, but strongly urges Respondent to keep records and report transactions more concisely from this time forward to avoid such account balance discrepancies in the future.
19. Complainant alleged that the Stewart Committee filed a termination report, while disclosing an impermissible balance on hand that was in the amount of \$7,743.79, as detailed in allegation f paragraph 3 above.
- 20.
21. Upon investigation, the Commission finds that the Respondent amended the Stewart Committee termination report as of July 14, 2009. Specifically, the Committee disclosed the expenditure detailed in paragraph 9 above for an expense incurred but not paid and an expenditure of the remaining funds as a distribution to the NBRTC, which resulted in a zero balance on hand for the Stewart Committee at its termination. Respondent admits that the original termination report Respondent did not meet the requirements of General Statutes §9-608 (e), in that it disclosed a balance on hand.

22. The Commission concludes, for the reasons detailed in paragraph 20 above, that Respondent violated General Statutes §9-608 (e) by originally filing a termination report for the Stewart Committee that disclosed a balance on hand. The Respondent acknowledges the aforementioned violation, and since the filing of this complaint and in the interests of compliance with §9-608 (e), filed an amended termination report with the New Britain City Clerk's office on July 4, 2009, which is described in paragraph 20 above.

23. 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 the Regulations of Connecticut State Agencies § 9-7b-56.
24. 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.
25. 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.
20. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent with respect to this matter.

Two Hundred Fifty
↓
\$250.00

ORDER

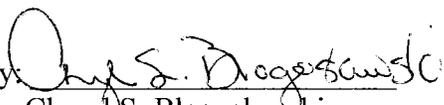
IT IS HEREBY ORDERED that the Respondent shall pay a civil penalty of ~~four hundred (\$400.00)~~ on or before November 16, 2011.

IT IS FURTHER ORDERED that the Respondent shall strictly comply with General Statutes § 9-608.

Adopted this 16th day of November, 2011 at Hartford, Connecticut by vote of the Commission.

The Respondent:

For the State Elections Enforcement Commission:

By: 
Cheryl S. Blogoslawski
34 Edbert Drive
New Britain, CT 06052

By: 
Shannon Clark Kief, Esq.
Legal Affairs Program Director
and Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, CT 06106

Dated: 11/27/2012

Dated: 4/2/12


Stephen Cashman, Chairman
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

FEB 08 2012

**ENFORCEMENT
COMMISSION**