

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 Harry S. Plaut, of the Town of Old Lyme, County of New London, 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 New Britain Republican Town Committee (hereinafter "NBRTC") 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 General Statutes § 9-608.
2. Complainant, alleged that the NBRTC and the "Stewart for Mayor 2007" candidate committee (hereinafter, the "Stewart Committee") violated various campaign finance laws. The complaint was received by the Commission on October 19, 2009.
3. Specifically, Complainant alleged that:
 1. The NBRTC received a \$1,600.00 contribution from Paul Carver and a \$1,475.00 contribution from Cindy M. Faienza-Hodkevics, as reported on their January 10, 2008 campaign finance statement, which were both in excess of the annual \$1,000.00 individual contribution limit to town committees;
 2. The NBRTC failed to account for a \$3,794.28 discrepancy between its January 10, 2008 campaign finance statement and its April 10, 2008 campaign finance statement;
 3. 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;
 4. 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 surplus disbursement and was to an improper recipient;

5. The Stewart Committee failed to account for a \$1,737.43 discrepancy between its February 2, 2010 campaign finance statement and its July 14, 2009 campaign finance statement; and,
 6. The Stewart Committee filed a termination report, while disclosing an impermissible balance on hand 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 1 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 4, 5, and 6, detailed in paragraph 3 above, regarding Ms. Cheryl S. Blogoslawski 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. ... (c) (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; ...
[Emphasis added.]

7. Complainant alleged that the NBRTC failed to account for a \$3,794.28 discrepancy between its January 10, 2008 campaign finance statement and its April 10, 2008 campaign finance statement, as detailed in paragraph 3 above. Upon investigation, Respondent failed to disclose a \$3,794.28 expenditure made to Sir Speedy on December 24, 2009 on the NBRTC's January 10, 2008 quarterly filing. Respondent was NBRTC treasurer at the time of this omission and has admitted responsibility for the same.
8. The Commission concludes, for the reasons detailed in paragraph 7 above, that Respondent violated General Statutes § 9-608 (c) by failing to disclose the \$3,794.28 expenditure to Sir Speedy.
9. The Commission notes that the expenditure, detailed in paragraph 7 above, has since the time of this complaint been disclosed on an amended campaign finance statement for January 10, 2008, by the current NBRTC treasurer. Specifically, the aforementioned financial statement was amended on November 12, 2009 to reflect an expenditure of \$3,742.44¹ incurred on December 24, 2009 to Sir Speedy for "mailing (printing)." Furthermore, the Commission finds that amendment was made in response to this complaint.

¹ The amended expenditure amount of \$3,742.44 is different than the Complainant's allegation that the NBRTC failed to report a discrepancy of \$3,794.28, with a difference in the amount of \$51.84. Respondents were unable to account for this difference, which the Commission duly notes.

10. Complainant alleged that 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 detailed in paragraph 3 above. Respondent was NBRTC treasurer at the time of this omission and admitted responsibility for the same. Specifically, the Commission finds that Respondent in error attributed the aforementioned amount as an individual contribution from Mr. Stewart rather than a discharge of surplus from his candidate committee. The Respondent asserts that the error was caused by his identifying the candidate committee check with the name of the candidate "Timothy Stewart," which appeared on the aforementioned check.
11. The Commission concludes, for the reasons stated in paragraph 10 above, Respondent violated General Statutes § 9-608 (c), by failing to disclose the April 9, 2009 receipt of surplus distribution from the Stewart Committee in the amount of \$8,547.03 in the proper section of the NBRTC's July 10, 2009 quarterly filing.
12. The Commission notes that the current NBRTC treasurer has since the filing of this complaint on a November 16, 2009 amended the NBRTC campaign finance statement for July 10, 2009, and disclosed the \$8,547.03 discharge of surplus from the Stewart Committee by reporting it on the NBRTC *Itemized Campaign Finance Disclosure Statement* (Form 20) in section C2 (Reimbursements, Payments, or Surplus from other Committee). Specifically, the aforementioned discharge of surplus was reported as an April 9, 2009 receipt in the amount of \$8,547.03 from the Stewart Committee, Cheryl Blogoslawski, treasurer. The Commission finds that the aforementioned amendment was made in response to this complaint.
13. Furthermore, upon investigation, and for the reasons detailed in paragraph 10 above, the Commission finds that allegation 3 in paragraph 3 above regarding an excessive contribution by Mr. Stewart was not supported by the evidence, as the \$8,547.03 was determined to be a distribution of surplus and *not* an excessive individual contribution by Mr. Stewart, and therefore the Commission dismisses this allegation as it pertains to Mr. Stewart.
14. Upon investigation, the Commission finds that Respondents provided a copy of the check in the amount of \$8,547.03 from the Stewart Committee to the NBRTC to support the findings and conclusions regarding the surplus detailed as detailed herein. The Commission concludes therefore that the distribution of surplus from Stewart for Mayor to the NBRTC was permissible pursuant to General Statutes § 9-608 (e), which provides in part that a candidate committee can distribute its surplus to a party committee.

15. The Commission, for purposes of considering a civil penalty, may consider a Respondent's prior history with the Commission and the gravity of the act or omission.² In this instance the Respondent on two separate occasions has violated § 9-608, regarding the filing of campaign finance statements for the NBRTC. Additionally, the Commission finds upon complaint and investigation under these circumstances, the Respondent failed to accurately disclose receipts and expenditures totaling \$12,341.31, which were a substantial portion of the NBRTC's total activity.³
16. The Respondent represents that pertaining to various transactions that are subject to this complaint and investigation that he was acting and relying on instructions from other individuals. The Commission notes that the Respondent was cooperative throughout this investigation and that its findings indicate that Respondent's violations detailed herein were unintentional and inadvertent.
17. 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.
18. 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.
19. 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.

² See Regs., Conn. State Agencies § 9-7b-48.

³ The Commission notes that while the reporting violations pursuant to General Statutes § 9-608 represent just two transactions, it nevertheless finds that the public was denied the disclosure of a substantial dollar amount of receipts and expenditures by the NBRTC, and considers this and the Respondent two prior violations of the same statute at issue in this instance in determining a civil penalty in this instance.

ORDER

IT IS HEREBY ORDERED that the Respondent shall pay a civil penalty of four hundred and fifty dollars (\$450.00) on or before December 14, 2011.

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

Adopted this 21 day of March, 2012 at Hartford, Connecticut by vote of the Commission.

The Respondent:

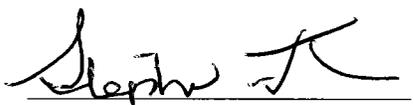
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Dated: 2/12/12

Dated: 2/15/12


Stephen Cashman, Chairman
By Order of the Commission