

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by  
Randy T. Petroniro, Sr., Wolcott

File No. 2009-113

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

This agreement, by and between Sheila Howe, of the Town of Wolcott, County of New Haven, 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. Randy T. Petroniro, Sr. (hereinafter "Complainant"), filed this complaint alleging that the Wolcott Democratic Town Committee (hereinafter the "WDTC"): 1) solicited and received impermissible business entity contributions in the form of the provision of propane gas, equipment and services from Complainant and 2) that the WDTC treasurer failed to properly disclose the aforementioned transactions on its financial statements.
2. The period of transactions pertaining to this complaint as alleged falls between on or about August 19, 2005 through on or about August 21, 2009.
3. Respondent is signing this agreement solely as Representative and duly designated WDTC treasurer. All transactions described herein occurred *prior to* Respondent becoming treasurer of the WDTC.
4. Complainant was at all relevant times employed by Musco Propane, LLC (*hereinafter "Musco"*), a business registered with the Office of the Secretary of the State as a limited liability partnership.
5. Allegations as they pertain to the Complainant's liability pursuant to General Statutes Chapter 155 are *addressed* in a separate document.
6. Pursuant to General Statutes § 9-601 (8) the definition of "business entity" is defined to include "partnerships." The Commission concludes therefore that Musco was a "business entity" for purposes of General Statutes, Chapter 155.

7. General Statutes § 9-613 provides in pertinent part:

(a) 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 or for nomination at a primary for any such office or position, or to promote the defeat of any candidate for any such office or position. ***No business entity shall make any other contributions or expenditures to promote the success or defeat of any political party***, except as provided in subsection (b) of this section. No business entity shall establish more than one political committee. A political committee shall be deemed to have been established by a business entity if the initial disbursement or contribution to the committee is made under subsection (b) of this section or by an officer, director, owner, limited or general partner or holder of stock constituting five per cent or more of the total outstanding stock of any class of the business entity.

...  
[Emphasis added.]

8. General Statutes § 9-622 (10) provides that “[a]ny person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter,” shall be guilty of prohibited practices.
9. Upon investigation, the Commission finds that from 2005 to 2009 the WDTC participated annually at a fair in the Town of Wolcott, operating a booth for the sale of food each summer to raise funds for the WDTC. The Commission further finds that the WDTC reported fundraising events on its financial statements filed with the Wolcott town clerk’s office for the following dates: August 19 through 21, 2005; August 21, 2006; August 17 through 19, 2007; August 17 through 19, 2008; and August 21, 2009, related to the operation of the aforementioned booths.
10. The Commission finds that on or about each of the dates, detailed in paragraph 9 above, that Complainant provided at no cost propane gas, equipment and services from Musco, a business entity, for each WDTC fundraiser that is subject of this complaint.

11. Complainant asserts that the approximate value of the provision of propane equipment and labor by Musco for the WDTC to maintain a booth for the sale of food *exceeded* the amount of \$100.00 for *each* occasion.<sup>1</sup> The Commission finds no evidence to contradict the aforementioned assertion or approximate valuation.
12. The Commission concludes, for the reasons detailed in paragraphs 9 through 10 above, that the WDTC was prohibited by General Statutes § 9-622 (10) from soliciting and receiving *business entity* contributions from Musco that are prohibited by § 9-613 in excess of \$100.00 on five occasions. The aforementioned prohibited contributions to the WDTC were for operation of the WDTC's annual booth for food sales on the dates detailed in paragraph 9 above.
13. The Commission notes, as detailed in paragraph 9 above, that while the WDTC disclosed respective fundraising events and gross receipts that are subject of this complaint, they did not otherwise itemize the expenditures pertaining to these events as required by General Statutes § 9-608.
14. Finally, the Commission notes that Respondent *was not* WDTC treasurer during the period in which the transactions that constituted violations of General Statutes Chapter 155 by the WDTC, and agrees to the terms of this agreement in her capacity as duly registered WDTC treasurer and Representative at the time of and for purposes of this settlement.
15. 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 § 9-7b-56 of the Regulations of Connecticut State Agencies.

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<sup>1</sup> The Commission notes that General Statutes § 9-601a provides in pertinent part:

...

(b) As used in this chapter and sections 9-700 to 9-716, inclusive, "contribution" does *not* mean:

...

(12) The donation of goods or services by a business entity to a committee for a fund-raising affair, including a tag sale or auction, to the extent that the cumulative value donated *does not exceed one hundred dollars*;

[Emphasis added.]

The Commission further notes that the above statutory exception to the definition of "contribution" therefore does *not* apply to the provision of goods and services by Musco to the WDTC under the facts herein because the valuation of goods and services provided annually exceeded \$100.00 on *each* occasion and therefore did not fall within this narrow exception to the definition of "contribution" provided by General Statutes § 9-601 (a) (b) (12).

16. 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.

17. 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.

18. Upon the Respondent's agreement with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent pertaining to this matter.

**ORDER**

IT IS HEREBY ORDERED that the Respondent as treasurer of the WDC shall cause the WDC to forfeit in the amount of five hundred dollars (\$500.00) to the State of Connecticut on or before September 12, 2012, for five violations by the WDC of General Statutes § 9-613 and § 9-622 (10), and for failure to itemize expenditures pursuant to § 9-608.

For the Respondent \_\_\_\_\_ For the State Elections Enforcement Commission:  
as Representative for the WDC: \_\_\_\_\_

By: Sheila Howe  
~~Sheila Howe~~, Treasurer  
Wolcott Democratic Town Committee  
c/o Attorney Richard Harbanuk  
P.O. Box 6235  
Wolcott, CT 06716

By: Michael J. Brandi  
Michael J. Brandi, Esq.  
Executive Director and General Counsel  
and Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity Street, Suite 101  
Hartford, CT 06106

Dated: 9/4/12

Dated: 9/7/12

Adopted this 19<sup>th</sup> day of September, 2012 at Hartford, Connecticut by vote of the Commission.

Stephen F. Cashman  
Stephen F. Cashman, Chairman  
By Order of the Commission

**RECEIVED  
STATE ELECTIONS**

**SEP 6 2012**

**ENFORCEMENT COMMISSION**