

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Gail Wall,
Norwalk

File No. 2009-118

FINDINGS AND CONCLUSIONS

Complainant filed this complaint with the Commission pursuant to General Statutes §9-7b, alleging that an advertisement in *The Hour* newspaper pertaining to the November 3, 2009 municipal election was placed by a committee that failed to register.

After an investigation of the matter, the Commission makes the following findings and conclusions:

1. Complainant alleged that a full page advertisement in the October 28, 2009 *The Hour*, with the heading "*Thank You, Nicholas D. Kydes, Councilman, East Norwalk, District C*" (hereinafter referred to as the "Kydes Advertisement"), was paid for by a committee that failed to register.
2. The Kydes Advertisement promoted the leadership, accomplishments and programmatic successes of Mr. Kydes, who was the incumbent candidate for reelection to the Norwalk City Council, District C, at the November 3, 2009 municipal election. The aforementioned advertisement included the following attribution: "*Paid by concerned citizens of East Norwalk.*"
3. General Statutes § 9-602, provides in pertinent part:
 - (a) *Except with respect to an individual acting alone*, or with respect to a group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate, no contributions may be made, solicited or received and *no expenditures may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual* or any party or referendum question, *unless (1) the candidate or chairman of the committee has filed a designation of a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds*, or (2) the candidate has filed a certification in accordance with the provisions of section 9-604. ...
[Emphasis added.]

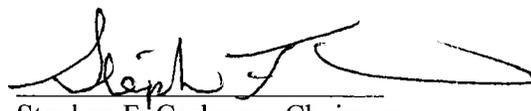
4. Upon investigation, the Commission finds that on or about October 26, 2009, Mr. Chris Gavrielidis placed an advertisement in *The Hour* thanking and supporting Councilman Nicholas D. Kydes, within days of the November 3, 2009 Norwalk municipal election. Further, the Commission finds that Mr. Gavrilidis paid \$750.00 for the Kydes Advertisement by personal check.
5. Mr. Gaverielidis asserts that he placed and paid for the Kydes Advertisement alone, and did not consult or coordinate with the candidate, his agent, or another individual regarding the purchase and placement of this advertisement. Moreover, Mr. Gaverielidis asserts that he attributed the aforementioned advertisement to a fictional group based on his mistaken belief that he was required to provide *some* disclaimer with the advertisement. The Commission finds no evidence to contradict these assertions.
6. Pursuant to General Statutes § 9-602, an “individual acting alone” who makes an expenditure to support a candidate is *not* required to register a committee.
7. The Commission, for the reasons detailed in paragraphs 4 through 6 above, finds that Mr. Gaverielidis, as an individual acting alone, was *not* required to register a committee pursuant to General Statutes § 9-602, because of his expenditure for the Kydes Advertisement in support of Mr. Kydes’ reelection that appeared in the October 29, 2009 *The Hour*. The Commission therefore concludes that Mr. Gaverielidis did not violate § 9-602 by failing to register a committee, and therefore dismisses this allegation.
8. In light of the facts and circumstances of this complaint, the Commission notes that, while not precluded by statutes from doing so, Mr. Gaverielidis may have avoided this complaint, had he chosen not to attribute an advertisement in support of a municipal candidate to a fictitious group.

ORDER

The following Order is recommended on the basis of the aforementioned findings:

That the matter is dismissed.

Adopted this 23rd day of May, 2012 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission