

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Vincent A. Avallone, Wallingford

File No. 2010-007

FINDINGS AND CONCLUSIONS

Complainant Vincent A. Avallone brings this complaint pursuant to General Statutes § 9-7b alleging that a group called "Celebrate XXV" planned to hold a celebratory event to honor Wallingford Mayor William Dickinson, a respondent in the case, who had served as chief executive officer of the town for 26 years. Complainant alleged that the proceeds from the event were not intended for a charitable organization as contemplated by General Statutes § 9-609 (b) which applies to these "testimonial events."

After the investigation of the Complainant's complaint, the Commission makes the following findings and conclusions:

1. A group in Wallingford, calling itself "Celebration XXV," planned an event for February 6, 2010, to celebrate the 26 years that Respondent Dickinson had served as mayor of the town.
2. According to newspaper reports about the planned event, as of the publication of the story in the *Meriden Record-Journal* on Jan. 17, 2010, the group had sold a total of 200 tickets with a face value of \$40 each. The group's spokesperson, Rosemary Rascati, said that the event venue could accommodate as many as 375 people.
3. Respondent Dickinson stated in his February 16, 2010, response to the complaint that he had "reluctantly agreed" to participate in the event and that he understood that any funds received beyond the cost of the event would be donated to a charitable organization. *See* Letter from William W. Dickinson to Marc Crayton (Feb. 16, 2010).
4. General Statutes § 9-609 (b) prohibits "testimonial affairs" for candidates or incumbents. The statute read in 2010:

(b) As used in this subsection, "testimonial affair" means an affair held in honor of an individual who holds, or who is or was a candidate for nomination or election to, an office subject to this chapter. **No testimonial affair shall be held without the consent of such person. No testimonial affair shall be held for a candidate, or for an individual who holds any such office during the term of such office,**

except to raise funds on his behalf for purposes authorized in this chapter.¹ A testimonial affair which is held by an organization duly organized for charitable purposes shall be exempt from the provisions of this chapter. A testimonial affair which is held for an individual upon his retirement from public office shall also be exempt from the provisions of this chapter unless a deficit exists from any such individual's campaigns for election or nomination to an office subject to this chapter. Any fund-raising affair for any candidate or individual who holds any such office for any purposes other than those authorized in this chapter shall be prohibited. **Any person who organizes such a fund-raising affair shall be in violation of this section.**

General Statutes § 9-609 (b) (2010) (Emphasis added).

5. According to the language of the statute, no candidate or elected official may be the subject of a testimonial event unless that person has a candidate committee that will receive any funds raised at the event or if the event is organized by a non-profit entity that will receive any funds raised at the event. *Id.* Any person, which includes individuals, committees, and entities, organizing such an event has violated the statute. *Id.*, see also General Statutes § 9-601 (10) (defining “person” for purposes of campaign finance statutes).
6. The event planned by the group celebrating Respondent Dickinson’s 26 years as mayor of Wallingford would fall within the definition of a “testimonial event.” Neither of the exceptions for such an event, as specified in § 9-609 (b), would have applied to this event since Respondent Dickinson was not retiring and the event was not organized by an “organization duly organized for charitable purposes.” As planned, the event, had it occurred, would have violated General Statutes § 9-609 (b) as a “testimonial event.”
7. Following the filing of this complaint, the event’s organizers suspended preparations for the event and postponed it indefinitely.
8. In 2010, General Statutes §9-609 (b) prohibited holding an event to fete a candidate or incumbent, where the funds raised at the event do not go to the candidate’s candidate committee or other duly organized charitable organization hosting the event. Changes in the law that go into effect on January 1, 2012 would allow a party committee to receive funds raised through a testimonial event after that date. See General Statutes § 9-609 (b) as amended by Public Act 2011-048, Sec. 296 (Approved June 13, 2011).

¹ The General Assembly amended this statutory provision in 2011 to allow testimonials to raise funds for “party committees” as of January 2012. See Public Act 2011-048, Section 296 (amending General Statutes § 9-609 (b) to allow fundraisers “on behalf of a party committee”). The event planned for February of 2010, however, preceded this change in the law so the law as previously written would apply to the testimonial that was the subject of this complaint.

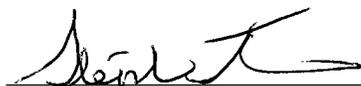
9. Because the Celebrate XXV event never took place, the statutory provision prohibiting such an event was not violated.

ORDER

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

That no further action be taken.

Adopted this 14th day of December of 2011 at Hartford, Connecticut.



Stephen F. Cashman
By Order of the Commission