

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

In the Matter of a Complaint by  
Victor L. Harpley, Cromwell

File No. 2010-013

AGREEMENT CONTAINING CONSENT ORDER FOR  
VIOLATIONS OF GENERAL STATUTES

This Agreement, by and between William Yeske, hereinafter referred to as the “Respondent,” of the Town of Cromwell, County of Middlesex, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with General Statutes § 4-177(c) and section 9-7b-54 of the Regulations of Connecticut State Agencies.

In accordance herewith, the parties agree that:

1. Respondent was a candidate for Board of Selectman at the November 3, 2009 election in the Town of Cromwell.
2. On October 13, 2009 Respondent filed a *Party Committee Registration* (SEEC Form 2) with the Cromwell Town Clerk’s office designating Alfred A. Diaz as the treasurer of “Yeske for Board of Selectman” (hereinafter “Yeske Committee”), and indicating the type of committee as “Town Committee.”
3. Complainant alleged that Respondent used his “candidate committee” to pay for a robocall promoting his candidacy, *as well as* Cromwell Board of Selectmen candidates Stephen E. Bayley, Mark Corvo, and Ann Halibozek, in violation of General Statutes § 9-616. Further, Complainant alleged that Respondent violated § 9-621 by including his name on the aforementioned robocall without a proper disclaimer, and that Respondent failed to report contributions from the other candidates that were promoted by the robocall.
4. Finally, while not specifically alleged by Complainant, the Commission addresses the filing of a SEEC Form 2 by Respondent as a means to a register a candidate committee for the November 3, 2009 Cromwell election.
5. The Commission addresses allegations in this complaint as they pertain to individuals other than Respondent under separate respective documents.

6. Generally, a candidate committee may only make expenditures promoting the nomination or election of the candidate who established the committee. The law prohibits a candidate committee from making contributions to another candidate committee. General Statutes § 607 (g) (1).
7. The content of the robocall that is subject of this complaint follows:

*Hi this is First Selectman Jerry Shingleton calling to remind you to vote on Tuesday between 6:00 AM to 8:00PM in Cromwell High School on Evergreen Road. Interested in career service levels, continue to manage government in a business context, to eliminate waste and to hold people accountable, we need real leadership on the Board of Selectman, with no strings attached. Vote for new energy, new ideas and new faces. Vote for Bill Yeske and his teammates Steve Bayley, Mark Corvo, and Ann Halibozek. Thank you very much. Paid and Authorized by Bill Yeske for Board of Selectman, (860) 635-6763.*

There is no dispute that Respondent received the permission of the candidates identified in the robocall to use their names for the purpose of promoting their candidacies.

8. The Yeske Committee reported an expenditure for the robocall that is the subject of this complaint on its January 10th Itemized Campaign Finance Disclosure Statement (SEEC Form 20). The aforementioned was disclosed as a November 4, 2009 expenditure to a Virginia business in the amount of \$215.76 with the description “robo calls to citizens.”
9. General Statutes § 9-616 provides in pertinent part:

(a) A ***candidate committee shall not make contributions to***, or for the benefit of, (1) a party committee, (2) a political committee, (3) a committee of a candidate for federal or out-of-state office, (4) a national committee, or (5) ***another candidate committee*** except that (A) a pro rata sharing of certain expenses in accordance with subsection (b) of section 9-610 shall be permitted, and (B) after a political party nominates candidates for election to the offices of Governor and Lieutenant Governor, whose names shall be so placed on the ballot in the election that an elector will cast a single vote for both candidates, as prescribed in section 9-181, an expenditure by a candidate committee established by either such candidate that benefits the candidate committee established by the other such candidate shall be permitted. ... [Emphasis added.]

10. Pursuant to General Statutes § 9-622, “illegal practices” include:

...

(10) Any person who solicits, ***makes*** or receives ***a contribution*** that is otherwise ***prohibited by any provision of this chapter***. ...  
[Emphasis added.]

11. Upon investigation, the Commission finds that the robocall, described in paragraphs 7 and 8 above, promoted Respondent and three additional candidates for Cromwell Board of Selectman, while being paid for exclusively by Yeske Committee.<sup>1</sup> The Commission further finds that the expenditure for the aforementioned in-kind contribution by the Yeske Committee to three additional candidates was prohibited by General Statutes §§ 9-616 (a) and 9-622 (10).

12. The Commission notes that while General Statutes §§ 9-616 (a) and 9-622 (10), prohibits the Yeske Committee from making the aforementioned expenditure for prohibited in-kind contributions, § 9-606 (a) nevertheless provides that the *treasurer* is the only individual who may authorize and make expenditures on a committee’s behalf. Therefore, the Commission treats the Yeske Committee’s expenditure for the shared robocall, as well as the alleged failure to report related contributions to the Yeske Committee, under a separate document.

13. Respondent, as detailed in paragraph 2 above, filed a SEEC Form 2 with the Cromwell Town Clerk’s office as his candidate committee for the November 3, 2009 election with the Cromwell Town Clerk on October 13, 2009.

14. General Statutes § 9-604 provides in pertinent part:

(a) ***Each candidate for a particular public office*** or the position of town committee member shall ***form a single candidate committee*** for which he shall designate a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds and shall file a committee statement containing such designations, not later than ten days after becoming a candidate, with the proper authority as required by section 9-603. The candidate may also designate a deputy campaign treasurer on such committee statement.. ... [Emphasis added.]

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<sup>1</sup> The Commission notes that had the cost of the robocall been divided *pro rata* among the candidates supported it would have been permissible pursuant to General Statutes §§ 616 (a) (5) and 9-610 (b) and that such expense sharing would have amounted to approximately \$53.94 *per* candidate.

15. The Commission finds that Respondent's October 13, 2009 filing of an SEEC Form 2 as a "Town Committee," failed to meet the requirements of General Statutes § 9-604, which required, in this instance, that the Respondent as a candidate for Cromwell Board of Selectman "form a single candidate committee." General Statutes § 9-604. The Commission finds therefore that the Respondent should have filed a *Registration by Candidate* (SEEC Form 1), to establish the Yeske Committee, and by failing to do so the Commission concludes Respondent violated § 9-604.

16. Complainant alleged that Respondent violated General Statutes § 9-621 pertaining to disclaimer requirements and the robocall that is the subject of this complaint and detailed herein.

17. General Statutes § 9-621 provides in pertinent part:

(a) No individual shall make or incur any expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, no group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee shall make or incur any expenditure, and ***no candidate or committee shall make or incur any expenditure*** including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, for any written, typed or other printed communication, or any web-based, written communication, ***which promotes the success or defeat of any candidate's campaign for nomination at a primary or election*** or promotes or opposes any political party or solicits funds to benefit any political party or committee unless such communication bears upon its face (1) ***the words "paid for by" and the following:*** (A) In the case of such an individual, the name and address of such individual; ***(B) in the case of a committee other than a party committee, the name of the committee and its campaign treasurer;*** (C) in the case of a party committee, the name of the committee; or (D) in the case of a group of two or more individuals that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee, the name of the group and the name and address of its agent, ***and (2) the words "approved by" and the following:*** (A) In the case of an individual, group or committee other than a candidate committee making or

incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, the name of the candidate; **or (B) in the case of a candidate committee, the name of the candidate.**

(b) In addition to the requirements of subsection (a) of this section:

...  
(3) **No candidate or candidate committee** or exploratory committee established by a candidate shall **make or incur any expenditure for automated telephone calls which promote the success of such candidate's campaign for nomination at a primary or election** or the defeat of another candidate's campaign for nomination at a primary or election, **unless the candidate's name and voice are contained in the narrative of the call, before the end of such call.**

[Emphasis added.]

18. The Commission finds that the robocall, as described in paragraphs 7 and 8 above, did *not* include the voice of Respondent in the narrative of the call as required by General Statutes § 9-621 (b) (3). The Commission concludes therefore that Respondent violated § 9-621, by failing to include his voice in the aforementioned robocall.
19. 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 Regulations of Connecticut State Agencies § 9-7b-56.
20. It is understood 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.
21. 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 challenge or contest the validity of this Agreement or Order hereinafter stated.
22. Upon the Respondent's agreement with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

**ORDER**

IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of General Statutes §§ 9-604, and 9-621.

The Respondent:

For the State Elections Enforcement Commission:

By: William Yeske  
William Yeske  
28 Chelsea Drive  
Cromwell, CT 06416

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: May 16, 2012

Dated: 5/21/12

Adopted this 23<sup>rd</sup> day of May, 2012 at Hartford, Connecticut

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