

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Sean Arena, Hartford

File No. 2010-033

FINDINGS AND CONCLUSIONS

The Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b and alleged that the municipal political slate committee "Grassroots District 4" violated General Statutes § 9-608 by accepting a business contribution from the law firm of Rubenstein Sedy, LLC and failing to report the contribution.

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

1. The Respondent in this matter is Jorge L. Cabrera, treasurer of "Grassroots District 4," a political slate committee (the "committee"), formed to support a challenge slate of candidates for seats representing the 4th District in the 2010 Hartford Democratic Town Committee primary held on March 2, 2010.
2. In a letter dated January 14, 2010, Attorney Bruce D. Rubenstein of the law firm Rubenstein Sedy LLC filed a complaint within this agency on behalf of the slate of candidates alleging various violations of election law related to the candidates' attempts to collect petition signatures.¹ This complaint was submitted as a sworn letter on law firm stationary bearing the name and contact information of the law firm.
3. Here, the Complainant in the instant matter alleges that the filing of the complaint by Attorney Rubenstein on law firm stationary constituted an in-kind contribution from the law firm of Rubenstein Sedy LLC, a registered Connecticut business entity and not a provision of volunteer services from Attorney Rubenstein. Complainant alleges that the committee was required to report this contribution and failed to do so.
4. Individuals, including but not limited to service professionals such as attorneys, may volunteer their services to a campaign without such service constituting a contribution to the campaign. General Statutes § 9-601a, reads, in pertinent part:

(a) As used in this chapter and sections 9-700 to 9-716, inclusive, "contribution" means:

(1) Any gift, subscription, loan, advance, payment or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person or for the purpose of aiding or promoting the success or defeat of any referendum question or on behalf of any political party;

...

¹ *In the Matter of a Complaint of Bruce Rubenstein, Hartford, File No. 2010-003.*

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

...

(4) Uncompensated services provided by individuals volunteering their time; [Emphasis added.]

5. Committees are not required by General Statutes § 9-608 to report the receipt of such uncompensated volunteer services.
6. Business entities are permitted to make contributions to a political slate committee for a town committee primary. *See* General Statutes § 9-600. However, unless there is an exemption, such contributions must be reported pursuant to the requirements of General Statutes § 9-608.²
7. Here, the committee was required to file a disclosure seven days prior to the Town Committee primary which was to be held on March 2, 2010. General Statutes § 9-608 (a) reads, in pertinent part:

(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.* . . . [Emphasis added.]

² For an expanded explanation of this topic, see “Campaign Finance Registration and Disclosure Requirements for Candidates Involved in Town Committee Primaries FAQ Sheet – 2010,” which is available online at http://www.ct.gov/seec/lib/seec/publications/2010_town_committee_primary_fact_sheet_final.pdf.

8. However, under certain circumstances, committees are exempted from certain filing requirements, including but not limited to the requirement to report and itemize the contributions received by the committee. General Statutes § 9-608 (b) reads, in pertinent part:

The statements required to be filed under subsection (a) of this section and subdivisions (2) and (3) of subsection (e) of this section, shall not be required to be filed by: (1) *A candidate committee or political committee formed for a single primary or election until such committee receives or expends an amount in excess of one thousand dollars for purposes of the primary or election for which such committee was formed. . . . [Emphasis added.]*

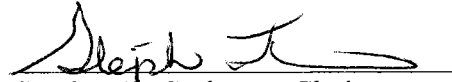
9. Here, on or about February 22, 2010, the committee filed a Short Form Campaign Finance Disclosure Statement (SEEC Form 21) for the period covering January 11, 2010 through February 22, 2010, declaring that the committee had not raised or spent more than \$1,000 dollars for the purposes of the town committee primary.
10. The Respondent asserts that Attorney Rubenstein's time was volunteered to the campaign and should not constitute a contribution. Moreover, the Respondent asserts that the committee did not raise or spend over \$1,000 during the relevant period and as such, was not required to file an itemized report of any contribution.
11. As an initial matter, the Commission turns to the question of whether Rubenstein Sendy LLC made a contribution to the committee. The Commission concludes that the law firm did make a contribution to the committee, but only in value of the materials used to draft and send the complaint to the Commission. The Commission finds that the evidence is insufficient to establish that Attorney Rubenstein performed his services as an agent of the business entity rather than as a volunteer for the campaign. As such, the Commission concludes that his time did not constitute a contribution.
12. Next the Commission turns to the question of whether the committee failed to report a contribution from the law firm. Here, the Respondent asserts that the *de minimus* value of the contribution from the law firm would not have pushed the committee over the \$1,000 threshold enumerated in General Statutes § 9-608 (b). The Commission finds that the extrinsic evidence in this matter is insufficient to belie this assertion.
13. Accordingly, the Commission concludes that while the business entity did make a *de minimus* in-kind contribution to the committee, the evidence is insufficient to establish that the committee was required to itemize and report such contribution.

ORDER

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

That the matter be dismissed.

Adopted this 16th day of February, 2011 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Steph F. Cashman", written over a horizontal line.

Stephen F. Cashman, Chairperson
By Order of the Commission