

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSIONNOV 24 2010
ENFORCEMENT
COMMISSION

File No. 2010-103

In the Matter of a Complaint by
James Joseph Smith, Newtown

**AGREEMENT CONTAINING HENCEFORTH ORDER
FOR VIOLATION OF GENERAL STATUTES § 9-621(a)**

This agreement, by and between Daniel W. O'Grady, of the Town of Bethel, County of Fairfield, 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. The Complainant alleged that Respondent failed to include an attribution on two campaign advertisements in connection with the August 10, 2010 election for the Regional Judge of Probate for the District of Northern Fairfield, as required by General Statutes § 9-621(a).
2. Specifically, Candidate alleged that one "sticker" advertisement on the front of the July 30, 2010 *News Times* and a newspaper advertisement in the *Newtown Bee* for that advocated the election of Respondent failed to provide an attribution disclosing who paid for them, and who his treasurer was.
3. On March 2, 2010 Respondent registered with the Commission the candidate committee "Committee to Elect Daniel W. O'Grady," and designated Charles A. Steck his treasurer.
4. General Statutes § 9-621, provides in pertinent part,

(a) No individual shall make or incur any expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, and no candidate or committee shall make or incur any expenditure 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 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; or (C) in the case of a party committee, the name of the committee, and (2) the words "approved by" and the following: (A) In the case of an individual making or incurring an expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, the name of

such individual; or (B) *in the case of a candidate committee, the name of the candidate.* ...

[Emphasis added.]

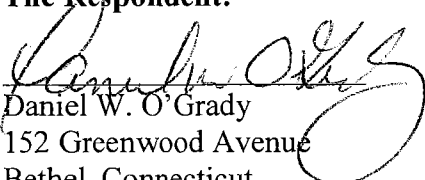
5. The “sticker” advertisement on the front of the July 30, 2010 *News Times* read: “*Daniel O’Grady – Regional Probate Judge – Vote.*” The newspaper advertisement in the *Newtown Bee* read: “*Probate Judge Daniel O’Grady – Ready to be Regional Judge – Vote Daniel O’Grady – August 10*” and included some 15 bullet points of the biography and experience of Respondent. Neither of the aforementioned two advertisements provided an attribution disclosing who paid for them.
6. Respondent claimed and admitted that the “...written materials cited in ... [the complaint] ... were paid directly be me.” Further, Respondent asserted that when the items were prepared, the attributions were “omitted.”
7. Respondent admits the attribution omissions and apologized for them. He stated that it was an unintended error of his making.
8. It is concluded that Respondent violated § 9-621(a) of the General Statutes for purchasing two campaign advertisements that failed to include the required “paid for by,” the name of his candidate committee, the name and of his treasurer and his title as treasurer, and “approved by” Respondent on each attribution.
9. 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 Section 9-7b-56 of the Regulations of Connecticut State Agencies.
10. 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.
11. 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.
12. Upon the Respondent’s compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

ORDER

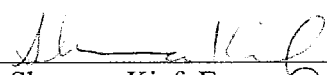
IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-621(a).

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of one hundred dollars (\$100.00) on or before November 17, 2010.

The Respondent:


Daniel W. O'Grady
152 Greenwood Avenue
Bethel, Connecticut

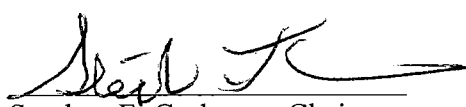
For the State of Connecticut:

BY: 
Shannon Kief, Esq.
Legal Program Director
& Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, Connecticut

Dated: 11/22/2010

Dated: 11-29-10

Adopted this ^{15th}~~17th~~ day of November of 2010 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission