

FILED 6:56:30
STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

2011 JUN 20 P 3: 56
In the Matter of a Complaint by
William L. Jenkins, Chaplin

File No. 2010-107

**AGREEMENT CONTAINING HENCEFORTH ORDER
FOR A VIOLATION
OF CONNECTICUT GENERAL STATUTES § 9-621 (b) (1)**

This Agreement, by and between Ronald Petronella of Monroe, Connecticut (the "Respondent"), and the authorized representative of the State Elections Enforcement Commission (the "Commission") is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. At all times relevant hereto, the Respondent was the treasurer of the Friends of Gerry Garcia candidate committee (the "committee").
2. At all times relevant hereto, Gerry Garcia was a candidate for Secretary of the State (the "candidate").
3. In 2010, the committee made expenditures, including, but not limited to, expenditures for broadcasting an advertisement opposing the candidacy of Denise Merrill, a candidate for Secretary of the State (the "advertisement").
4. The Parties stipulate that the sponsorship of the advertisement was clear to the reasonable observer because the video advertisement included "Paid for by Friends of Gerry Garcia, Ronald Petronella, Treasurer. Approved by Gerry Garcia" appearing for approximately three seconds.
5. The Parties stipulate that, based on the representations of the Friends of Gerry Garcia campaign manager, the estimated cost of broadcasting the advertisement is approximately \$1,500.00.
6. Pursuant to General Statutes § 9-601 (11), for purposes of the campaign finance statutes, "'Candidate' means an individual who seeks nomination for election or election to public office whether or not such individual is elected ... an individual shall be deemed to seek nomination for election or election if such individual has ... made expenditures."
7. Pursuant to General Statutes § 9-601b (a) (1), for purposes of the campaign finance statutes, "Expenditure" includes, "Any purchase, payment, ... or anything of value, when made for the purpose of influencing the nomination for election, or election, of any person"
8. Pursuant to General Statutes § 9-606 (a), "The campaign treasurer of each committee shall be responsible for ... making and reporting expenditures"

9. Pursuant to General Statutes § 9-607 (a), “No financial obligation shall be incurred by a committee unless authorized by the campaign treasurer....”

10. General Statutes § 9-621 (b) (1), provides, in relevant part:

No ... candidate committee ... shall make or incur any expenditure for television advertising or Internet video advertising, which promotes 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 (A) at the end of such advertising there appears simultaneously, for a period of not less than four seconds, (i) a clearly identifiable photographic or similar image of the candidate making such expenditure, (ii) a clearly readable printed statement identifying such candidate, and indicating that such candidate has approved the advertising, and (iii) a simultaneous, personal audio message, in the following form: "I am (candidate's name) and I approved this message", and (B) the candidate's name and image appear in, and the candidate's voice is contained in, the narrative of the advertising, before the end of such advertising

11. As the treasurer responsible for making and authorizing the committee's expenditures, pursuant to §§ 9-606 (a) and 9-607 (a), the Respondent admits to the violation of § 9-621 (b) (1). Specifically, that the advertisement failed to comply with the statute in that: (1) the candidate appears at the beginning of the advertisement and not the end; (2) the candidate appears for less than four seconds; (3) the candidate's statement approving the message is at the beginning and not the end of the advertisement; and (4) the script statement “Paid for by Friends of Gerry Garcia, Ronald Petronella, Treasurer. Approved by Gerry Garcia” appears for less than four seconds.

12. The Respondent represents that violation was inadvertent and that the attribution in the advertisement complied with federal election laws.

13. 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.

14. 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.

15. The Respondent waives: any further procedural steps; the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law,

separately stated; and all rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this Agreement.

16. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.
17. The Commission recognizes the clarity of source of sponsorship to the reasonable observer as a significant mitigating factor in setting forth its demand for a civil penalty.
18. The Commission notes that, despite the clear source sponsorship, this matter includes aggravating factors as far as attribution violations are concerned: (1) the relatively high cost of broadcasting the advertisement, \$1,500.00; and (2) the consideration of the detailed attribution requirements for video advertisements which reflect the transitory nature of the media, as opposed to the relative permanency of printed advertisements.

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ORDER

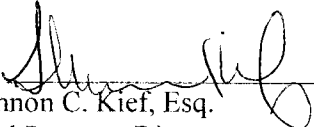
IT IS HEREBY ORDERED that Respondent, Ronald Petronella, will henceforth strictly comply with the requirements of Connecticut General Statutes § 9-621, including, but not limited to § 9-621 (b) (1), governing attribution in video advertisements and remit a civil penalty in the amount of \$100.00 for his violation.

The Respondent:

For the State of Connecticut:



Ronald Petronella
888 Monroe Turnpike
Monroe, CT 06488

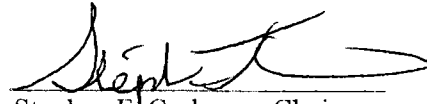
BY: 

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

Dated: 6/20/2011

Dated: 6/20/11

Adopted this 22nd day of June of 2011 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission