

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In Re: "John Rigby for 63rd"

File No. 2010-116

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between Richard R. Lavieri of the Winsted, State of Connecticut, hereinafter referred to as the Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. This Commission initiated an investigation into this matter on September 22, 2010. Specifically, the Commission authorized an investigation into whether John Rigby, a candidate for State Representative of the 63rd District, and/or his candidate committee treasurer Richard Lavieri violated General Statutes §§ 9-606, 9-607, CEP program statutes, regulations or requirements based up on the information discovered during the audit of "John Rigby for 63rd" candidate committee (hereinafter the "Committee"). In that audit, a finding was made that backup documentation was not provided to the Commission for nine expenditures totaling \$13,063.27 and that twenty-five committee checks totaling \$27,541.26 were signed by John Rigby who was not the designated Committee treasurer or deputy treasurer.
2. General Statutes § 9-607 (f) provides the following in relevant part:

The campaign treasurer shall preserve all internal records of transactions required to be entered in reports filed pursuant to section 9-608 for four years from the date of the report in which the transactions were entered. **Internal records required to be maintained in order for any permissible expenditure to be paid from committee funds include, but are not limited to, contemporaneous invoices, receipts, bills, statements, itineraries, or other written or documentary evidence showing the campaign or other lawful purpose of the expenditure. . . . In the case of a candidate committee, the campaign treasurer or the candidate, if the candidate so requests, shall preserve all internal records, cancelled checks, debit cards slips and bank statements for four years from the date of the last report required to be filed under subsection (a) of section 9-608. [Emphasis added.]**

3. Furthermore, Regulations of Connecticut State Agencies § 9-706-1(b) provides in pertinent part as follows:

The absence of contemporaneous detailed documentation indicating that an expenditure was made to directly further the participating candidate's nomination for election or election shall mean that the expenditure was not

made to directly further the participating candidate's nomination for election or election, and thus was an impermissible expenditure. Contemporaneous detailed documentation shall mean documentation which was created at the time of the transaction demonstrating that the expenditure of the qualified candidate committee was a campaign-related expenditure made to directly further the participating candidate's nomination for election or election to the office specified in the participating candidate's affidavit certifying the candidate's intent to abide by Citizens' Election Program requirements. Contemporaneous detailed documentation shall include but not be limited to the documentation described in section 9-607(f) of the Connecticut General Statutes. [Emphasis added.]

4. Here, there is no evidence that Respondent Lavieri maintained the requisite internal records for the nine expenditures at issue. The Commission therefore concludes that Respondent Lavieri violated General Statutes § 9-607 (f).
5. In addition, the evidence establishes that twenty-five checks totaling \$27,541.26 were, in fact, signed by John Rigby. The evidence does not, however, establish that those expenditures were impermissible pursuant to General Statutes § 9-607 (g).
6. General Statutes § 9-606 (a) (2) does, however, provide that the *campaign treasurer* of each committee shall be responsible for making committee expenditures. (Emphasis added.)
7. Here, the evidence establishes that the twenty-five Committee checks at issue were drawn by John Rigby. According to the Committee's Registration Statement (SEEC Form 1) filed with the Commission on May 15, 2008, John Rigby was not the duly designated treasurer or deputy treasurer of the Committee.
8. The Commission therefore concludes that Respondent Lavieri violated General Statutes § 9-606 (a) (2) by allowing another to make expenditures on behalf of the Committee. As noted above, § 9-606 (a) (2) states that the campaign treasurer is responsible for making committee expenditures.
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 into after a full hearing and shall become final when adopted by the Commission.
10. 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.
- 11. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him concerning this matter or any other findings that appear in the Final Audit Report for the 2008 "John Rigby for 63rd" campaign.
- 12. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

ORDER

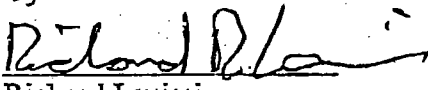
IT IS HEREBY ORDERED THAT the Respondent shall pay a civil penalty of seven hundred fifty dollars (\$750.00) to the Commission and shall henceforth strictly comply with the requirements of General Statutes §§ 9-606 and 9-607.

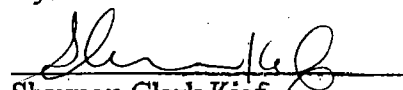
The Respondent

For the State of Connecticut

By:

By:





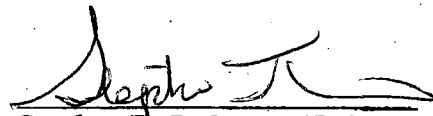
Richard Lavieri
Winsted, Connecticut

Shannon Clark Kief
Legal Program Director and Authorized
Representative of the State
Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut 06106

Dated: _____

Dated: 4/6/11

Adopted this 13th day of April, 2011 at Hartford, Connecticut by vote of the Commission.



Stephen F. Cashman, Chairman
By Order of the Commission