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ENFORCEMENT COMMISSION

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Alyssa S. Peterson, Hartford

File No. 2010-139

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

This agreement, by and between Michael Lupo of 517 New Britain Avenue, Hartford, Connecticut (the "Respondent"), and the authorized representative of the State Elections Enforcement Commission ("SEEC") is entered into in accordance with section 9-7b-54 of the Regulations of Connecticut State Agencies and General Statutes § 4-177 (c). As it relates to SEEC jurisdiction, the Complainant alleges that flyers and an advertisement issued by the Respondent lacked the attribution required by § 9-621 (a) and that the Respondent did not timely file an exemption from forming a candidate committee, SEEC Form 1B, under General Statutes § 9-604 (a). In accordance herewith, the parties agree that:

1. The Respondent admits that at a time no later than October 28, 2010, the Respondent became a candidate for State Representative for the 6th Assembly District in Hartford in the November 2, 2010 election.
2. At a time no later than December 1, 2010, the Respondent filed with the SEEC a SEEC Form 1B, Certification of Exemption from Forming a Candidate Committee, stating under penalty of false statement that he was exempt from forming a candidate committee.
3. The Commission notes that the Respondent attempted to file such form no later than November 17, 2010, but such form was not signed by the Respondent, accordingly it lacked the certification required by General Statutes § 9-604 (a).
4. Under General Statutes § 9-604 (a), the Respondent's SEEC Form 1B Filing was due with the SEEC no later than ten days after becoming a candidate, in this instance by November 5, 2010.
5. Under these rare circumstances, the Commission notes the diminished public interest in a timely filing, which was not due until three days after the November 2, 2010 general election, and which was limited to a SEEC Form 1B, Certification of Exemption From Forming a Candidate Committee, and therefore would not have contained financial disclosure of the relevant expenditures.
6. The Respondent admits that he made expenditures in the amount of \$64.59 for flyers promoting his candidacy (the "flyers").
7. The Respondent admits that, although the flyers directed the reader to "www.youtube.com/MikeLupo2010," they contained no attribution stating who paid for the flyers.

8. The Respondent admits that he made expenditures in the amount of \$110.00 for an advertisement in a local newspaper promoting his candidacy (the "advertisement").
9. The Respondent admits that, although the advertisement directed the reader to "www.youtube.com/MikeLupo2010," it contained no attribution stating who paid for the advertisement.
10. General Statutes § 9-621 (a), provides in relevant part:

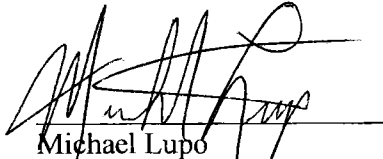
[N]o candidate or committee shall make or incur any expenditure . . . for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election . . . unless such communication 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
11. The Respondent admits that he made expenditures for the flyers and the advertisement, which did not contain the requisite attribution pursuant to § 9-621 (a).
12. 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.
13. 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.
14. 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.
15. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

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ORDER

IT IS HEREBY ORDERED that Respondent, Michael Lupo, will henceforth strictly comply with the requirements of Connecticut General Statutes §§ 9-604 (a) and 9-621(a).

The Respondent:


Michael Lupo
517 New Britain, Avenue
Hartford, CT

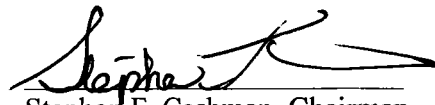
For the State of Connecticut:

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

Dated: 3/3/2011

Dated: 3/10/11

Adopted this 16th day of March of 20 11 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission