

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Mary Hansen,
Old Saybrook

File No. 2010-151

FINDINGS AND CONCLUSIONS

Complainant Mary Hansen brought this complaint pursuant to § 9-7b, General Statutes of Connecticut, enquiring whether Mr. Grant Westerson of the Town of Old Saybrook was properly seated as a member of the Town of Old Saybrook Board of Finance, while he also operated the Old Saybrook Town Police Boat during the summer months. Specifically, Complainant requested an investigation into whether the holding of the aforementioned two offices violated General Statutes § 9-210.

After the investigation of the Complainant's complaint, the Commission makes the following findings and conclusions:

1. Mr. Grant Westerson of the Town of Old Saybrook was a member of the Town of Old Saybrook Board of Finance, while he also operated the Old Saybrook Town Police Boat during the summer months, at all times relevant to this complaint.
2. The Town of Old Saybrook hired Mr. Westerson as "Marine Patrol Officer," to operate the Old Saybrook Town Police Boat at an hourly rate of compensation of \$15.00 per hour. The Town paid Mr. Westerson a total of approximately \$1,500.00 in total for the summer months of operation of the police boat.
3. General Statutes § 9-210, provides:

No selectman shall hold the office of town clerk, town treasurer or collector of town taxes during the same official year, nor that of judge of probate for the district within which such town is located; no town treasurer shall hold the office of collector of town taxes during the same official year; nor shall any town clerk or selectman be elected a registrar of voters; and no registrar of voters shall hold the office of town clerk. No assessor shall act as a member of the board of assessment appeals. No *member of the board of finance* of any town shall hold any *salaried* town office unless otherwise provided by special act. If any registrar of voters is elected to the office of town clerk or selectman and accepts the office, he

shall thereupon cease to be a registrar; and, if any town clerk or selectman is elected registrar of voters, the election shall be void; and in either of said cases the selectmen shall forthwith appoint another registrar by a writing signed by them and filed with the town clerk; but the person so appointed shall be a member of the same political party as that to which the person so elected belongs.

[Emphasis added.]

4. Complainant also brought allegations regarding holding incompatible offices against Michael Evangelisti. However, because Mr. Evangelisti position as Chair of the Old Saybrook Water Pollution Control Authority is not covered under General Statutes § 9-210, as detailed in paragraph 3 above, the Commission declines to consider the allegation against Mr. Evangelisti further.
5. The Commission turns to the remaining allegation of this complaint which is whether Mr. Grant Westerson violated General Statutes § 9-210, by holding “incompatible offices” – more specifically, whether, by being seasonally hired to operate the Old Saybrook Town Police Boat while serving on the Old Saybrook Board of Finance, Mr. Westerson violated General Statutes § 9-210.
6. As a preliminary matter, because General Statutes § 9-210, indicates that “no *member of the board of finance* of any town shall hold any *salaried* town office unless otherwise provided by special act,” the Commission concludes that Mr. Westerson while serving as a member of the Old Saybrook Board of Education was precluded from *also* holding a “salaried” town office where there is no “special act” allowing him to do so, and therefore that he was covered by the prohibitions of the aforementioned statute.
7. The threshold question therefore, based on the reasoning detailed in paragraphs 5 and 6 above, is whether being hired to operate the Old Saybrook police boat made Mr. Westerson the holder of a “salaried” town office pursuant to General Statutes § 9-210. The Commission notes for its analysis that the term “salaried” is *not* defined in General Statutes Title 9, Elections. Therefore, consistent with its past practices and standards of statutory construction, the Commission will look to the dictionary to identify the meaning of the aforementioned terms and phrases.
8. More specifically, where a term is not defined in the statute, it is appropriate to “look to the dictionary definition of the [term] to ascertain [its] commonly approved meaning.” *R.C. Equity Group, LLC v. Zoning Commission*, 285 Conn. 240, 254 n. 17, 939 A.2d 1122 (2008); *see also Groton v. Mardie Lane Homes, LLC*, 286 Conn. 280, 288, 943 A.2d 449 (2008) (“If a statute or regulation does not sufficiently define a term, it is appropriate to look to the common understanding of the term as expressed in a dictionary.” [internal quotation marks omitted]).

9. *Black's Law Dictionary*, (6th ed.), provides the following definition:

Salary. A reward of recompense for services performed. In a more limited sense, a fixed periodical compensation for services rendered. *A stated compensation paid periodically as by the year, month, or other fixed period, in contrast to wages which are normally based on an hourly rate.* [Emphasis added. Internal citations omitted.]

10. The Commission finds, consistent with the definition of “salary” as detailed in paragraph 9 above, that “salaried” and for purposes of applying General Statutes § 9-210 *in this instance*, means that an individual earns a “stated compensation” paid periodically as by the year, month, or other fixed period, in contrast to compensation which is paid in wages on an “hourly rate.”

11. Upon investigation, the Commission determined, as detailed in paragraph 2 above, Mr. Westerson as “Marine Patrol Officer” earned an *hourly rate* of \$15.00 per hour, for operating the Old Saybrook Town Police Boat. The Commission concludes therefore that Mr. Westerson, as regarding his aforementioned employment and for pursuant to General Statutes § 9-210 as Marine Patrol Officer, was not “salaried” by the Town of Old Saybrook, but rather was paid an hourly rate for such service.

12. The Commission concludes, for the reasons so stated in paragraphs 9 and 10 above, that because Respondent was not a “salaried” town official when being compensated as a Marine Patrol Officer, he was not precluded from holding the aforementioned position while also remaining a member of the Old Saybrook Board of Finance, pursuant to General Statutes § 9-210. The Commission concludes upon complaint and investigation, that the position of Marine Patrol Officer and membership on the Old Saybrook Board of Finance are therefore not “incompatible offices” under General Statutes § 9-210.

13. For the reasons stated herein, the Commission dismisses this complaint.

ORDER

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

That the complaint be dismissed.

Adopted this 19th day of October, 2011 at Hartford, Connecticut.

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

Stephen F. Cashman

By Order of the Commission