

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Monika Thiel,
New Fairfield

File No. 2011-006

AGREEMENT CONTAINING CONSENT ORDER FOR
VIOLATIONS OF GENERAL STATUTES

This agreement by and between Edward J. Sbordone, of the Town of New Fairfield, County of Fairfield and State of Connecticut, hereinafter referred to as "Respondent," and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and section 9-7b-54 of the Regulations of Connecticut State Agencies. In accordance herewith, the parties agree that:

1. Complainant brought this complaint alleging that in 2009 "Hodge-Chapman '09" (hereinafter "Committee"), on five separate occasions, received contributions in excess of the \$750.00 contribution limit for political slate committees pursuant to § 9-612 (a).
2. Specifically, Complainant alleged that the Committee received from five individuals the following excessive contributions (1) \$1,000.00, on 10/23/09, (2) \$1,000.00, on 10/23/09, (3) \$1,000.00, on 10/09/09, (4) \$1,000.00, on 10/09/09, and (5) \$1,000.00, on 08/10/09; all by personal checks.
3. The Committee was registered by John E. Hodge, Republican candidate for First Selectman of the Town of New Fairfield and Susan L. Chapman, Republican candidate for Selectman, who filed an initial Political Committee (PAC) Registration (SEEC Form 3) with the New Fairfield Town Clerk's office on July 29, 2009 to serve as the funding source for their campaigns. Respondent was legally designated the treasurer of the Committee on the aforementioned SEEC Form 3, and the data field at 25b indicated that the Committee was durational, and designated for a "slate of candidates."
4. The Complainant alleged, as detailed in paragraphs 1 and 2 above, that the Respondent by receiving contributions to the Committee in excess of the contribution limits for individuals as set forth in General Statutes § 9-612, violated § 9-622 (10).

5. General Statutes § 9-612 provides, in pertinent part:

(a) No individual shall make a contribution or contributions in any one calendar year *in excess of . . . seven hundred fifty dollars to any other political committee other than* (1) a political committee formed solely to aid or promote the success or defeat of a referendum question, (2) an exploratory committee, (3) a political committee established by an organization, or for the benefit of such committee pursuant to its authorization or request, or (4) a political committee formed by a slate of candidates in a primary for the office of justice of the peace of the same town. . . .

[Emphasis added.]

6. General Statutes § 9-623 (10), provides that “[a]ny person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter,” shall be guilty of “illegal practices.”
7. The evidence establishes, and the Commission finds, that five (5) excessive contributions were received and deposited by the Respondent on behalf of the Committee, as alleged and detailed in paragraph 2 above. Those contributions were in the amount of \$1000 rather than \$750, which is the applicable contribution limit pursuant to General Statutes § 9-612 (a).
8. The Commission, upon investigation, finds that the Committee disclosed two (2) of the five excessive contributions on its January 4, 2010 *Itemized Campaign Finance Disclosure Statement* (SEEC Form 20). Furthermore, the Commission finds that two (2) other excessive contributions were disclosed on the Committee’s October 27, 2009 SEEC Form 20, while the remaining one excessive contribution was disclosed on the Committee’s October 10, 2009 SEEC Form 20.
9. Based on the aforementioned evidence, as detailed in paragraph 7 above, the Commission concludes that there were no attempts to conceal the excessive contributions by the Respondent, and that these facts support the Respondent’s contention that he deposited such contributions into the Committee’s account under the mistaken belief that they were permissible contributions.
10. Nevertheless, the Commission concludes that by receiving five contributions in the amount of \$1,000.00, and thereby exceeding individual contributions limits as prescribed by § 9-612 (a), the Respondent did receive contributions that were otherwise prohibited by Chapter 155 and therefore violated General Statutes § 9-622 (10).

11. Finally, the Commission notes that in prior decisions the Commission has required that committees in receipt of excessive contributions return or disgorge excessive contributions as circumstances dictated, and levied not insignificant civil penalties on both treasurers and individual contributors involved. *See Complaint of Andrew S. Adil*, Wethersfield, File No. 2002-143. Furthermore, the Commission in prior decisions has considered the return of excessive contributions upon their discovery as mitigating, *See Complaint of Steve Elworthy*, Fairfield, File No, 2007-354.
12. Nevertheless, due to the durational nature of the Committee as a political slate committee that had terminated well before the filing of this complaint, that some of the contributors were family members, and the credible assertions of mistaken belief by both Respondent and the five individuals who made excessive contributions to the Committee as detailed herein, the Commission declines to seek such payments or forfeitures from the Respondent or those individuals who made excessive contributions to the Committee.
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:
 - (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.
16. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent pertaining to this matter.

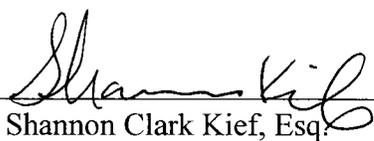
ORDER

IT IS HEREBY ORDERED that henceforth the Respondent shall strictly comply with receiving contributions that are within requisite limits and not otherwise prohibited by Chapters 155 and 157 General Statutes and strictly comply with §§ 9-612 and 9-622.

The Respondent:

For the State Elections Enforcement Commission:

By: 
Edward J. Bordonone
3 North Star Drive
New Fairfield, CT 06812

By: 
Shannon Clark Kief, Esq.
Legal Affairs Program Director
and Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, CT 06106

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


Stephen F. Cashman, Chairman
By Order of the Commission