

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of William P. Horan, Jr.
East Hartford

File No. 2011-126

AGREEMENT CONTAINING CONSENT ORDER

This agreement, by and between Maria A. Tatasciore, Town of East Hartford, County of Hartford, State of Connecticut (hereinafter "Respondent"), and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with the Regulations of Connecticut State Agencies § 9-7b-54 and General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. By way of background, Respondent was designated Santo Committee treasurer on January 24, 2011. Santo for Mayor (hereinafter "Santo Committee") was registered by Santo J. Alleano as his mayoral candidate committee for the November 8, 2011 election in the Town of East Hartford.
2. Respondent was treasurer of Santo Committee, at all times relevant to this complaint. Respondent therefore was required to file campaign finance statements with the East Hartford Town Clerk, make and report expenditures and receive contributions on behalf of the committee, pursuant General Statutes §§ 9-607 and 9-608.
3. Complainant, alleged that Santo J. Alleano and Santo Committee for the November 8, 2011 election in East Hartford violated General Statutes § 9-613, in that it received prohibited business entity contributions, and violated § 9-608 in that the Santo Committee failed to report expenditures. Specifically, Complainant made the following numbered allegations:
 1. East Hartford Resident George Agnelli, Jr., used his business to pay for advertisements to promote Mr. Alleano's election in the *East Hartford Gazette*;
 2. Respondent Tatasciore failed to disclose and report a May 13, 2011 Santo Committee fundraiser;
 3. Respondent Tatasciore failed to disclose and aggregate contributions from individual contributors to the Santo Committee;
 4. The May 13, 2011 Santo Committee fundraiser flyer (hereinafter "First Flyer") that appeared in the *East Hartford Gazette* and the *Hartford Courant* and promoted a business entity;

5. A flyer to the attention of “All Registered Democrats”(hereinafter “Second Flyer”) that appeared in the *East Hartford Gazette*, *Hartford Courant* and the *Journal Inquirer* was not disclosed and reported on financial statements of the Santo Committee by Respondent;
 6. A December 12, 2011 robo call to “all East Hartford Democrats” by the Santo Committee was a business entity contribution and was not disclosed or reported by Respondent; and,
 7. Contributions by Respondent Agnelli were not disclosed or reported by the Santo Committee by Respondent.
4. The Commission notes that Respondent, Mr. Alleano and Mr. Agnelli have no prior case history with the Commission.

5. General Statutes § 607, provides in pertinent part:

(g) (1) As used in this subsection, (A) "the lawful purposes of his committee" means: ... (i) ***For a candidate committee or exploratory committee, the promoting of the nomination or election of the candidate who established the committee, ...***
[Emphasis added.]

6. General Statutes § 9-608, provides in pertinent part:

(c) (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) ***An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution;*** (B) in the case of anonymous contributions, the total amount received and the denomination of the bills; (C) ***an itemized accounting of each expenditure, ...;*** and (J) for each individual who contributes in excess of four hundred dollars in the aggregate to or for the benefit of any candidate's campaign for nomination at a primary or election to the office of chief executive officer of a town, city or borough, a statement indicating whether the individual or a business with which he is associated has a contract with said municipality that is valued at more than five thousand dollars. ***Each campaign treasurer shall include in such statement (i) an itemized accounting of the receipts and expenditures relative to any***

testimonial affair held under the provisions of section 9-609 or any other *fund-raising affair, which is referred to in subsection (b) of section 9-601a, and (ii) the date, location and a description of the affair.*

[Emphasis added.]

7. General Statutes § 9-613, provides in pertinent part:

(a) *No business entity shall make any contributions or expenditures to, or for the benefit of, any candidate's campaign for election to any public office* or position subject to this chapter or for nomination at a primary for any such office or position, ...

[Emphasis added.]

8. Pertaining to the Allegation One, as described in paragraph 3 above, General Statutes § 9-613 would prohibit a business entity from paying for an advertisement to promote a candidate.
9. Upon investigation, the Commission finds that Mr. Agnelli paid \$819.30 for an advertisement in the *East Hartford Gazette* to support Mr. Alleano. The Commission further finds that the advertising was for September 8, 2011, and was paid in cash by Mr. Agnelli on November 8, 2011. Finally, the Commission finds that the payment by Mr. Agnelli for the September 8th advertisement was made personally, and not in the name of a business.
10. The Commission dismisses Allegation One, for the reasons detailed paragraph 9 above, in that the evidence does not support the conclusion the Santo Committee received prohibited business entity contributions in the form of advertisements in violation of § 9-613.
11. Complainant in Allegation Two alleged that Respondent failed to disclose and report a May 13, 2011 Santo Committee fundraiser.
12. Pursuant to General Statutes § 9-608 a treasurer shall include an *itemized accounting* and expenditures relative to any *fundraising affair* and the “...*date, location and a description of the affair.*” Respondent admits that the Santo Committee held a fundraiser on April 1, 2011.
13. The Commission finds that on June 11, 2011 Respondent filed an *Itemized Campaign Finance Disclosure Statement* (SEEC Form 20) covering the reporting period of April 1, 2011 through June 30, 2011. The Commission further finds that the aforementioned SEEC Form 20 did *not* disclose or report the Santo Committee April 1, 2011 fundraiser as required by § 9-608.

14. The Commission concludes, for the reasons detailed in paragraph 12 and 13 above, that Respondent violated § 9-608 as alleged by failing to disclose the May 13, 2011 Santo Committee fundraiser.
15. Complainant in Allegation Three alleged that Respondent Tatasciore failed to disclose and aggregate contributions from individual contributors to the Santo Committee.
16. General Statutes § 9-608 requires that contributions that are over fifty dollars in the aggregate require disclosure of the donor's name, address and amount received during the relevant reporting period as well as the aggregate amount given to date.
17. Upon investigation, the Commission finds that Respondent failed to aggregate individual contributions on the July 2011 Santo Committee SEEC Form 20 in various instances. Further, the Commission finds that Respondent failed to aggregate individual contributions to the Santo Committee SEEC Form 20s for the following reports: (1) the report due 7th day preceding the election; (2) the report due October 10, 2011 ; and, (3) and the report due 30 days following the primary.
18. The Commission concludes, for the reasons detailed in paragraphs 16 and 17 above, that Respondent violated General Statutes § 9-608 by failing to aggregate individual contributions on four SEEC Form 20s filed by Respondent on behalf of the Santo Committee.
19. Allegation Four pertains to the May 13th Soto Committee fundraiser flyer (hereinafter "First Flyer"). The First Flyer appeared in the *East Hartford Gazette* and the *Hartford Courant* and allegedly promoted a business entity in violation of General Statutes § 9-607.¹ The First Flyer included the following exhortation:

*Join us to Raise Money for the **Santo for Mayor campaign**
at Augie and Rays in East Hartford from 5pm to 8pm on
Friday May 13th. (Original Emphasis in bold.)*

20. Commission staff notes that "Augie and Rays" is a restaurant in East Hartford, and that the only emphasis in the original flyer was on the name of Respondent Alleano's candidate committee. Neither side of the two sided First Flyer otherwise mentions any business or Augie and Ray's a second time.

¹ General Statutes § 9-607 (g) (1) (A) (i) provides that the lawful purpose of a candidate committee is "...the promoting of the nomination or election of the candidate who established the committee."

21. The Commission has previously concluded that whether the inclusion of a business name in campaign materials creates “a violation of campaign finance law is a question of fact.” See *Complaints of Frank Burgio, Waterbury & In re: “Friends of Selim,”* File Nos. 2008-158 & 2008-126, (where the inclusion of the name, address and photo, of a business was included in a calendar disseminated by a candidate committee).
22. Under the circumstances detailed herein, where there is no evidence that these flyers were given to the business to be disseminated as promotional materials for “Augie and Rays,” and there is no evidence that the flyers were targeted at specific customers to promote that business reasons, the Commission concludes that the inclusion of a business name as the location and address of a fundraiser in the First Flyer was permissible, and therefore was *not* an impermissible expenditure by the Santo Committee pursuant to General Statutes § 9-607 (g). The Commission therefore dismisses Allegation 4.
23. Complainant alleged in Allegation Five that a Santo Committee flyer to the attention of “All Registered Democrats” (hereinafter “Second Flyer”) that appeared in the *East Hartford Gazette*, *Hartford Courant* and the *Journal Inquirer* was not disclosed and reported on financial statements of the Santo Committee by Respondent as required by General Statutes § 9-608.
24. Respondent asserts that the Second Flyer appeared in any paper other than the *Hartford Courant*, and the Commission finds a lack of contrary evidence regarding the same. Further, the Commission finds that, upon investigation, the Respondent provided a receipt to the Commission in the amount of \$1,250.00 for the placement of these flyers in the newspaper. Finally, the Commission finds that the expenditure for the Second Flyer to the *Hartford Courant* was reported by Respondent in the Santo Committee SEEC Form 20 that was filed on July 11, 2011.
25. The Commission finds, for the reasons detailed in paragraph 24 above, that Allegation Five regarding a failure to disclose and report expenditures for the Second Flyer is *not* supported by the evidence upon investigation of the facts. The Commission therefore dismisses Allegation Five.
26. Complainant in Allegation Six that a December 12, 2011 robo call to “all East Hartford Democrats” by the Santo Committee was not disclosed in committee financial statements by Respondent.

27. The Commission finds that the robo call was paid for by Karen Alleano who was reimbursed by the committee in the amount of \$250.00. The Commission further finds that Respondent provided a receipt from www.callfire.com that was responsible for the robo call. Finally, the Commission find that the expenditure to Ms. Alleano was disclosed by Respondent on the Santo Committee SEEC Form 20 filed November 1, 2011. Specifically, the expenditure was disclosed in the amount of \$250.00 with the description "Telephone Advertising."
28. The Commission notes that the Respondent, by not properly disclosing the expenditure by the committee as a "reimbursement," or identifying the original expenditure with Ms. Alleano as a "secondary payee," may have invited Complainant's allegation regarding the source of this robo call. Nevertheless, the Commission finds, for the reasons detailed in paragraphs 27 and 28, that Allegation Six was not "listed" by Respondent in Santo Committee financial statements in violation of General Statutes § 9-608 was not supported by the evidence. The Commission, therefore dismisses Allegation Six.
29. Complainant in Allegation Seven alleged that contributions by Mr. Agnelli were not disclosed or reported by the Santo Committee by Respondent.
30. Upon investigation, the Commission finds that two contributions were reported from Mr. Agnelli by the Santo Committee: \$148 on May 13, 2011 and \$28 on October 12, 2011. Furthermore, the Commission finds that a third contribution was made in the amount of \$819.30 for the purchase of an advertisement in support of Mr. Alleano, for which Respondent provided an *East Hartford Gazette* receipt date November 8, 2011.
31. The Commission finds that the Santo Committee disclosed the purchase in the amount of \$819.30 and described it as "Purchase Ad" on its December 30, 2011 SEEC Form 20 that served as the committee's termination report.
32. The Commission finds, for the reasons detailed in paragraph 30 and 31 above, that there is a lack of evidence in support of Allegation Seven that Respondent violated General Statutes § 9-608 by failing to itemize contributions from Mr. Agnelli. The Commission therefore dismisses Allegation Seven.
33. While the investigation did not reveal that Agnelli supported the Santo Committee with his business entity, it did indicate that the above referenced contribution in the amount \$148 was by cash and therefore excessive and prohibited by § 9-611 (d), which limits cash contributions to \$100.00. While the Commission determines that it will take no further action regarding Respondent's receipt of an excessive contribution, it nevertheless underscores the requirements of § 9-611(d) and holds Respondent on notice of the same on the basis of this agreement.

34. While the Commission stresses the significance of the obligations and duties of Respondent as treasurer of the Santo Committee to comply with the requirements of General Statutes §§ 9-606 and 9-608, it nevertheless recognizes as mitigating circumstances that: (1) Respondent has no prior case history with the Commission; (2) Respondent's violations appear to be unintentional; and, (3) Respondent cooperated with this investigation. For the reasons so stated, the Commission declines to levy a civil penalty against Respondent under the narrow and limited circumstances detailed herein.
35. 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 the Regulations of Connecticut State Agencies § 9-7b-56.
36. 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.
37. 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.
20. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent with respect to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-608.

9-608.

Dated:

For the State of Connecticut
BY:

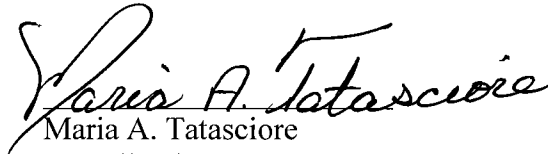


Michael J. Brandi, Esq.
Executive Director and General Counsel,
and Authorized Representative
of the State Elections
Enforcement Commission
20 Trinity Street
Hartford, Connecticut

Dated:

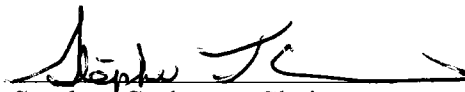
11/9/12

The Respondent,
BY:



Maria A. Tatasciore
16 Tolland Street
East Hartford, Connecticut

Adopted this 14th day of November, 2012 at Hartford, Connecticut by vote of the Commission.



Stephen Cashman, Chairman
By Order of the Commission

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