

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

Complaint of Myrna E. Watanabe, Harwinton

File No. 2011-140C

FINDINGS AND CONCLUSIONS

The Complainant filed the Complaint forming the basis for the present expanded investigation pursuant to Connecticut General Statutes § 9-7b. See associated Consent Orders docketed as 2011-140A and 2011-140B for the full resolution of this matter and further examination of applicable facts and law.

After an investigation of the Complaint, the Commission makes the following findings and conclusions:

1. In 2011, Mr. Michael Criss was a candidate for First Selectman of Harwinton and Mr. Jon Truskauskas was a candidate for office as one of the Harwinton Selectmen.
2. Mr. Truskauskas filed his candidate registration with a SEEC Form 1B, reporting that his campaign was solely funded through a slate committee named "Criss/Truskauskas 2011."
3. The registration form for political slate committees, the SEEC Form 3, does not require the candidates forming such committees to sign the registration form.
4. The Commission finds that, at all times relevant hereto, based on such registration and the absence of any present requirement for candidates to sign registration forms for political slate committees they form, Mr. Truskauskas had reason to believe that his candidacy was funded through a properly formed and registered political slate committee named "Criss/Truskauskas 2011."
5. Earlier in the municipal election, Mr. Criss controlled an exploratory committee supporting his candidacy named the "M.C. Exploratory Committee."
6. Mr. Criss subsequently registered his purported candidate committee, named "Criss/Truskauskas 2011." (the "C/T Committee")
7. Ms. Lisa Luciano served as treasurer for both the M.C. Exploratory Committee and the C/T Committee.
8. The C/T Committee never registered as a slate committee. The C/T Committee registered and filed as a candidate committee and listed Mr. Criss as the sole supported candidate.

9. In truth and in fact, the C/T Committee was formed to support the candidacies of both Mr. Criss and Mr. Truskauskas. See Consent Order docketed as File No. 2011-140B.
10. The M.C. Exploratory Committee distributed approximately \$3,000.00 of surplus funds to the C/T Committee. Based on the above finding, the distribution of \$3,000.00 from the M.C. Exploratory Committee to the C/T Committee was prohibited under § 9-608 (f) because the C/T Committee was not a legally formed candidate committee as it did not exist solely to promote candidacy of Mr. Criss.
11. The Harwinton Republican Town Committee (“HRTC”) made a total of \$3,000.00 of contributions to the C/T Committee, which is prohibited under § 9-617 (c) (2), which places the applicable contribution limit at \$1,500.00 if the C/T Committee were a properly registered political slate committee. See Consent Order docketed as File No. 2011-140A.
12. In its written solicitations to individuals, the C/T Committee specifically identified \$1,000.00 as the maximum permissible contribution from an individual. Pursuant to General Statutes § 9-612 (a), the accurate limit for contributions by individuals to political slate committees is \$750.00.
13. Such individual contributors relied upon the representations in such written solicitations and have no known record of other violations of campaign finance law. For these reasons, the Commission finds that such actions represented inadvertent violations exacerbated by the erroneous contribution limit information on the written solicitations issued by the C/T Committee.
14. In summary, the Commission finds that, as treasurer for both the M.C. Exploratory Committee and the C/T Committee, Ms. Luciano was responsible for most of the identified expenditure and contribution violations by such committees.
15. To support her claim of indigence in relation to any penalty imposed by the Commission, Ms. Luciano filed a Financial Affidavit with the Commission, dated October 9, 2012. Such affidavit is attached hereto and reports: (1) her total liabilities as \$60,498.00, which largely represents student loans; (2) her weekly expenses as \$49.00; and (3) the total cash value of her assets at \$2.72.
16. General Statutes § 9-602 (a) reads, in pertinent part:

Except with respect to an individual acting alone, or with respect to a group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in

the aggregate, *no contributions may be made, solicited or received and no expenditures may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual or any party or referendum question, unless (1) the candidate or chairman of the committee has filed a designation of a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds, or (2) the candidate has filed a certification in accordance with the provisions of section 9-604. In the case of a political committee, the filing of the statement of organization by the chairman of such committee, in accordance with the provisions of section 9-605, shall constitute compliance with the provisions of this subsection. [Emphasis added.]*

17. General Statutes § 9-604 reads, in pertinent part:

(a) Each candidate for a particular public office or the position of town committee member shall form a single candidate committee for which he shall designate a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds and shall file a committee statement containing such designations, not later than ten days after becoming a candidate, with the proper authority as required by section 9-603. The candidate may also designate a deputy campaign treasurer on such committee statement. The campaign treasurer and any deputy campaign treasurer so designated shall sign a statement accepting such designation which the candidate shall include as part of, or file with, the committee statement.

(b) The formation of a candidate committee by a candidate and the filing of statements pursuant to section 9-608 shall not be required if the candidate files a certification with the proper authority required by section 9-603, not later than ten days after becoming a candidate, and any of the following conditions exist for the campaign: (1) The candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election or primary and expenditures made on behalf of the candidate's campaign are reported by the committee sponsoring the candidate's candidacy; (2) the candidate finances the candidate's campaign entirely from personal funds and does not solicit or receive contributions, provided if said candidate personally makes an expenditure or expenditures in excess of one thousand dollars to, or for

the benefit of, said candidate's campaign for nomination at a primary or election to an office or position, said candidate shall file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a candidate committee under section 9-608; (3) the candidate does not receive or expend funds in excess of one thousand dollars; or (4) the candidate does not receive or expend any funds, including personal funds, for the candidate's campaign. If the candidate no longer qualifies for the exemption under any of these conditions, the candidate shall comply with the provisions of subsection (a) of this section, not later than three business days thereafter and shall provide the candidate's designated campaign treasurer with all information required for completion of the treasurer's statements and filings as required by section 9-608. If the candidate no longer qualifies for the exemption due to the condition stated in the candidate's certification but so qualifies due to a different condition specified in this subsection, the candidate shall file an amended certification with the proper authority and provide the new condition for the candidate's qualification not later than three business days following the change in circumstances of the financing of the candidate's campaign. The filing of a certification under this subsection shall not relieve the candidate from compliance with the provisions of this chapter. [Emphasis added.]

18. The definition of "candidate committee" specifically restricts its legal purpose to supporting the candidacy of a single candidate. General Statutes § 9-601 (4) reads:

"Candidate committee" means any committee designated by a *single candidate*, or established with the consent, authorization or cooperation of a candidate, for the purpose of a single primary or election and to aid or *promote such candidate's candidacy alone* for a particular public office or the position of town committee member, but does not mean a political committee or a party committee [Emphasis added.]

19. General Statutes § 9-601 (28), in pertinent part:

"Slate committee" means a political committee formed by two or more candidates for nomination or election to any municipal office in the same town, city or borough, or in a primary for the office of justice of the peace or the position of town committee member, whenever such

political committee will serve as the sole funding vehicle for the candidates' campaigns.

20. Pursuant to General Statutes §§ 9-602 and 9-604, and with certain exceptions, individuals must register a candidate committee *or* file an exemption from forming such a committee with the respective town clerk if they are candidates for municipal office before receiving, soliciting and expending funds for their election.
21. Mr. Criss has admitted that he failed to properly form and register a candidate committee *or* file an exemption from forming such a committee with the Harwinton town clerk in violation of §§ 9-602 and 9-604. See Consent Order docketed as File No. 2011-140B.
22. Connecticut General Statutes § 9-7b (a) (2) provides that the Commission may assess a civil penalty of two thousand dollars per offense against any person found in violation of Chapter 155. Pursuant to Regulations of Connecticut State Agencies §9-7b-48, in determining the amount of a civil penalty, the Commission shall consider, among other mitigating and aggravating factors:
 - (1) the gravity of the act or omission;
 - (2) the amount necessary to insure immediate and continued compliance;
 - (3) the previous history of similar acts or omissions; and
 - (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.
23. Considering both the aggravating and mitigating facts for the multiple subjects of the investigation in this matter, and based on the above findings and conclusions, the Commission concludes that the specific facts of this case warrant the outcomes identified in the order below.

ORDER

The Commission hereby Orders the following:

That the matter be closed without further action as to Mr. Truskauskas based on the absence of evidence to support the finding of a violation.

That the matter be closed without further action regarding contributors to the C/T Committee due to the mitigating circumstances as identified in paragraphs twelve through fourteen.

That the matter be closed without further action in relation to Ms. Luciano on the basis of the attached financial affidavit, which reflects her inability to pay a meaningful penalty. Should the Commission have any reason to suspect the accuracy of the information in the attached financial affidavit, the Commission specifically reserves the right to reopen its investigation as to Ms. Luciano and impose civil penalties.

Adopted this 20th day of March, 2013 at Hartford, Connecticut.


Anthony J. Castagno, Chairman
By Order of the Commission