

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Carmen Cordero, Hartford

File No. 2011-141

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Angel Morales, of the City of Hartford, County of Hartford, State of Connecticut and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. The Complainant alleges that the Respondent, Angel Morales, and a group of approximately 6 other unidentified individuals, entered a polling place in which the Complainant was serving as moderator, without being authorized to do so, and refused to leave when asked.
2. General Statutes § 9-236 (c) reads, in pertinent part:

No person except those permitted or exempt under this section or section 9-236a and primary or election officials and party checkers appointed under section 9-235 shall be allowed within any polling place except for the purpose of casting his vote. . . .
3. During the November 8, 2011 general election, the Complainant served as the moderator of the polling place located within the Learning Corridor campus in Hartford.
4. The room in which the tabulators were located was within a school building. It had two exits for ingress and egress. One exit was used as both the entrance and exit for the polling place. The second exit led out to a hallway into the interior of a school building.
5. The nearest rest rooms to the polling place were located just outside the second exit. The Complainant asserts that throughout Election Day, voters and polling place workers utilized the rest rooms. She also asserts that occasionally an individual who was neither a voter nor an election official would come to the first exit and ask to cross through the polling place to go to through the second exit to the bathroom. The Complainant asserts that she would generally honor this request.

6. The Complainant alleges that at approximately noon on Election Day, an unidentified individual approached the first exit and asked if he could cross the polling place and utilize the bathroom outside the second exit. She alleges that she informed him that it was occupied and that he would not be able to cross until the rest room was available. She alleges that she gave him the alternative option of going outside and getting to the rest room from a different exit. She alleges that the individual became very agitated, caused a "ruckus," and left.
7. The Complainant further alleges that shortly after the unidentified man left, the Respondent, Angel Morales, came into the polling place and questioned her about her treatment of the unidentified man's request to cross the polling place to use the rest room.
8. The Complainant further alleges that the Respondent entered the polling place with a group of approximately 6 other men all of who were threatening her and berating her.
9. The Complainant further alleges that she asked the Respondent to leave three times and each time he refused. She alleges that the Respondent did not leave until he was escorted from the polling place by a security guard. The unidentified individuals who were with him left at this time as well.¹
10. The Complainant recorded the above incident in the moderator's diary and filed a complaint with the Hartford Police Department.
11. The Respondent here does not deny entering the polling place and speaking with the Complainant. However, he denies her allegations of harassment and/or intimidation. He asserts that he only entered the polling place with 2 other individuals and that at no time was the Complainant threatened or berated, as alleged. Moreover, he asserts that he was not removed from the polling place by security, as alleged, but rather left upon the Complainant's request.
12. After investigation, including statements by witnesses to the allegations here and contemporary records such as the moderator's diary, the Commission finds that there is sufficient evidence in this matter to establish that the Respondent did enter the polling place and also that he was not a voter, polling place worker or any other enumerated individual allowed in the polling place during the hours of voting.²

¹ The Complainant was authorized under General Statutes § 9-230 to have the Respondent removed from the polling place by a police officer if, in her opinion, the Respondent was creating disorder in the polling place. The Complainant here did not exercise this authority in this instance.

² The investigation did not reveal the identity of the other individuals who are alleged to have entered the polling place with the Respondent.

13. Pursuant to General Statutes § 9-236 (c), no one except those individuals specifically exempted may enter a polling place during the hours of voting for any other purpose, even if such purpose is to access a restroom. See *In the Matter of a Complaint by John Kisluk, Plainville*, File No. 2011-081 (Moderator correctly barred individuals from using bathroom located within polling place.)
14. Considering the aforesaid, the Commission concludes that the Respondent violated General Statutes § 9-236 (c) by entering the restricted area and remaining therein.
15. In conclusion, 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 the commission finds to be in violation of any provision of chapter 145, part V of chapter 146, part I of chapter 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17, section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o,. 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.
16. Here, the Respondent impermissibly entered the Learning Corridor polling place. There is corroborated evidence here that he refused the moderator's lawful authority when ordered to leave and would not do so until escorted by a security guard. The Respondent denies that he refused the moderator's lawful authority; however, he does not deny that he impermissibly entered the restricted area and remained therein. While, the Respondent has no record of prior violations of General Statutes § 9-236, the Commissions finds that the Respondent did not show good faith here. Accordingly, the Commission concludes that the penalty agreed to below is warranted and necessary here to ensure the Respondent's immediate and continued compliance in the future.
17. 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. Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.

18. 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.

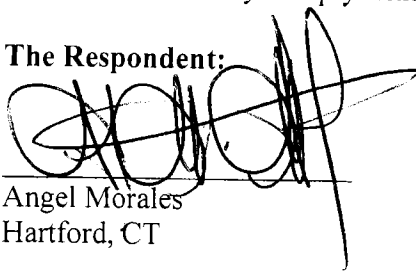
19. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

20. Upon the Respondents' compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings pertaining to this matter.

ORDER

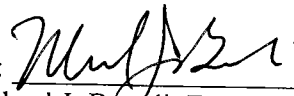
IT IS ORDERED THAT that the Respondent will pay a civil penalty of \$200 and will henceforth strictly comply with the requirements of General Statutes § 9-236.

The Respondent:



Angel Morales
Hartford, CT

For the State of Connecticut:

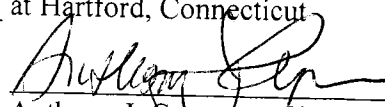
BY: 

Michael J. Brandi, Esq.
Executive Director & General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: 9/16/2013

Dated: 9/20/13

Adopted this 10th day of October of 20 13 at Hartford, Connecticut



Anthony J. Castagno, Chair
By Order of the Commission