

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Ronna Stuller, et al.
New London

File Nos. 2011-146 and 2011-147

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission against the Respondents Edward DeMuzzio, Jay Levin and George Spreccace, pursuant to General Statutes § 9-7b. The Complainant alleges that the Respondents may have coordinated their efforts in making expenditures for communications supporting a New London referendum and, thus, lacked the attributions required on their communications, pursuant to General Statutes § 9-621 (a). The Complainant also alleges that post cards and printed online advertisements, appearing on the *New London Patch*, which supported such referendum, lacked the attributions required pursuant to § 9-621 (c). For purposes of administrative efficiency, this matter has been consolidated with the *Complaint of Wayne T. Vendetto Jr.*, File No. 2011-147, in which the allegations under investigation are a subset of the above.

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

1. At all times relevant hereto, a referendum question before the New London electors was scheduled for November 8, 2011 (the "referendum").
2. Mr. DeMuzzio made expenditures to support the referendum, which eventually exceeded one thousand dollars. Mr. DeMuzzio sought and complied with the advice of Commission staff by filing an Independent Expenditure Statement for Individuals (SEEC Form 22), pursuant to General Statutes § 9-612 (d).
3. As itemized on his SEEC Form 22, Mr. DeMuzzio paid for a printed online advertisement in an online newspaper, the *New London Patch*, which supported the referendum (the "online advertisement").
4. Similarly, as itemized on his SEEC Form 22, Mr. DeMuzzio also reported that he paid for post cards and certain lawn signs, which supported the referendum.
5. Mr. DeMuzzio has provided a written statement stating that he acted completely independently in making the expenditures and has acknowledged paying for the unattributed post cards and online advertisement at issue in the instant complaint.

6. There is no evidence or specific factual allegation to support a finding that Mr. DeMuzzio was acting with other individuals in making the above expenditures.
7. There is no allegation or evidence that the other Respondents, Messrs. Jay Levin and George Sprepace, spent more than one thousand dollars, either individually or collectively, to support the referendum.
8. Mr. Sprepace made expenditures to produce lawn signs supporting the referendum for display by New London residents. Mr. Sprepace included his own name at the bottom of the lawn signs.
9. Upon viewing the publicly displayed lawn signs, which included Mr. Sprepace's name, Mr. Levin contacted Mr. Sprepace and requested signs that Mr. Levin could similarly display. Mr. Sprepace informed Mr. Levin that he did not intend to produce any more signs and that, if he wished, Mr. Levin was free to contact the printer and independently produce his own similar signs.
10. Mr. Levin contacted the same printer and asked to use the same design; simply replacing Mr. Sprepace's name with Mr. Levin's own name at the bottom of the sign.
11. Other than the similar visual appearance of the signs, containing either Mr. Levin's or Mr. Sprepace's names, as explained above, the Complainant has provided no evidence supporting his suggestion that the Respondents acted together in making expenditures supporting the referendum.
12. Based on the photographs provided as part of the instant complaint, neither Mr. Levin's nor Mr. Sprepace's signs appear to have a surface area of more than thirty-two square feet.
13. Mr. Sprepace has provided a written denial that he was acting and making expenditures other than out of personal initiative and states that he acted independent of any other person or group.
14. Mr. Levin has provided a written denial that he was involved in any concerted or coordinated effort to support the referendum, any coordinated strategy, or money raised or spent other than his own funds on the lawn signs bearing his name. Mr. Levin further denies having any knowledge about the design, production or distribution of any advertisements in any other medium other than the signs he placed himself.
15. General Statutes § 9-612 (d) provides:

Any individual may make unlimited contributions or expenditures to aid or promote the success or defeat of any referendum question, provided any individual who makes an expenditure or expenditures in excess of one thousand dollars to promote the success or defeat of any referendum question shall file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a political committee under section 9-608.

16. As noted above, the Commission finds that there is no evidence that Messrs. Levin and Spreccace, either individually or collectively, spent more than one thousand dollars to support the referendum and, thus, concludes that neither respondent was required to file a SEEC Form 22, pursuant to General Statutes § 9-612 (d). As described above, Mr. DeMuzzio submitted a SEEC Form 22 filing, pursuant to General Statutes § 9-612 (d).

17. General Statutes § 9-602 (a), provides in relevant 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 ... 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....[Emphasis added.]

18. General Statutes § 9-605 (d), provides, in relevant part:

A group of two or more individuals who have joined solely to promote the success or defeat of a referendum question shall not be required to file as a political committee, make such designations in accordance with subsections (a) and (b) of this section or file statements pursuant to section 9-608, if the group does not receive or expend in excess of one thousand dollars for the entire campaign....

19. The Commission finds that there is insufficient evidence is to conclude that any of the Respondents acted together to make expenditures to support the referendum. Accordingly, other than Mr. DeMuzzio's compliance with his obligation to file pursuant to § 9-612 (d), as described above, the Respondents had no known duty to register as a committee or

otherwise file financial disclosures. See *Complaint of Arthur R. Thomson, Deep River*, File No. 2007-380 (not a group making an expenditure when, after first individual acting alone made an expense, a second individual distributed the communication); *Complaint of Tony A. Palermo, Westbrook*, File No. 2003-186 (concluded that, in the absence of a prior understanding or agreement between individuals to distribute communications, an individual's independent determination to forward a communication does not constitute concerted activity).

20. General Statutes § 9-621 (c), setting forth attribution requirements for expenditures related to a referendum, provides, in relevant part:

No ... group of two or more individuals who have joined solely to promote the success or defeat of a referendum question shall make or incur any expenditure for any written, typed or other printed communication which promotes the success or defeat of any referendum question unless such communication bears upon its face the words "paid for by" and ... in the case of such a group of two or more individuals, the name of the group and the name and address of its agent.

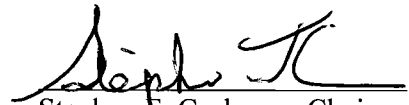
21. Pursuant to General Statutes § 9-621 (d), the above attribution requirements do not apply to signs with a surface area of not more than thirty-two square feet. Accordingly, the attribution issues under review are limited Mr. DeMuzzio's expenditures for the postcards and online advertisement.
22. The Commission finds that the evidence is insufficient to conclude that any of the Respondents acted together in making expenditures to promote the referendum question. Accordingly, the Commission concludes that no attribution was required on any of the above described communications, pursuant to § 9-621 (c).
23. The Commission notes that Messrs. Levin and Spreccace voluntarily exceeded the disclosure requirements set by law through voluntarily including their own name, respectively, on the corresponding set of the posters each independently produced and that each of the three Respondents cooperated fully with the investigation.

ORDER

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

That the matter be dismissed.

Adopted this 21 day of March, 2012 at Hartford, Connecticut

A handwritten signature in black ink, appearing to read "Stephen F. Cashman". The signature is written in a cursive style with a large, stylized initial "S".

Stephen F. Cashman, Chairman
By Order of the Commission