

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Lesa C. Peters, Woodbury

File No. 2012-002

AGREEMENT CONTAINING CONSENT ORDER

This agreement, by and between Gerald D. Stomski, of the Town of Woodbury, County of Litchfield, State of Connecticut (hereinafter "Respondent"), 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. Complainant filed this complaint against Respondent, Ms. Barbara K. Perkinson and Ms. Linda Carlson alleging that the aforementioned individuals filed either incorrect or incomplete candidate registration forms with the Woodbury Town Clerk's office pertaining to the November 8, 2011 municipal election.
2. Specifically, Complainant alleged that:
 - (1) Respondent and Mr. Stomski each registered as candidates incorrectly using *Candidate Committee Registration Statement* (SEEC Form 1A) to designate *Stomski/Perkinson '11* as their campaign committee on July 29, 2011.
 - (2) *Stomski/Perkinson '11* received funds in April 2011 and in early July 2011, and therefore the candidates' registrations were not submitted within the 10-day period required by General Statutes §§ 9-602 and 9-604.
 - (3) Ms. Carlson filed an incomplete *Certification of Exemption from Forming a Candidate Committee* (SEEC Form 1B) in which she failed to identify the committee funding her campaign.
3. By way of background, *Stomski/Perkinson '11* was registered as a political slate committee, to support Respondent, for Woodbury First Selectman, and Ms. Perkinson, for Woodbury Selectman, at the November 8, 2011 election. Louis DeLuca was designated as Chairman and Nancy A. Mackey as Treasurer, of *Stomski/Perkinson '11*. Mr. DeLuca and Ms. Mackey filed the registration statement April 12, 2011 with the Woodbury Town Clerk's office.
4. Any agreement with Ms. Perkinson is treated under a separate document. Furthermore, Complainant filed this complaint along with companion complaints in File Nos. 2012-001, 2012-003 and 2012-004, which are being treated in separate documents. The Respondent, Ms. Perkinson and Ms. Carlson have no prior history with the Commission.

5. General Statutes § 9-601a, provides in pertinent part:
- (a) As used in this chapter and chapter 157, "contribution" means:
- (1) **Any** gift, subscription, loan, advance, **payment** or deposit of **money** or anything of value, **made for the purpose of influencing the nomination for election, or election, of any person** or for the purpose of aiding or promoting the success or defeat of any referendum question or on behalf of any political party; ...

...

(5) Funds **received by a committee which are transferred from another committee** or other source for any such purpose
[Emphasis added]

6. General Statutes § 9-601, provides in pertinent part:

...

(11) "Candidate" means an individual who seeks nomination for election or election to public office whether or not such individual is elected, and for the purposes of this chapter and chapter 157, an individual shall be deemed to seek nomination for election or election if such individual has (A) been endorsed by a party or become eligible for a position on the ballot at an election or primary, or **(B) solicited or received contributions**, made expenditures or given such individual's consent to any other person to solicit or receive contributions or make expenditures **with the intent to bring about such individual's nomination for election or election to any such office**. Candidate also means a slate of candidates which is to appear on the ballot in a primary for the office of justice of the peace. For the purposes of sections 9-600 to 9-610 "candidate" also means an individual who is a candidate in a primary for town committee members. [Emphasis added]

7. General Statutes § 9-602, provides in pertinent part
- (a) 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.]

8. General Statutes § 9-604, provides in pertinent part
(a) *Each candidate for a particular public office or the position of town committee member shall forma 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 property authority as required by § 9-603.* [Emphasis added]
9. Upon investigation, the Commission finds on July 22, 2011 Ms. Carlson filed a Form 1B as a candidate for Town Clerk with the Woodbury Town Clerk's office. Further, the Commission finds that the aforementioned exemption form was incomplete in that she failed to specify *which* political slate committee like funding her campaign as required by General Statutes § 9-604 (a).
10. Nevertheless, because Ms. Carlson cooperated with the investigation in this present matter and was made aware of her error and the precise requirements of General Statutes §§ 9-602 and 9-604, the Commission therefore declines to take further action against Ms. Carlson for this limited and specific mistake, and therefore dismisses Allegation 3 as detailed in paragraph two above.
11. The Commission finds that on April 11, 2011, the Woodbury Republican Town Committee (WRTC) provided initial funding in the amount of \$500.00 for the *Stomski/Perkinson '11* committee. Further, the Commission finds that on April 12, 2011, Mr. DeLuca and Ms. Mackey registered *Stomski/Perkinson '11* with the knowledge and consent of Respondent and Ms. Perkinson to support them at the November 8, 2011 election in the Town of Woodbury.
12. Upon investigation, the Commission finds that on July 29, 2011, Respondent attempted to register a candidate committee for Woodbury First Selectman by filing in error a SEEC Form 1 and 1A designating *Stomski/Perkinson '11* as his candidate committee for the November 8, 2011 election.

13. Pursuant to General Statutes §§ 9-602 and 9-604 Respondent should have formed a candidate committee *within 10 days* of becoming a candidate, which pursuant to § 9-601a occurred on April 11, 2011 with the receipt of his first contribution in support of his nomination or election. While the political slate committee *Stomski/Perkinson '11* was registered with Respondent's knowledge and consent, Respondent nevertheless mistakenly filed an SEEC Form 1 and 1A with the Woodbury Town Clerk's office on July 29, 2013 and failed to file the requisite Form 1B which should have been filed *within 10 days* of the April 11, 2011 transfer of funds to the political slate committee from the WRTC as required by §§ 9-602 and 9-604.
14. The Commission concludes for the reasons detailed in paragraphs 12 and 13 above, that Respondent violated General Statutes §§ 9-602 and 9-604 by failing to designate, in a timely manner *Stomski/Perkinson '11* as his sole funding vehicle for the November 8, 2011 election in the Town of Woodbury as alleged in Allegations 1 and 2 of this complaint.
15. The Commission notes that Respondent cooperated throughout the investigation and that any of the violations by him as detailed herein were inadvertent and not based on attempts to obscure the source of her funding pertaining to the November 11, 2011 municipal election in the Town of Woodbury.
16. 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.
17. 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.
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. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of General Statutes §§ 9-602 and 9-604.

Dated:

April 15 2013

BY:

For the State of Connecticut,



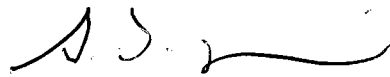
Michael J. Brandi, Esq.
Executive Director and General Counsel,
and Authorized Representative
of the State Elections
Enforcement Commission
20 Trinity Street
Hartford, Connecticut

Dated:

April 10, 2013

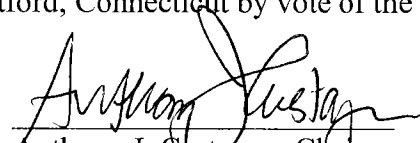
BY:

The Respondent,



Gerald D. Stomski
54 Washington Road
Woodbury, Connecticut

Adopted this 17th day of April, 2013, at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission