

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In Re "DeFronzo for State Senate"  
Commission Initiated Complaint

File No. 2012-026

**AGREEMENT CONTAINING CONSENT ORDER AND  
CIVIL PENALTY FOR A VIOLATION OF GENERAL STATUTES**

This agreement, by and between Suzanne Bielinski, City of New Britain, County of Hartford, 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. This complaint was predicated upon Commission audit results and authorized by unanimous vote of the Commission at its February 15, 2012 regular Commission meeting.
2. Specifically, this complaint was based upon audit results pertaining to "DeFronzo for State Senate" (hereinafter "Committee"), which indicated Respondent as designated treasurer of the Committee failed to properly terminate and was still in possession of \$11,288.73 in public funds after the deadline for termination required by General Statutes § 9-608.
3. By way of background the Committee was registered by Donald DeFronzo on January 6, 2010 for the November 2, 2010 election for the 6th Senatorial District. Mr. DeFronzo participated in the Citizens' Election Program (CEP) and received a grant from the Citizens Election Fund (CEF) in the amount of \$88,400.00.
4. Respondent originally filed a termination report for the Committee on February 7, 2011 attempting to terminate pursuant to General Statutes § 9-608, but failed to do so by not remitting surplus funds back to the CEF in the amount of \$11,288.73. On the aforementioned *Itemized Campaign Finance Disclosure Statement* (SEEC Form 30), filed on February 7, 2011, Respondent disclosed \$11,288.73 on hand at the close of the reporting period.
5. General Statutes § 9-608, provides in pertinent part:

...

(e) (1) Notwithstanding any provisions of this chapter, ***in the event of a surplus the campaign treasurer of a candidate committee or of a political committee***, other than a political committee formed for ongoing political activities or an exploratory committee, ***shall distribute or expend such surplus*** not later than ninety days after a primary which results in the defeat of the candidate, an election or referendum not held in November or

*by January thirty-first following an election or referendum held in November*, in the following manner: ...  
[Emphasis added.]

6. General Statutes § 9-608, in the event of a surplus, directs that “the campaign treasurer of a candidate committee...shall distribute or expend such surplus...by January thirty-first following an election or referendum held in November.” Commission staff reviewed as part of its audit process each section of the Committee’s SEEC Form 30, described in paragraph 4 above, as well Mr. DeFronzo’s *Registration by Candidate* (SEEC Form 1), to determine compliance with reporting requirements, as part of the audit process. Further, Committee reports, statements and activities were reviewed to determine if the committee had terminated by the required date.<sup>1</sup>
7. Upon investigation, the Commission finds that Respondent on January 10, 2012, filed a supplemental termination report for the Committee with the Commission. The Commission further finds that Respondent, at that time, also remitted to the CEF a check in the amount of \$11,288.73, which was the remaining balance in the Committee’s checking account.
8. The Commission finds that Respondent had until January 31, 2011 to distribute or expend the Committee’s surplus *and then* file a termination report. The Commission further finds Respondent did *not* actually distribute the Committee’s surplus and file a satisfactory termination report until January 10, 2012, as detailed in paragraph 7 above, some eleven months after Respondent was originally required to do so. In doing so, Respondent failed to comply with her duties as treasurer pursuant to General Statutes § 9-608 (e) by not terminating the Committee by January 31, 2010.
9. The Commission concludes, for the reasons detailed in paragraphs 6 through 8 above, that Respondent violated General Statutes § 9-608, by failing to distribute or expend \$11,288.73 in Committee surplus by January 31, 2011, following the November 2, 2010 election.

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<sup>1</sup> A failure to repay surplus to the CEF is larceny pursuant § 53a-119 and a felony. A person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. Larceny includes, but is not limited to:

...

(18) Failure to repay surplus Citizens' Election Fund grant funds. A person is guilty of failure to repay surplus Citizens' Election Fund grant funds when such person fails to return to the Citizens' Election Fund any surplus funds from a grant made pursuant to sections 9-700 to 9-716, inclusive, not later than ninety days after the primary or election for which the grant is made.

10. The Commission finds that Respondent on January 10, 2012 the Respondent with an amended termination report also remitted a Committee check in the amount of \$11,288.73 to the CEF, which was the remaining balance on the Committee's checking account. Upon investigation, the Respondent, in connection with the discovery of error, further provided updated and current bank statements demonstrating that there was no other activity during the time the account remained open with a surplus and that the account is now closed.
11. The Respondent acknowledged that she failed to terminate appropriately the Committee by closing the campaign bank account and forwarding the \$11,288.73 surplus to the CEP, which she represents was inadvertent.
12. Upon investigation, the Commission finds that Respondent did supply some evidence that on or about April 18, 2011 she had initiated a supplemental termination to correct the original termination. The Commission further finds that there is no evidence that the money was mishandled, but rather it appears that the money lay dormant in the account for the eleven months. The Respondent claims that due to an oversight, the Committee did not terminate timely, and has since apologized for the error.
13. The Commission in prior cases such as this, where Respondents have failed to terminate a committee on time, or have attempted to do so while maintaining a surplus, has levied civil penalties against the Respondents.
14. Regulations of Connecticut State Agencies § 9-7b-49 provides guidelines for the Commission in determining a civil penalty to be imposed. In its determination of the amount of the civil penalty to be imposed, the Commission may consider among other mitigating or aggravating circumstances:
  - (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.
15. Furthermore, the Commission notes that in considering civil penalties the Commission, consistent with the Commission initiated cases for the 2008 CEP cycle, consider the following guidelines in cases where a treasurer fails to surplus CEF funds:
  - (1) The magnitude of the amount of funds not remitted on time;
  - (2) Any *use of funds* (to pay bank fees, etc); and,

- (3) Length of time in resolving and remediating any problems once the treasurer and/or candidate became aware of failure to remit surplus funds (or should have become aware).
16. Mitigating factors in this instance may include the fact that Respondent provided evidence that the funds were not used while in the Committee's bank account. However, on balance the Commission finds the total of \$11,288.73 in funds is substantial in light of the Commission's past cases and the lateness of the remittance surplus and filing of the supplemental termination report was also extensive.
17. The Commission further finds, in this instance, evidence that the Respondent failed during several opportunities to rectify the errors detailed herein, and Respondent should have paid more care to the Commission audit staff's attempts to reconcile her reporting and Committee statements in April and May of 2011.
18. Nevertheless, the Commission finds that when Respondent was contacted in January 2012 with the audit findings which resulted in this complaint, Respondent and the Committee immediately transmitted all remaining surplus funds to the State and filed a supplemental termination report on January 10, 2012 in place of the original termination report previously filed on January 31, 2011.
19. Upon investigation, the Commission finds that in addition to the supplemental termination report, the Committee provided bank statements and documentation demonstrating that: (1) the bank account as of its 2012 distribution to the CEF had a zero balance; (2) no additional expenses were incurred; and, (3) the funds did not leave the control of the Committee during the time it failed to distribute its surplus.
20. Finally, the Commission finds that the Committee's final termination and transmittal of funds was just under a year late, and therefore concludes that Respondent did not comply with the requirements of General Statutes § 9-608 as discussed herein.
21. Taking the aforementioned regulations into account along with the circumstances under consideration in this matter, the gravity of Respondent's conduct, which included her failure to cooperate with a Commission audit and investigation and the abdication of her duties and responsibilities as treasurer to the candidate, the Commission concludes on balance that the Respondent's misconduct was severe.
22. 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.

23. 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.

24. 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.

25. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent.

**ORDER**

IT IS HEREBY ORDERED that Respondent shall pay a civil penalty in the amount of eight hundred dollars (\$800.00) no later than June 27, 2012 and shall henceforth strictly comply with General Statutes §§ 9-608 (e).

The Respondent

For the State of Connecticut

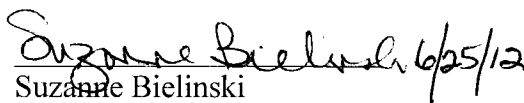
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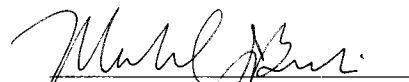
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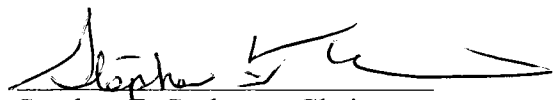


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Adopted this 27<sup>th</sup> day of June, 2012 at Hartford, Connecticut by a vote of the Commission.



Stephen F. Cashman, Chairperson  
By Order of the Commission

**RECEIVED  
STATE ELECTIONS**

**JUN 26 2012**

**ENFORCEMENT COMMISSION**