

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Leo Canty
Windsor

File No. 2012-077

CONSENT ORDER

The parties, Donald Trinks, of the Town of Windsor, State of Connecticut, hereinafter referred to as the Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

1. Complainant Leo Canty of Windsor filed this complaint on June 19, 2012, alleging that Respondent, a candidate for the 5th General Assembly district in 2012, had collected and deposited contributions during a period in which his candidate committee did not have a treasurer.
2. Respondent executed the registration forms to create his candidate committee on April 20, 2012. See SEEC Form 1 – Registration by Candidate (*Don Trinks 2012*, rec'd April 23, 2012). Less than a week later, the original treasurer of the Trinks candidate committee notified Commission staff that he did not realize the amount of work required to serve as treasurer and resigned from that role. See Email from Robert Carroll to Lisa Zaccagnino (April 26, 2102) (notifying her that he had changed his mind about serving as treasurer for *Don Trinks 2012*).
3. Upon receiving this complaint, Commission staff met with Respondent to discuss options for moving forward with his candidate committee and helped him rectify problems with the operation of his candidate committee at that time. But staff made clear to Respondent that the enforcement matter would remain open and that he might still be subject to penalties at a later date.
4. Respondent submitted an amended registration form naming a new treasurer on June 21, 2012. See SEEC Form 1 – Registration by Candidate (*Don Trinks 2012*, rec'd June 21, 2012) (amending registration to reflect newly appointed treasurer).
5. The candidate committee participated in the Citizens' Election Program and received a grant from the Citizens' Election Fund. At the time of grant application, the committee had successfully returned \$3,190 in contributions that had been collected during the time that the

committee was without a treasurer and replaced with new monies received once a new treasurer was in place. Upon verification by commission staff that these new monies had been raised, the Commission approved a grant for the Trinks committee in the amount of \$25,850.

6. Following the 2012 election, the Commission conducted its random audit lottery and the 5th General Assembly district was selected for examination.
7. In addition to the receipt of \$3,190 in contributions during the time period when the committee lacked a treasurer, the post-election examination also revealed that the Trinks candidate committee likely incurred expenditures during the period when it did not have a treasurer. *See* Final Summary Examination (*Don Trinks 2012*). According to the post-election review, the candidate committee paid a vendor \$300 on June 26, 2012. The invoice for the expenditure to Luna Productions did not include a date, so it was unclear from the documentation that the committee provided as to when the expenditure was incurred. *Id.*
8. Absent a treasurer, a candidate committee may not deposit contributions or incur expenditures. The law requires that contributions within a candidate committee be received, deposited, and reported by the treasurer. *See* General Statutes § 9-608 (a). In order for a treasurer designation to be effective, a statement must be filed with the SEEC. General Statutes § 9-604 (d) (“No person shall act as a campaign treasurer or deputy treasurer unless . . . a statement, signed by the . . . the candidate in the case of a candidate committee, designating the person as campaign treasurer . . . has been filed in accordance with section 9-603”).
9. General Statutes § 9-606 (a) requires a campaign treasurer to be responsible for, among other things, making and reporting all expenditures of the committee. *See* General Statutes § 9-606 (a). A candidate may not serve as campaign treasurer for the candidate’s own candidate committee. *See* General Statutes § 9-606 (d). Only a campaign treasurer may authorize expenditures for which the committee will be liable. *See* General Statutes § 9-607 (a). Only the campaign treasurer may pay for the obligations of the committee, which must be authorized by the treasurer and paid only by a check drawn on the depository institution or via a debit card or credit card. *See* General Statutes §§ 9-607 (d) and (e).
10. Upon the resignation of a treasurer, the candidate must name a replacement within 10 days. *See* General Statutes § 9-602 (c).
11. Respondent failed to appoint a new treasurer by May 5, 2012, the deadline for that appointment given the 10-day limit required by General Statutes § 9-602.

12. Respondent also continued to accept contributions and make expenditures on behalf of the committee even though that committee did not have a treasurer, acting as the *de facto* treasurer of the committee, thereby violating General Statutes §§ 9-606 and 9-607.
13. Respondent admits all jurisdictional facts and agree that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.
14. 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.
15. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her concerning this matter.
16. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if one becomes necessary.

ORDER

IT IS HEREBY ORDERED THAT Respondent pay a total of \$600 in civil penalties to the State Elections Enforcement Commission for violations of General Statutes §§ 9-602 (c) (failing to appoint treasurer within statutory 10-day timeframe); 9-606 (d) (candidate acting as his own treasurer by receiving contributions and making expenditures on behalf of committee); and 9-607 (a) (for making expenditures on behalf of committee when unauthorized to do so).

The Respondent

For the State of Connecticut

By: 

By: 

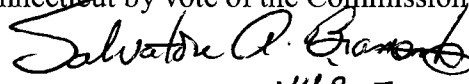
Donald Trinks
141 Grove Street
Windsor, CT 06095

Michael J. Brandi, Esq.
Executive Director and General Counsel
and Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT 06106

Dated: 6/17/15

Dated: 6/22/15

Adopted this 25th day of June 2015 at Hartford, Connecticut by vote of the Commission.



~~Anthony J. Castagno~~, ^{vica-} Chairman
By Order of the Commission



**RECEIVED
STATE ELECTIONS**

JUN 22 2015

ENFORCEMENT COMMISSION