

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Edwin Vargas, Hartford

File No. 2012-091

FINDINGS AND CONCLUSIONS

Complainant Edwin Vargas brings this complaint pursuant to General Statutes § 9-7b alleging that the *Robles 2012* candidate committee had exceeded voluntary expenditure limits imposed under the Citizens' Election Program and had paid two relatives of the candidate for work on the campaign. After investigating the Complainant's allegations, the Commission makes the following findings and conclusions:

1. The *Robles 2012* candidate committee was established by Hector Robles on May 16, 2012, as the campaign financing vehicle for his 2012 campaign for the 6th district's General Assembly seat in Hartford. See SEEC Form 1 – Registration by Candidate (*Robles 2012*, May 16, 2012) (reflecting Hector Robles's registration of candidate committee). Robles named Justin Goicochea as the committee's treasurer. *Id.* The committee registered as a participating candidate committee. See SEEC Form 10 – Affidavit of Intent to Abide by Expenditure Limits and Other Citizens' Election Program Requirements (*Robles 2012*, May 16, 2012)
2. The Robles committee raised the sufficient number of qualifying contributions from a sufficient number of in-district contributors to meet the thresholds for a grant from the Citizens' Election Fund and applied for that grant on July 20, 2012. See SEEC Form CEP 15 – Citizens' Election Program Application for Public Grant Dollars (*Robles 2012*, July 20, 2012). The Commission awarded a grant of \$26,825 to the Robles committee on July 25, 2012. See Minutes, State Elections Enforcement Comm'n (July 25, 2012) (awarding grant to *Robles 2012* candidate committee of \$26,850 less \$25 for personal funds provided by candidate).
3. Complainant alleged that the Robles committee had exceeded the Citizens' Election Program's voluntary expenditure limit applicable to the primary period when it spent \$5,355.62, which was more than the \$5,000 in qualifying contributions that the committee had raised. See Complaint of Edwin Vargas, Hartford (SEEC File No. 2012-091, Rec'd August 7, 2012).
4. General Statutes § 9-702 establishes the expenditure limits that will apply to program participants. During the "primary campaign," the applicable expenditure limit for a participating candidate committee is the amount of qualifying contributions that a committee must raise plus the amount of a grant for which that committee may be eligible.

For the Robles committee in 2012, the applicable expenditure limit was \$31,850, representing the \$5,000 in qualifying contributions that the committee had to raise plus the grant amount for a state-representative primary campaign in a party-dominant district, which was \$26,850.

5. The amount of money that the Robles committee spent in excess of the \$5,000 it had raised in qualifying contributions did not violate the relevant expenditure limit.
6. Complainant also alleged that the candidate committee had impermissibly paid two relatives of the candidate for work performed on behalf of the campaign.
7. The two family members were the candidate's mother and sister. The payments in wages that they received – \$1,000 and \$800 – were reimbursed to the candidate committee.
8. General Statutes § 9-706 (e) authorized the Commission to promulgate regulations to define permissible expenditures that qualified candidate committees could make with grant monies. *See* General Statutes § 9-706 (e). Under those regulations, qualified candidate committees may not use grant funds to pay “family members,” which includes parents and siblings. *See* Regs., Connecticut State Agencies, Section 9-706-2 (b) (3) (prohibiting payments to parents and siblings, among other relatives, from grant monies).
9. The payments that the candidate committee made to the candidate's relatives preceded the payment of the grant monies to the *Robles 2012* candidate committee. Because the payments to the candidate's mother and sister did not include the use of grant monies, limits on permissible expenditures outlined in General Statutes § 9-607, which apply to all candidate committees, govern what would have been permissible. General Statutes § 9-607 (g) prohibits compensating members of the candidate's immediate family for work done on the campaign. *See* General Statutes § 9-607 (g) (2) (L). The statute, however, defines “immediate family” as the “spouse or dependent child of a candidate who resides in the candidate's household.” General Statutes § 9-607 (g) (1) (B).
10. Because the candidate's mother and sister would not have fallen under the definition of members of the candidate's “immediate family” under General Statutes § 9-607 (g), the compensation payments to them would not have violated that section's prohibition on payments to “immediate family” members.
11. The candidate committee received reimbursements for the wage payments to the candidate's mother and sister on August 5, 2012. *See* SEEC Form 30 – Itemized Campaign Finance Disclosure Statement (*Robles 2012*, August 8, 2012) (reflecting reimbursement to committee of wages by Jeannette Rodriguez and Maria D. Rodriguez for \$800 and \$1,000, respectively).

ORDER

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

That the complaint be dismissed.

Adopted this 16th day of April, 2014 at Hartford, Connecticut.



Anthony L. Castagno
By Order of the Commission