

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Jonathan C. Gilman
Bozrah

File No. 2012-095

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Tom Reynolds of Gales Ferry, hereinafter referred to as “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 Jonathan C. Gilman alleged that Respondent Reynolds solicited contributions to the Norwich Democratic Town Committee via his candidate committee’s website.
2. According to a screenshot taken from the *Reynolds for Senate* candidate committee, which complainant attached to his complaint, after the Reynolds committee had qualified for a grant from the Citizens’ Election Fund, the website informed visitors that:

Tom is asking that interested donors direct additional contributions to the Norwich Democratic Town Committee, which has endorsed Tom’s candidacy. The Norwich Democrats will, among other things, be funding a campaign headquarters for the benefit of candidates such as Tom.¹

The website directed potential donors to make any checks payable to “Norwich Democrats” and provided them with a mailing address for Norwich Democratic Town Committee treasurer Susan Goldman, to whom they could send their donations.²

3. Respondent Reynolds formed his candidate committee, *Reynolds for Senate*, in May 2012, naming Ben Lathrop as treasurer for the candidate committee.³

¹ See Complaint of Jonathan C. Gilman, Bozrah, File No. 2012-095 (State Elections Enforcement Comm’n, August 22, 2012) (reflecting attachment of screenshot from www.tomreynoldsct.com/donate.html).

² *Id.* In 2008, Susan Goldman was named treasurer of the Norwich Democratic Town Committee. See SEEC Form 2 – Party Committee Registration (Norwich Democratic Town Committee, June 4, 2008) (naming Goldman as treasurer for party committee).

³ See SEEC Form 1 – Registration of Candidate Committee (*Reynolds for Senate*, May 23, 2012) (reflecting establishment of candidate committee by Tom Reynolds and appointment of Ben Lathrop as its treasurer).

4. The candidate and treasurer jointly executed an affidavit signifying their intention to follow the voluntary expenditure limits required for candidate committees participating in the Citizens' Election Program.⁴
5. The candidate committee qualified for and received a grant from the Citizens' Election totaling \$35,731.60.⁵
6. As stated, Complainant alleged that Respondent's candidate committee website had solicited contributions on behalf of the Norwich Democratic Town Committee by asking visitors to mail contributions directly to the town committee's treasurer.⁶
7. Connecticut's campaign finance statutes include within the definition of solicit "requesting that a contribution be made."⁷
8. In Advisory Opinion 2010-005, the Commission stated that a candidate committee's website exists to promote the candidate who established the committee paying for the website.⁸ The opinion drew from statutes, regulations, and prior cases to conclude that a candidate committee may not use its website to promote another candidate committee.⁹ In essence, because the lawful purpose of a candidate committee is to promote the nomination or election of the "candidate who established the committee," the Commission determined that making an expenditure to promote another candidate would fall outside the lawful purpose of the candidate committee and thus violate General Statutes § 9-607.¹⁰
9. In this instance, the candidate committee's website specifically directed visitors to make a contribution to the party committee and thus used its website to solicit contributions on

⁴ See SEEC Form CEP 10 – Affidavit of Intent to Abide by Expenditure Limits and Other Citizens' Election Program Requirements (*Reynolds for Senate*, June 12, 2012) (evincing intent of candidate, treasurer, and deputy treasurer to abide by voluntary restrictions imposed on candidate committees participating in Citizens' Election Program).

⁵ See SEEC Form CEP 30 – Itemized Campaign Finance Disclosure Form – July 10th Filing (*Charity for Simsbury*, July 3, 2012) (reflecting total payment of \$35,731.60 from Citizens' Election Fund on July 9, 2012).

⁶ Respondent's candidate committee website promoted events sponsored by the Simsbury Republican Woman's Club. The event asking individuals to "please register for this event" and include information about cost of the event, time and location of the event, as well as contact information to purchase tickets.

⁷ General Statutes § 9-601 (26) (A).

⁸ See Advisory Opinion 2010-005 (State Elections Enforcement Comm'n, May 26, 2010).

⁹ See General Statutes § 9-607 (g) (1) (A) (i) and (g) (2) (B); Regs., Conn. State Agencies § 9-706-1 (a); and Regs., Conn. State Agencies § 9-706-2 (a) (1).

¹⁰ See Advisory Opinion 2010-005, *supra*.

behalf of a party committee. By doing so, the candidate committee used committee funds to solicit contributions for the party committee and benefit that party committee and other candidates supported by the party other than Reynolds.

10. By expending its funds to solicit these contributions for the Norwich town committee, the candidate committee made impermissible expenditures that were not within the lawful purpose of the candidate committee, which remains promoting the election or nomination of the candidate that established the committee.
11. In addition, by soliciting funds on behalf of the town committee, the candidate committee made a contribution to the town committee, which was prohibited under the rules of the Citizens' Election Program.
12. The Regulations that govern expenditures by qualified candidate committees of money that they receive as part of the Citizens' Election Program specifically prohibit "[c]ontributions, loans or expenditures to or for the benefit of another candidate, political committee or party committee."¹¹
13. As enumerated in § 9-7b-48 of the Regulations of Connecticut State Agencies:

In its determination of the amount of the civil penalty to be imposed, the Commission shall 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.¹²
14. 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.

¹¹ Regs., Conn. State Agencies, § 9-706-2 (b) (8) (State Elections Enforcement Comm'n) (prohibiting use of grant money to make contributions or expenditures to or on behalf of party committee).

¹² Regs., Conn. State Agencies, § 9-7b-48 (State Elections Enforcement Comm'n).

15. 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.

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 HERERY ORDERED THAT Respondents henceforth shall comply strictly with the requirements of the regulations and statutes related to the lawful purpose of a candidate committee and use of its campaign funds, specifically use of the candidate committee website to promote only the nomination of election of the candidate for whom the committee was created and as well as refraining from making contributions to party committees.

The Respondent

For the State of Connecticut

By:



Tom Reynolds
47 Bittersweet Dr.
Gales Ferry, CT 06335

By:



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

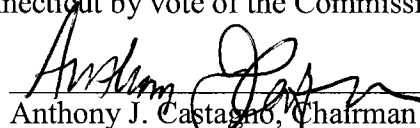
Dated: _____

9/7/15

Dated: _____

9/10/15

Adopted this 15 day of SEPT, 2015 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission