

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

In the Matter of a Complaint by Marc Lubetkin  
Simsbury

File No. 2012-147

**AGREEMENT CONTAINING A CONSENT ORDER**

The parties, Charity Folk of Simsbury, 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 Marc Lubetkin alleged that Respondent Folk utilized her position as executive director of the Simsbury Chamber of Commerce to promote her candidacy for the 16<sup>th</sup> district General Assembly seat in 2012. Complainant also alleged that Respondent used her candidate committee’s website to solicit funds for another committee, specifically the Simsbury Republican Women’s Club, a political committee registered with the Commission. In addition, Complainant also alleged that Respondent had promoted her candidacy in a post she wrote for an online news site, without including the proper attribution to her candidate committee.
2. Respondent Folk formed her candidate committee, *Charity for Simsbury*, in February 2012, naming Jackie Battos as treasurer for the candidate committee.<sup>1</sup>
3. 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.<sup>2</sup>
4. The candidate committee qualified for and received a grant from the Citizens’ Election totaling \$26,738.42.<sup>3</sup>

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<sup>1</sup> See SEEC Form 1 – Registration of Candidate Committee (*Charity for Simsbury*, February 17, 2012) (rec’d February 21, 2012) (reflecting establishment of candidate committee by Charity Folk and appointment of Jackie Battos as its treasurer).

<sup>2</sup> See SEEC Form CEP 10 – Affidavit of Intent to Abide by Expenditure Limits and Other Citizens’ Election Program Requirements (*Charity for Simsbury*, June 6, 2012) (evinced intent of candidate, treasurer, and deputy treasurer to abide by voluntary restrictions imposed on candidate committees participating in Citizens’ Election Program).

<sup>3</sup> See SEEC Form CEP 30 – Itemized Campaign Finance Disclosure Form – July 10<sup>th</sup> Filing (*Charity for Simsbury*, July 3, 2012) (reflecting total payment of \$26,389.64 from Citizens’ Election Fund on July 28, 2012).

5. Commission staff investigated the allegations raised in this complaint but found no evidence to support either the allegation that Respondent used her position as executive director of the Chamber of Commerce to promote her candidacy improperly or the allegation that the Chamber of Commerce had promoted Respondent's candidacy improperly.
6. The Commission's investigation verified, however, that Respondent had promoted her candidacy on a weblog that she wrote for the Simsbury Patch without including the proper attribution.
7. The blog post, which Respondent wrote to acknowledge a Simsbury public librarian who was leaving the library, closed by referring those who wished to learn more about Respondent's candidacy to visit her candidate committee's website.
8. As part of this investigation, Respondent stated that the references to her candidacy in the blog post about her friend were unintentional since her posting was personal rather than political in nature.
9. General Statutes § 9-621 requires an attribution on any "web-based, written communication" that promotes the election of a candidate.<sup>4</sup>
10. Complainant also alleged that Respondent's candidate committee website had solicited on behalf of a political committee by asking visitors to attend events sponsored by the committee.<sup>5</sup>
11. Connecticut's campaign finance statutes include within the definition of solicit "requesting that a contribution be made."<sup>6</sup>

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<sup>4</sup> See General Statutes § 9-621 (a) (requiring "disclaimer" on "any web-based, written communication, which promotes the success ... of any candidate's campaign for ... election"). The attribution should include "paid for by" and the name of the committee and its treasurer as well as the words "approved by" and, in this case, the name of the candidate. *Id.*

<sup>5</sup> 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.

<sup>6</sup> General Statutes § 9-601 (26) (A).

12. Folk's campaign website directed individuals to support the Simsbury Republican Women's Club, a political committee under Connecticut law, by attending events that the club was hosting, including an "Oktoberfest" event that cost \$25 per person to attend.
13. 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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup>
14. Here, the candidate committee's website did not specifically ask visitors to make a contribution to a political committee, but it did encourage the visitors to attend events at which contributions for the committee would be collected. But by using its website to promote another committee, the candidate committee made expenditures that were not within its lawful purpose, which is limited to promoting the nomination or election of the candidate that established the candidate committee.
15. 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.<sup>10</sup>

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<sup>7</sup> See Advisory Opinion 2010-005 (State Elections Enforcement Comm'n, May 26, 2010).

<sup>8</sup> 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).

<sup>9</sup> See

<sup>10</sup> Regs., Conn. State Agencies, § 9-7b-48 (State Elections Enforcement Comm'n).

16. 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.

17. 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.

18. 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.

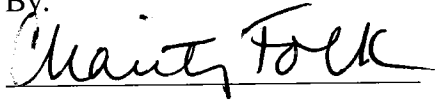
**ORDER**

**IT IS HERERY ORDERED THAT** Respondents henceforth shall comply strictly with the requirements of the regulations and statutes related to the proper attributions for online written communications and the lawful purpose of candidate committee, namely use of the candidate committee website to promote only the nomination of election of the candidate for whom the committee was created.

The Respondent

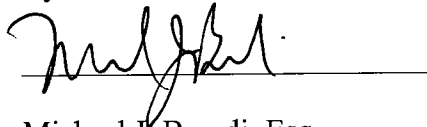
For the State of Connecticut

By:



Charity Folk  
352 Firetown Road  
Simsbury, CT 06070

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:

August 31, 2015

Dated:

9/2/15

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

  
Anthony J. Castagno, Chairman  
By Order of the Commission