

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

Complaint of Pete Bass, New Milford

File No. 2012-157

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Ian Neal, of New Fairfield, 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. At all times relevant hereto, the Grossman for New Milford committee (the "Committee") was a Citizens' Election Program (the "CEP") participating committee promoting the candidacy of Andrew Grossman (the "Candidate").
2. At all times relevant hereto, the Respondent was the treasurer of the Committee.
3. At its meeting of October 3, 2012, the State Elections Enforcement Commission (the "Commission") authorized the issuance of a CEP grant to the Committee. Such authorization was reflected in minutes regularly published and available on the Commission's website.
4. The applicable disclosure form, Itemized Campaign Finance Disclosure Statement (SEEC Form 30), specifically provided an area for "Monetary Receipts, Public Grant Funds Received From the Citizens' Election Fund."
5. The Respondent filed the Committee's supplemental filing for the disclosure period of October 1, 2012 through October 9, 2012 on its filing deadline of October 11, 2012, but he did not report the receipt of a CEP grant.
6. The Respondent amended the Committee's supplemental filing for the disclosure period of October 1, 2012 through October 9, 2012 on December 15, 2012 to reflect the receipt of a CEP grant in the amount of \$26,825.79 on October 9, 2012.
7. The Respondent's temporary omission was inadvertent and voluntarily self-corrected.

8. General Statutes § 9-712 (a) requires treasurers of committees participating in the CEP to file supplemental statements and provides in relevant part:

- (1) The campaign treasurer of each candidate committee in a primary campaign or a general election campaign, in which there is at least one participating candidate, shall file weekly supplemental campaign finance statements with the commission in accordance with the provisions of subdivision (2) of this subsection. Such weekly statements shall be in lieu of the campaign finance statements due pursuant to subparagraphs (B) and (C) of subdivision (1) of subsection (a) of section 9-608.

- (2) Each such campaign treasurer shall file weekly supplemental campaign finance statements with the commission pursuant to the following schedule: (A) In the case of a primary campaign, on the next Thursday following the date in July on which treasurers are required to file campaign finance statements pursuant to subparagraph (A) of subdivision (1) of subsection (a) of section 9-608 and each Thursday thereafter up to and including the Thursday before the day of the primary, and (B) in the case of a general election campaign, on the next Thursday following the date in October on which candidates are required to file campaign finance statements pursuant to subparagraph (A) of subdivision (1) of subsection (a) of section 9-608 and each Thursday thereafter up to and including the Thursday before the day of the election. The statement shall be complete as of eleven fifty-nine o'clock p.m. of the second day immediately preceding the required filing day. The statement shall cover the period beginning with the first day not included in the last filed statement.

9. General Statutes § 9-608 (a) prescribes the content of the information required to be disclosed on such forms and provides in relevant part:

Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution...

10. General Statutes § 9-601a (1) defines "contribution" to include:

Any gift, subscription, loan, advance, payment or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person or for the purpose of aiding or promoting the success or defeat of any referendum question or on behalf of any political party...

11. The Commission concludes that the Committee's receipt of a statutorily prescribed CEP grant presents no known risk of corruption to the candidate. Additionally, such information is readily available through public records maintained by the Commission. Accordingly, in this specific and isolated instance, the interest in timely disclosure remains negligible.
12. As noted above, the investigation provides no indication that the Respondent's omission was anything more than an inadvertent and self-corrected reporting error.

Penalties

13. General Statutes § 9-7b (a) (2) (D) authorizes the Commission to impose a penalty not to exceed "two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155 or 157."
14. Pursuant to Regulations of Connecticut State Agencies § 9-7b-48, in determining the amount of a civil penalty, the Commission shall consider, among other mitigating and aggravating factors:

- (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. The Commission declines to seek a civil penalty due to the mitigating factors described above.

Jurisdiction

16. The 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 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. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him concerning this matter.

19. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available 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


Now therefore, the Commission hereby Orders, and the Respondent agrees that:

The Respondent shall henceforth report the receipt of any CEP grant by a committee for which he serves as treasurer as a contribution received by such committee for purposes of General Statutes § 9-608 (a) and any liability thereunder. Such information shall be reported in the portion of the disclosure form labeled "Monetary Receipts, Public Grant Funds Received From the Citizens' Election Fund" or any other similarly designated area upon any future amended form.

The Respondent

For the State of Connecticut

By:



Ian Neal
239 Ball Pond Road
New Fairfield, CT 06812

By:

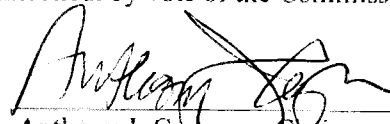


Michael J. Brandi, Esq.
Executive Director and General Counsel
and Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT 06106

Dated: October 1, 2013

Dated: 10/8/13

Adopted this 16 day of Oct 2013 at Hartford, Connecticut by vote of the Commission.


Anthony J. Castagno, Chairman
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

OCT 3 2013

ENFORCEMENT COMMISSION