

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re East End Political Action Committee

File No. 2013-003

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Ralph R. Ford, hereinafter referred to as “Dr. Ford,” and Kimberly I. Ford, hereinafter referred to as “Ms. Ford,” both respondents in this matter, 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. The East End Political Action Committee was registered with the State Elections Enforcement Commission in 2007.¹ Until 2016, Dr. Ford served as chairman and Ms. Ford served as treasurer.²
2. In the 2012 election cycle, East End Political Action Committee made expenditures to benefit candidates in Bridgeport.
3. According to campaign finance filings submitted by East End Political Action Committee and documents provided by Dr. Ford, the committee paid for campaign materials advocating the nomination of Newton,³ paid campaign workers to promote the Newton candidate committee,⁴ and also paid Newton’s treasurer a fee for providing computer training related to voter registration information software.⁵

¹ See SEEC Form 3 – Political Committee (PAC) Registration (*East End Political Action Committee*, July 10, 2007) (registering political committee with State Elections Enforcement Commission).

² East End PAC has existed since at least 1989, according to records supplied by both the Commission and the Secretary of the State’s Office, which previously served as the repository for campaign finance documents. The Commission’s electronic records system includes those dated from 1999. In July of 2016, Clement Young replaced Dr. Ford as chairman of the committee. See SEEC Form 3 – Political Committee (PAC) Registration (*East End Political Action Committee*, July 15, 2016) (naming Clement Young as chairman of East End PAC). In August of 2016, Mamie Mayes replaced Ms. Ford as treasurer, although Ms. Ford remains deputy treasurer for the committee. See SEEC Form 3 – Political Committee (PAC) Registration (*East End Political Action Committee*, August 5, 2016) (naming Mamie M. Mayes as treasurer of East End PAC and Ms. Ford as deputy treasurer).

³ See Flyer paid for by East End Political Action Committee (*East End Political Action Committee*, rec’d May 10, 2013) (promoting nomination of Ernest E. Newton II for State Senator).

⁴ See SEEC Form 20 – April 10 Filing (*East End Political Action Committee*, April 9, 2013) (reflecting payments of \$150 each to Anna Gonzalez and Mary Misach).

⁵ See SEEC Form 20 – July 10 Filing (*East End Political Action Committee*, July 9, 2012) (showing payment of \$500 to Loretta Williams on May 21, 2012 for “computer training”).

4. East End Political Action Committee lacked the contemporaneous, detailed documentation required to certify that expenditures were germane to the committee's lawful purpose and properly paid. Specifically, the committee did not have written contracts to support the employment of committee workers, whom it hired to promote Newton and other Democratic candidates in the 139th district.
5. Although Ms. Ford was the nominal treasurer of East End Political Action Committee, Dr. Ford acknowledged during the course of this investigation that he approves all transactions of the committee and signs checks on behalf of the committee.
6. General Statutes § 9-606 places the duties to approve all transactions, to retain documents supporting transactions, and to report transactions to the Commission solely within the authority of the duly appointed treasurer.⁶
7. General Statutes § 9-607 reserves the authority to enter into a financial obligation to the treasurer alone.⁷
8. By acting as the *de facto* treasurer of East End Political Action Committee, Dr. Ford violated the general statutes governing the operation of political committees organized under Connecticut's campaign finance statutes.
9. In the course of the 2012 election cycle, Dr. Ford authorized expenditures by the East End Political Action Committee likely to have benefitted the candidacy for nomination of Ernie Newton.
10. General Statutes § 9-601c lays out certain scenarios that would create a rebuttable presumption that an expenditure was not independent.⁸

⁶ See General Statutes §§ 9-606 (a) (setting forth duties of treasurer for committees established under Chapter 155); 9-606 (d) (requiring political committee chairman to appoint individual as treasurer before such individual may act as treasurer).

⁷ See General Statutes § 9-607 (a) ("No financial obligation shall be incurred by a committee unless authorized by the treasurer . . .").

⁸ See generally General Statutes § 9-601c (establishing criteria for rebuttable presumptions to determine whether expenditures were not independent).

11. Among the circumstances resulting in a presumption that an expenditure was not made independently is if the expenditure was made based on information about a candidate committee's needs provided by an individual who served as a consultant to the candidate committee.⁹
12. In this case, Dr. Ford served as a paid consultant for the *Newton for Senator* candidate committee, and in that position may have been privy to information regarding the Newton committee's needs and plans and making expenditures paid on behalf of the committee. This access to the planning and strategic needs of the committee creates a presumption under § 9-601c that any expenditures made on behalf of the committee were not independent.
13. Non-independent expenditures are contributions to the committee that benefitted from the expenditure.¹⁰
14. Based on the presumptions in § 9-601c, any expenditures that East End Political Action Committee made to benefit *Newton for Senator* candidate committee should have been reported as expenditures made to promote Newton's candidacy that were made in coordination with his candidate committee, according to General Statutes § 9-608.¹¹
15. As stated previously, East End Political Action Committee, for which Dr. Ford served as chairman and *de facto* treasurer, made expenditures to benefit Newton's candidacy but did not report those expenditures as contributions to the Newton candidate committee.

⁹ See General Statutes § 9-601c (b) (Rev'd to 2011) (“(b) When the State Elections Enforcement Commission evaluates an expenditure to determine whether such expenditure is an independent expenditure, there shall be a rebuttable presumption that the following expenditures are not independent expenditures: . . . (5) An expenditure made by a person whose officer, director, member, employee, fundraiser, consultant or other agent serves the person in an executive or policymaking position also serves or has served in the same election cycle as the candidate or the campaign chairperson, campaign treasurer or deputy treasurer of a candidate committee, political committee or party committee benefiting from such expenditure, or in any other executive or policymaking position of the candidate committee, political committee or party committee; . . .”).

¹⁰ See General Statutes § 9-601a (a) (4) (defining “contribution” to include “[a]n expenditure that is not an independent expenditure”).

¹¹ See General Statutes § 9-608 (c) (1) (C) (requiring treasurers to itemize committee's expenditures to reflect candidates benefiting from expenditures and whether they were made “independently”).

16. Ms. Ford was the named treasurer of East End Political Action Committee in 1989¹² and remained in that role until 2016.¹³
17. As treasurer she should have performed duties assigned to the exclusive purview of the treasurer, as listed in General Statutes §§ 9-606 and 9-608.
18. By failing to exercise appropriate controls over the East End Political Action Committee, including authorizing all expenditures of the committee and filing periodic campaign finance disclosure statements, Ms. Ford violated General Statutes §§ 9-606 (a) and 9-608, respectively.
19. While Dr. Ford acknowledges that his close affiliation with the *Newton for Senator* candidate committee triggers the presumption of coordination under § 9-601c, he maintains that expenditures made by the political committee he controlled were made independently of the *Newton for Senator* candidate committee.
20. 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.¹⁴
21. Respondents admit 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.

¹²See ED-47 – Political Committee Statement of Organization, Office of the Secretary of the State (East End PAC, August 21, 1989) (registering political committee with Ralph R. Ford as chairman and Kimberly I. Tenn as treasurer).

¹³See SEEC Form 3 —Political Committee (PAC) Registration (East End Political Action Committee, Rec'd August 5, 2016) (amending committee registration to remove Ms. Ford as treasurer).

¹⁴ Regs., Conn. State Agencies, § 9-7b-48 (State Elections Enforcement Comm'n).

22. The Respondents waive:

- 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.

23. 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:

- (1) That Respondent Dr. Ralph Ford shall pay as a civil penalty the amount of \$3,000 for violating General Statutes §§ 9-606 (d) and 9-607 (a) for acting as treasurer of East End Political Action Committee when not authorized to act in that role; and,
- (2) That Respondent Mrs. Kimberly Ford shall pay as a civil penalty the amount of \$2,000 for violating General Statutes §§ 9-606 and 9-608 by failing to exercise the duties and obligations of a treasurer of a political committee organized under Connecticut's campaign financing regime including approving expenditures and reporting those expenditures properly.

It is also ordered that respondents shall henceforth comply with all requirements of chairmen and treasurers of political committees organized in the State of Connecticut.

The Respondents

For the State of Connecticut

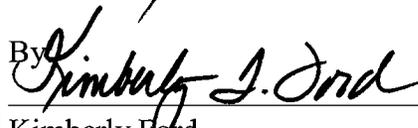
By:



Ralph Ford
410 Mill Hill Ave.
Bridgeport, CT

Dated: 1/26/17

By:



Kimberly Ford
410 Mill Hill Ave.
Bridgeport, CT

Dated: 1/26/2017

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: 1/26/17

Adopted this 15th day of February 2017 at Hartford, Connecticut by vote of the Commission.


Anthony I. Castagno, Chairman (Vice)
By Order of the Commission
