

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by a SEEC Elections Officer

File No. 2013-079NT

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Brian Savin, of Cornwall, 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 Respondent was the chairperson of the Cornwall Republican Town Committee (the "Committee").
2. At all times relevant hereto, the Committee had no deputy treasurer.
3. On April 2, 2013, the State Elections Enforcement Commission (the "Commission") received the resignation of Mr. Peter Kalmes as treasurer of the Committee.
4. On April 2, 2013, pursuant to General Statutes § 9-608, Mr. Kalmes also filed the Committee financial statement due on April 10 and covering the period from January 1, 2013 through March 31, 2013.
5. On April 24, 2013, the Commission issued a certified mail warning letter to the Respondent informing him that the Committee was without a treasurer and that Mr. Kalmes had resigned effective April 2, 2013. Such letter further informed the Respondent that, pursuant to General Statutes § 9-602 (c), as chairperson he was mandated to replace such a treasurer within ten days of the resignation.
6. The Respondent claims that there was confusion regarding the effective date of the treasurer's resignation, and Mr. Kalmes has provided evidence supporting the Respondent's good faith confusion and mistake of fact. Specifically, Mr. Kalmes has acknowledged in writing that he orally informed the Respondent that he would be continuing to serve as treasurer until his replacement was appointed.

7. The Respondent further claims that, under the organizational rules of the Committee, he lacked the authority to name a treasurer within the ten days required under the statute due to the absence of a quorum.
8. On June 10, 2013, the Commission received the Committee's amended registration naming a new treasurer.
9. No filing deadlines were missed during the applicable period.
10. General Statutes § 9-602 (c) provides:

An individual who is designated as campaign treasurer of a committee shall be responsible for all duties required of him under this chapter until the committee is terminated. The campaign treasurer shall be relieved of such duties upon his permanent incapacity, resignation or replacement, provided a statement to that effect is filed with the proper authority, as provided in section 9-603. In the event of the death of the campaign treasurer or after a statement has been filed concerning the campaign treasurer's incapacity, resignation or replacement, if a deputy campaign treasurer has been designated, the deputy campaign treasurer shall be responsible for all duties required of the campaign treasurer under this chapter until the candidate or chairman of the committee files with the proper authority a designation of a successor campaign treasurer. *If a deputy campaign treasurer has not been designated, the candidate or chairman shall designate a successor campaign treasurer and file such designation with the proper authority not more than ten days after the death of the campaign treasurer or the filing of the statement of his incapacity, resignation or replacement.* [Emphasis added.]

11. The Respondent agrees and understands that, pursuant to General Statutes § 9-602 (c), when the Committee has no deputy treasurer, as chairperson the Respondent is responsible for ensuring that any such vacancy is filled no more than ten days after the death of the campaign treasurer or the filing of the statement of his incapacity, resignation or replacement.

12. The Respondent agrees and understands that, for town committees, any such resignations or statements are effective upon the date they are filed with the Commission unless such document specifically identifies a later effective date.
13. The Respondent agrees and understands that once such a resignation is effective, an amendment to the Committee's registration filed with the Commission is required to appoint a treasurer, which includes reappointing a prior treasurer.
14. The Respondent agrees and understands that the rules of any private organization, whether town committee or otherwise, must be considered as subordinate to specific statutory mandates such as General Statutes § 9-602 (c).
15. The Respondent agrees and understands that the Commission will not consider such bylaws or other adopted rules of self-governance for private organizations as a defense against such a statutory mandate.
16. The Respondent admits to a single violation of General Statutes § 9-602 (c), but states that such a violation was caused by an inadvertent mistake of fact and error of law.
17. Connecticut General Statutes § 9-7b (a) (2) provides that the Commission may assess a civil penalty not to exceed "two thousand dollars per offense ... against any person the commission finds to be in violation of any provision of chapter 155 or 157." 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.
18. In consideration of the above factors, the Commission notes the following mitigating factors: (1) the Respondent's good faith mistake of fact regarding the treasurer's resignation date; (2) the absence of any history of similar violations by the Respondent; (3) that no filing deadlines were missed concerning the Committee's financial activities.

19. 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.
20. 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.
21. 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.
22. 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 or evidence by the parties in any subsequent hearing, if one becomes necessary.

ORDER

It is hereby ordered that the Respondent:

- 1) Henceforth strictly comply with the requirements of General Statutes § 9-602.
- 2) Make best efforts to ensure that the Committee has and maintains both a treasurer and a deputy treasurer to avoid any similar vacancy. To that end, the Respondent agrees to amend the Committee's registration not later than 45 days after the execution of this Consent Agreement to include the designation of a deputy treasurer. If the Respondent is unable to appoint another individual to such post before the expiration of this period, the Respondent agrees that he will amend such registration to appoint himself as deputy treasurer by such date.
- 3) The Respondent agrees to a suspended \$100.00 penalty to be automatically vacated upon his compliance with paragraph two of this Order by the dates specified.
- 4) Such suspended \$100.00 penalty shall be due immediately upon non-compliance with the requirements of paragraphs one and two of this Order, including failure to act by any specified date or time period.

The Respondent

By:

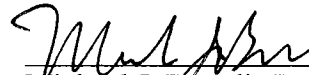


Brian Savin
67 Scoville Rd.,
West Cornwall, CT 06796

Dated: July 23, 2013

For the State of Connecticut

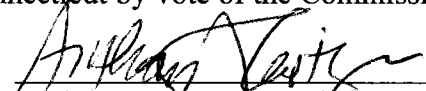
By:



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: 7/30/13

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



Anthony J. Castagno, Chairman
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

JUL 25 2013

ENFORCEMENT COMMISSION