

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Joel Gonzalez, Bridgeport

File No. 2013-098

FINDINGS AND CONCLUSIONS

Complainant Joel Gonzalez brings this complaint pursuant to General Statutes § 9-7b alleging that the *Santiago 2008* candidate committee failed to report the circumstances surrounding contributions raised at fundraising event that featured a bus trip to a casino. After investigating the Complainant's allegations, the Commission makes the following findings and conclusions:

1. The *Santiago 2008* candidate committee was established by Ezequiel Santiago on April 16, 2008, as the campaign financing vehicle for his 2008 campaign for the 130th district's General Assembly seat in Bridgeport. See SEEC Form 1 – Registration by Candidate (*Santiago "2008,"* April 16, 2008) (reflecting Ezequiel Santiago's registration of candidate committee). Santiago named Michelle Retamar as the committee's treasurer. *Id.* The committee registered as a participating candidate committee. See SEEC Form 10 – Affidavit of Intent to Abide by Expenditure Limits and Other Citizens' Election Program Requirements (*Santiago 2008,* Rec'd April 21, 2008).
2. The Santiago candidate committee received a grant from Citizens' Election Fund on July 23, 2008. See Minutes, State Elections Enforcement Comm'n (July 23, 2008). The committee raised a total of \$5,002, including 194 contributions from in-district contributors, to qualify for the grant. See Grant Recommendation Report (State Elections Enforcement Comm'n, July 17, 2008).
3. Complainant alleged that the Santiago committee had failed to provide information related to a fund-raising event in which the committee rented buses to take contributors to Mohegan Sun Casino in eastern Connecticut. According to the complainant and the committee's financial disclosure statement, the committee listed the location for the event as 45 Lyon Terrace, Bridgeport, which is actually Bridgeport City Hall and served as the pick-up location for the casino-bound bus. See Affidavit of Complaint, Joel Gonzalez, docketed as SEEC File No. 2013-098 (June 28, 2013).
4. In addition, the complainant alleged that participants in the bus-trip, fundraising event received up to \$20 in gambling tokens and food vouchers from the casino in exchange for their \$30 contribution to the Santiago candidate committee, which the complainant said represented a contribution from a "third party." See *id.*

5. The Commission reviewed both the contributions and expenditures of the committee during the 2008 election cycle. Before recommending the *Santiago 2008* committee's grant application for approval, the Commission's audit unit analyzed all qualifying contributions that the 2008 Santiago committee had gathered, certified that the committee was qualified to receive a grant, and asked the Commission to authorize release of the grant funds to the committee. *See* Minutes, State Elections Enforcement Comm'n (July 23, 2008). At the time of grant approval, the Commission was not aware of the questionable contributions raised through the casino bus-trip. The Commission's grant application review process has no means to detect the type of scenario upon which Complainant based his complaint.
6. Candidates participating in the Citizens' Election Program must collect qualifying contributions in order to show that they have sufficient, broad-based community support to justify the state awarding a grant to the committee. The Citizens' Election Program quantifies proof of this support by creating amount and source thresholds for candidate committees. *See* General Statutes § 9-704. For example, a state representative candidate must raise at least \$5,000 in total, with at least 150 contributions from individuals residing within the candidate's district. *See* General Statutes § 9-704 (a) (4) (setting threshold qualifying amounts for General Assembly candidates).
7. Because the qualifying contributions indicate a candidate's support in the community that the candidate hopes to represent, the Commission requires the committee to show, when necessary, that contributors to the candidate committee had the necessary "donative intent" to support the candidate rather than giving money to the candidate committee in order to participate in a raffle, play in a golf tournament, or get a carwash, for example.
8. In this instance, the committee's rental of a charter bus and the casino's gift of \$20 in food and gambling vouchers to each attendee draws into question the "donative intent" behind these contributors' \$30 contributions to the Santiago candidate committee. Simply put, were these individuals giving \$30 to support Ezequiel Santiago's candidacy, or was \$30 for a bus trip to Mohegan Sun, when you get \$20 back in food and gambling vouchers, too good of a deal to pass up, no matter who was setting up the trip?
9. The issue of the donative intent behind a qualifying contribution – why a contributor made the contribution – reflects a fundamental aspect of the Citizens' Election Program. Those qualifying contributions acts as a barometer of a candidate's support in the community. When the requisite donative intent comes into question, the basis for awarding a grant to a candidate committee comes into question as well.
10. Since the inception of the Citizens' Election Program, the Commission has been consistent in its advice to the regulated community that, other than basic campaign paraphernalia, such

as t-shirts, bumper stickers, magnets, etc., a candidate committee should offer nothing in exchange for a qualifying contribution.

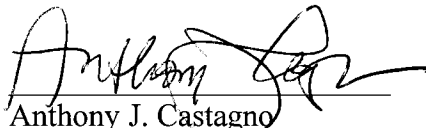
11. Given that this transaction occurred during the inaugural, statewide run of the Citizens' Election Program in 2008, meaning that nearly five years have passed since these contributions were collected in the community, the Commission will take no further action on this complaint.
12. The Commission also investigated complainant's allegations that one contributor, Nansi Reboira, never gave the \$5 that the committee attributed to her in its campaign finance disclosure reports.
13. The Commission investigated this allegation but could find no evidence to substantiate this claim that someone made a "straw contribution" in Ms. Reboira's name.
14. Given the age of the allegations surrounding the contributions to the *Santiago 2008* candidate committee, the Commission will take no further action on this matter.

ORDER

The following Order is recommended on the basis of the aforementioned findings:

That the Commission take no further action on this complaint.

Adopted this 19th day of March of 2014 at Hartford, Connecticut.


Anthony J. Castagno
By Order of the Commission