

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Beth Lazar, Bridgeport

File No. 2013-120B

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Maria Heller, City of Bridgeport, County of Fairfield, State of Connecticut and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:¹

1. The matter at issue here is whether Respondent Maria Heller, who was at all times relevant to the instant Complaint the treasurer of the Bridgeport Democratic Town Committee ("BDTC"), improperly compensated a committee worker for distributing absentee ballot applications and assisting individuals in the execution of such absentee ballot applications.
2. General Statutes § 9-140 reads, in pertinent part:
 - (j) No person shall pay or give any compensation to another and no person shall accept any compensation solely for (1) distributing absentee ballot applications obtained from a municipal clerk or the Secretary of the State or (2) assisting any person in the execution of an absentee ballot.
3. The investigation revealed that Ms. Rivera was a paid worker for the BDTC. The campaign finance reports for the BDTC reported that Ms. Rivera received 7 payments from the BDTC, between August 16, 2013 and November 14, 2013 for services as a campaign worker totaling \$2,680.
4. Respondent Heller, the BDTC treasurer at all times relevant to the instant Complaint, was cooperative with the investigation here. She confirmed that Ms. Rivera was a paid worker for the BDTC. Her salary was \$10/hour.

¹ This Agreement Containing Consent Order addresses those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission's jurisdiction.

5. The Respondent asserts that she did not know what Ms. Rivera did specifically, other than reporting to and working for Emily Basham, who was the campaign manager for a slate of candidates for Board of Education (Kathryn Bukovsky, Simon Castillo, and Brandon Clark).
6. Detailed records of Ms. Rivera's time were kept by the BDTC, which Respondent Heller shared, but no records were kept of specific duties.
7. Answers to interrogatories to Ms. Rivera confirmed that she reported to Ms. Basham, but was paid by Respondent Heller. She asserted that that her sole duty was to target prime voters and assure that they received absentee ballots if they needed them.
8. No evidence was found that Ms. Heller ever personally directed her to perform the duties assigned to her by Ms. Basham.
9. However, Ms. Rivera did not attempt to hide her activities. She asserted under penalty of false statement that she properly checked out and registered the absentee ballot applications with the Bridgeport Town Clerk. She admitted that she distributed absentee ballot applications and then collected them. She would then return the absentee ballot applications to the BDTC and unknown individuals at BDTC headquarters completed any blank sections and delivered them back to the town clerk.
10. Turning the question here, the Commission finds that the evidence supports a finding that Ms. Rivera's sole duty for which she was compensated was to take out absentee ballot applications and distribute them.² And, while the evidence does not support that the Respondent personally gave her that assignment, she should have understood the nature of this committee worker's services before paying for them. While the evidence is inconclusive as to whether the Respondent personally was aware of the absentee ballot operation at the BDTC, ignorance does not absolve her of liability. As treasurer, her authorization of payments by her or on her behalf constituted her approval of the expenditure. It was the Respondent's fiduciary duty to assure that the BDTC was making permissible expenditures.
11. Accordingly, the Commission concludes that the Respondent made impermissible expenditures to Ms. Rivera totaling \$2,580, per General Statutes § 9-140 (j).

² Insofar as Ms. Rivera's statement separates her activity into "targeting prime voters" and delivering absentee ballot applications to those voters, the Commission considers these activities, together, performed by the same person, to be "distributing absentee ballot applications obtained from a municipal clerk or the Secretary of the State."

12. 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.

13. Objectively, this is a serious offense. While it is not impermissible for a volunteer to assist in the distribution of absentee ballot applications, the law generally discourages campaigns, candidates, and committees from involvement in the process. *See, e.g.,* General Statutes § 9-140b (e); *In the Matter of a Complaint by Kenneth Green, Hartford*, File No. 2002-226 (incumbent state representative candidate fined \$10,000 for knowingly being present for the execution of absentee ballots); *In the Matter of a Complaint by Michael Barry, Hartford*, File No. 2006-286 (incumbent state representative candidate fined \$4,500 for knowingly being present for the execution of absentee ballots).
14. Certainly the law does not allow them to “professionalize” the practice by paying workers to distribute applications and/or assist voters in executing them.
15. The evidence does not support a finding that the Respondent specifically knew and/or ordered the activity for which Ms. Rivera was compensated and/or otherwise acted in bad faith here.
16. Moreover, the Commission also notes that the Respondent has no previous history in this area.
17. However, as stated above, she should have kept track of the activities for which the volunteers were being compensated, as this situation could and should have been avoided.
18. In consideration of the aforesaid, the Commission will agree to settle the matter and waive a personal civil penalty in exchange for a disgorgement from the BDTC of the amount paid to Ms. Rivera as well as the Respondent’s agreement to henceforth strictly comply with the prescriptions of General Statutes § 9-140 (j).

19. 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.

20. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

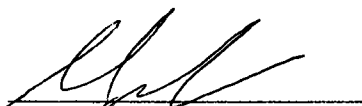
ORDER

IT IS HEREBY ORDERED that the Bridgeport Democratic Town Committee will disgorge \$2,680 from its party committee account to the State Elections Enforcement Commission for deposit in the General Fund within 30 days of the execution of this Agreement.

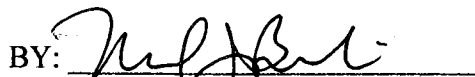
IT IS HEREBY ORDERED that the Respondent Maria Heller will henceforth strictly comply with the requirements of General Statutes § 9-140 (j).

The Respondent:

For the State of Connecticut:



Maria Heller, Treasurer
Bridgeport Democratic Town Committee

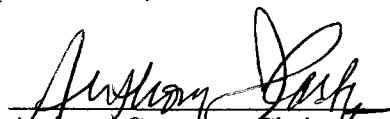
BY: 

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

Dated: 6/14/17

Dated: 6/15/17

Adopted this 21 day of June of 2017 at Hartford, Connecticut



Anthony Castagne, Chairman
By Order of the Commission

RECEIVED
STATE ELECTIONS

JUN 15 2017

ENFORCEMENT COMMISSION