

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Emily Basham,  
Bridgeport

File No. 2013-124

**AGREEMENT CONTAINING CONSENT ORDER**

This agreement by and between Howard M. Dashefsky of the Town of West Hartford, County of Hartford, State of Connecticut (hereinafter "Respondent") and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Complainant Emily Basham of Bridgeport filed this complaint against several respondents, including the Connecticut Education Association Political Action Committee ("CEAPAC") alleging that the political committee had made expenditures that were not independent expenditures to benefit the Better Education Starts Today ("BEST") political slate committee.<sup>1</sup>
2. Complainant also alleged that the non-independent nature of the expenditures resulted in contributions that exceeded the amounts allowed for such political committee contributions.
3. More specifically, Complainant filed this complaint on September 9, 2013, alleging that CEAPAC had spent a total of \$37,553.19 in independent expenditures to promote a slate of candidates for the Bridgeport Board of Education in 2013.<sup>2</sup> That slate committee promoted candidates Andre Baker, Howard Gardner, and Dave Hennessey for the September 10, 2013 Democratic Party primary.

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<sup>1</sup> BEST was a political slate committee registered by Board of Education candidates Andre Baker, Howard Gardner and Dave Hennessey in connection with September 9, 2013 Democratic Primary in the City of Bridgeport. Robert Traber testified in the course of an investigatory interview that he was part of group which formed BEST slate committee and is and attended CEA Leadership meeting where there was a proposal that the CEA make a \$100,000 to BEST, as further detailed herein.

<sup>2</sup> *Complaint by Emily Basham*, Bridgeport, File No. 2013-124, (SEEC), Received September 9, 2013.

4. The complainant pointed to several individuals that had been hired to work for both CEAPAC and BEST during the course of the primary to buttress her assertion that there was a lack of independence between the entities and their agents.
5. The Complainant averred that CEAPAC's expenditures to promote the BEST candidates exceeded the limits on contributions that a political committee to make to either a candidate for municipal office or to a political slate committee.
6. CEAPAC maintains that the payments for communications promoting the BEST candidates were independent expenditures that were not affiliated or coordinated with the candidates they supported.
7. The Commission finds that on August 7, 2013, the CEAPAC board of directors authorized spending up to \$100,000 to promote the candidates of the BEST slate committee. According to the minutes of the meeting, board member Robert Traber made the motion to spend the money. At the time, Mr. Traber served as vice-president of the Bridgeport Education Association, the local affiliate of the CEA, and had also been active in the effort to organize BEST and get its candidates qualified for the ballot.
8. The Commission finds that, at or about the same time that the CEA Board of Directors authorized its political committee to spend \$100,000 to promote the BEST candidates, the CEA board also adopted a firewall policy to keep the independent expenditure activities separate from the other activities of the political committee.
9. The document, titled "CEA Firewall Policy for Independent Expenditure Activities" delineated policies, and expectations of compliance with this policy, that the CEA would follow to avoid crossing the line between independent and non-independent expenditures. The policy stated:

*Per Section 4, Section 9-601c<sup>3</sup> of the Connecticut General Statutes No [sic] individual acting on behalf of the CEA's Independent Expenditure effort in the*

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<sup>3</sup> Section 9-601c was substantially amended by P.A. 13-180, and these facts would be one of the earliest applications of this law by the Commission and new to the Respondents at all times relevant to the 2013 events detailed in this agreement. More specifically, sections (c) and (d) created presumptions regarding the independent nature or certain expenditures as well as list of rebuttable presumptions guiding the Commission's determination of whether an expenditure is independent or not.

*election of Board of Education candidates in Bridgeport, Connecticut shall consult or provide services to such candidate(s).*

*In order to protect the integrity of CEA's wall and to ensure that CEA does not engage – or appear to engage – in illegal coordination, i.e., [sic] staff will be directed not to have any communication about the following subjects with any individual listed above in connection with an election for which that individual is walled off:*

- a. The plans, projects, activities, campaign strategy, or needs of any candidate, political party committee, or representative thereof;*
- b. Any communication expressly requested or suggested by candidates, or agents of their campaign committee to make an expenditure;*
- c. Any other communication from candidates, or agents of their campaign committee involving strategy, content, means of dissemination, or timing of expenditures.*
- d. The creation, planning, production, or distribution of any independent expenditure or any grassroots lobbying or public issue communication naming any candidate, non-partisan voter registration or get-out-the-vote activity aimed at the public, or any non-public information that might be used in creating, planning, producing, or distributing such communications.*
- e. The message, structure, timing, format, or intended audience for any independent expenditure, grassroots lobbying or public issue communication that names a candidate, or nonpartisan voter registration or get-out-the-vote activity.*
- f. Outside organizations engaged in making independent expenditures, independent issue communications naming any candidate, or independent voter registration or get-out-the-vote.*

10. The Commission finds that CEAPAC filed independent expenditure reports with the Commission, as required under Connecticut's general statutes.<sup>4</sup> Over the course of the 2013 municipal election cycle, CEAPAC reported spending \$110,019.96 to promote the election of the BEST slate candidates, as well as other Working Families Party candidates, to the Bridgeport Board of Education.

<sup>4</sup> See General Statutes § 9-601 (c), as amended by Public Act 13-180. The Commission instructs that the deadline to submit an independent expenditure report is dependent on the amount and date on which the expenditure was made in relation to the primary/election. Further, the Commission provides a plethora of published instructions, advice and forms on how and when to report independent expenditures.

11. General Statutes § 9-601c defines an “independent expenditure” for the purposes of Connecticut’s campaign finance statutes.

(a) As used in this chapter and chapter 157, the term “independent expenditure” means an expenditure, as defined in section 9-601b, that is made without the consent, coordination, or consultation of, a candidate or agent of the candidate, candidate committee, political committee or party committee.

(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:

(1) An expenditure made by a person in cooperation, consultation or in concert with, at the request, suggestion or direction of, or pursuant to a general or particular understanding with (A) a candidate, candidate committee, political committee or party committee, or (B) a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee;

(2) An expenditure made by a person for the production, dissemination, distribution or publication, in whole or in substantial part, of any broadcast or any written, graphic or other form of political advertising or campaign communication prepared by (A) a candidate, candidate committee, political committee or party committee, or (B) a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee;

(3) An expenditure made by a person based on information about a candidate’s, political committee’s, or party committee’s plans, projects or needs, provided by (A) a candidate, candidate committee, political committee or party committee, or (B) a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee, with the intent that such expenditure be made;

(4) An expenditure made by an individual who, in the same election cycle, is serving or has served as the campaign chairperson, 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, including as a member, employee, fundraiser, consultant or other agent, of a candidate committee, political committee or party committee;

(5) An expenditure made by a person or an entity on or after January first in the year of an election in which a candidate is seeking public office that benefits such candidate when such person or entity has hired an individual as an employee or consultant and such individual was an employee of or consultant to such candidate's candidate committee or such candidate's opponent's candidate committee during any part of the eighteen-month period preceding such expenditure;

(6) An expenditure made by a person for fundraising activities (A) for a candidate, candidate committee, political committee or party committee, or a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee, or (B) for the solicitation or receipt of contributions on behalf of a candidate, candidate committee, political committee or party committee, or a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee;

(7) An expenditure made by a person based on information about a candidate's campaign plans, projects or needs, that is directly or indirectly provided by a candidate, the candidate's candidate committee, a political committee or a party committee, or a consultant or other agent acting on behalf of such candidate, candidate committee, political committee or party committee, to the person making the expenditure or such person's agent, with an express or tacit understanding that such person is considering making the expenditure;

(8) An expenditure made by a person for a communication that clearly identifies a candidate during an election campaign, if the person making the expenditure, or such person's agent, has informed the candidate who benefits from the expenditure, that candidate's candidate committee, a political committee or a party committee, or a consultant or other agent acting on behalf of the benefiting candidate or candidate committee, political committee, or party committee, concerning the communication's contents, or of the intended audience, timing, location or mode or frequency of dissemination. As used in this subdivision, a communication clearly identifies a candidate when that communication contains the name,

nickname, initials, photograph or drawing of the candidate or an unambiguous reference to that candidate, which includes, but is not limited to, a reference that can only mean that candidate; and

(9) An expenditure made by a person or an entity for consultant or creative services, including, but not limited to, services related to communications strategy or design or campaign strategy or to engage a campaign-related vendor, to be used to promote or oppose a candidate's election to office if the provider of such services is or has provided consultant or creative services to such candidate, such candidate's candidate committee or an agent of such candidate committee, or to any opposing candidate's candidate committee or an agent of such candidate committee after January first of the year in which the expenditure occurs. For purposes of this subdivision, communications strategy or design does not include the costs of printing or costs for the use of a medium for the purpose of communications. For purposes of this subdivision, campaign-related vendor includes, but is not limited to, a vendor that provides the following services: Polling, mail design, mail strategy, political strategy, general campaign advice or telephone banking.

(c) When the State Elections Enforcement Commission evaluates an expenditure to determine whether an expenditure by entity is an independent expenditure, the following shall not be presumed to constitute evidence of consent, coordination or consultation within the meaning of subsection (a) of this section: (1) Participation by a candidate or an agent of the candidate in an event sponsored by the entity, unless such event promotes the success of the candidate's candidacy or the defeat of the candidate's opponent, or unless the event is during the period that is forty-five days prior to the primary for which the candidate is seeking nomination for election or election to office; (2) membership of the candidate or agent of the candidate in the entity, unless the candidate or agent of the candidate holds an executive or policymaking position within the entity after the candidate becomes a candidate; or (3) financial support for, or solicitation or fundraising on behalf of the entity by a candidate or an agent of the candidate, unless the entity has made or obligated to make independent expenditures in support of such candidate in the election or primary for which the candidate is a candidate.

(d) When the State Elections Enforcement Commission evaluates an expenditure to determine whether such expenditure is an independent expenditure, the commission shall consider, as an effective rebuttal to the presumptions provided in subsection (b) of this section, the establishment by the person making the expenditure of a firewall policy designed and implemented to prohibit the flow of information between (1) employees, consultants or other individuals providing services to the person paying for the expenditure, and (2) the candidate or agents of the candidate.

12. The commission conducted an extensive investigation into the circumstances surrounding the expenditures made by CEAPAC to benefit the BEST candidates as well as the affiliations between joint contributors to the BEST slate committee and CEAPAC. In addition to interviewing treasurers for the BEST and CEAPAC committees, commission staff spoke with operatives, volunteers, and vendors and collected relevant documentation from both political committees to determine if any coordination existed between the committees.<sup>5</sup>
13. Upon investigation, links between BEST and CEAPAC became evident. Among those overlaps between the two committees were payments made to a joint vendor affiliated with the Working Families Party as well as contributions from many of the same individuals to both the BEST slate committee and CEAPAC. Both BEST and CEAPAC hired the same vendor to promote the candidates. That vendor, Grassroots Strategies, Inc., was affiliated with the Working Families Party, which also had endorsed candidates to run in the 2013 election cycle in Bridgeport.

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<sup>5</sup> Such mutual contacts/affiliations between CEA/CEAPAC and BEST, and their agents and candidates, were determined by investigation and testimony to include, but were not limited to:

- CEA Lobbyist Vinnie Loffredo volunteered as compliance advisor to BEST.
- Connor Casey from CEAPAC brought Grassroots Strategies (GSI) to BEST.
- CEA Lobbyist Vinnie Loffredo was part of the group which formed BEST slate committee.
- CEA Lobbyist Vinnie Loffredo made remarks at a CEA Leadership meeting where there was a proposal that the CEA make a \$100,000 IE to BEST.
- Robert Traber, at relevant times, was a member of the CEA Board of Directors.
- Robert Traber was part of group which formed BEST slate committee and is and attended CEA Leadership meeting where there was a proposal that the CEA make a \$100,000 to Best.
- CEAPAC Coordinator Connor Casey, at relevant times, administered canvassing materials for Best candidate slate committee petitioners to hand out.

14. CEA staff and leadership met several times with staff at the SEEC to discuss how properly to execute an independent expenditure.<sup>6</sup> These meetings with SEEC staff have been documented in several contact records compiled by SEEC. The Commission deems that the abundance of contact records (and meetings) with SEEC indicative as to how seriously CEA viewed the use of an IE. The Commission further stresses that CEA executives interviewed during the course of the investigation stressed that the CEA made every effort to comply with the new statutory provisions.
15. After investigation, the Commission finds credible evidence that CEA Executives genuinely believed that after the CEA Board approval of the \$100,000 and establishment of a firewall policy (as advised) that the CEA would be compliant.
16. After the money for the independent expenditure was authorized, the Commission finds that the evidence indicates that CEAPAC scrupulously followed the guidelines in their firewall policy. That firewall policy would serve as a rebuttal to any of the presumptions that the Commission may rely upon in subsection (b) of General Statutes § 9-601c.
17. Further, based on the investigation, it appears that no improper communications occurred between those individuals who were assisting with the independent expenditure and those who were working directly with BEST in Bridgeport after the firewall policy was adopted.
18. Nevertheless, the initial motion to spend \$100,000, which was made by Mr. Traber, who remained actively involved with Best campaign, preceded the adoption of the firewall policy. The Commission finds that Mr. Traber's making of this initial motion serves not only as evidence to invoke the presumptions under General Statutes § 9-601c but also represents tangible evidence that a member of the BEST team, who had intimate knowledge of the operation and needs of that slate committee, played a key role in the CEAPAC's decision to invest in the campaign.

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<sup>6</sup> Significantly, at a July 23, 2013 SEEC and CEA Meeting, Commission staff indicated that since nominating petitions must come *via* the candidate (or agent of candidate), "*CEA entity couldn't make a plausible argument that any resources it spent sending its folks out to collect signatures could be IE.*" See SEEC staff contact record of July 23, 2013 meeting.



19. Importantly, the Commission finds that this initial authorization preceded CEAPAC's adoption of the firewall policy. And even with the firewall policy, the fact that this authorization was promoted by persons on the CEA board who were affiliated with the BEST slate committee fatally flawed the independence of the expenditure from the outset.
20. The Commission finds that, in order to maintain the independence, Traber and other CEA board members should have recused themselves from any action on the independent expenditure to benefit BEST.
21. Traber, who had knowledge of the needs and activities of the BEST slate committee, which would ultimately benefit from the independent expenditure, asked the CEAPAC board to authorize the expenditure. This motion destroyed the independence of the CEAPAC expenditures from the outset. The Commission concludes therefore that the motion by Mr. Traber to authorize the expenditure would obviate the parties ability to comply with General Statutes § 9-601c (b) (1) from the outset.
22. The Commission concludes therefore that Respondent, as treasurer of CEAPAC, made a non-independent expenditure between CEAPAC and Best that failed to meet the requirements of § 9-601c (b) (1).
23. 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.

24. The Commission possesses the authority to set the punishment it metes out to individuals who violate the statutes under its authority. While the maximum penalty available under the enabling statute is \$2,000 per offense or twice the amount of any improper expenditure, the Commission also has the authority to set a lesser penalty where circumstances call for such leniency.
25. The Commission believes that this negotiated settlement that requires CEAPAC to henceforth strictly comply with General Statutes § 9-601c for its failure adequately to insulate the independent expenditure authorization from individuals who were personally affiliated with BEST's efforts in Bridgeport is sufficient to inform them of the proper means to ensure future compliance with the independent expenditure provisions in General Statutes § 9-601c. It also sufficiently accounts for efforts by CEA and BEST to work with the Commission to comply with IE requirements.
26. The Commission finds that after the authorization CEAPAC attempted to maintain the separation between the individuals working on the independent expenditure and those working directly with BEST. CEAPAC sought out advice about the newly adopted independent expenditure statutes that had just been adopted in 2013 and attempted to follow advice given to them by SEEC. They showed good faith in attempting to comply with the statutes and have no previous violations. The Commission finds the aforementioned facts as mitigating under the narrow and specific facts and circumstances of this complaint and investigation.
27. For purposes of fully and finally resolving this matter, Respondent agrees that this Agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The signing of this agreement by Respondent does not constitute any admission of wrongdoing. Respondent shall receive a copy hereof as provided in § 9-7b-56 of the Regulations of Connecticut State Agencies.
28. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used by either party as an admission in any subsequent hearing or against the Company in any proceeding, if the same becomes necessary.

29. 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.

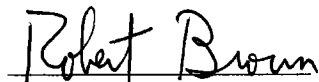
30. Upon Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent

**ORDER**

IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-601c.

The Respondent:

BY:



Robert Brown

CEAPAC President

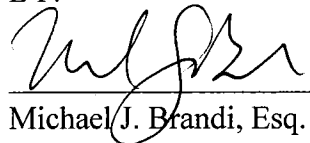
21 Oak Street, Suite 500

Hartford, Connecticut 06106

Dated: 12/12/19

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 Street, Suite 101

Hartford, Connecticut

Dated: 12/22/19

Adopted this 15<sup>th</sup> day of January, 20~~19~~<sup>20</sup>, at Hartford, Connecticut

  
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Anthony J. Castagno, Chairman

By Order of the Commission

Stephen T. Penny