

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Mark J. Ciarciello
Judicial Branch, Hartford

File No. 2013-136

AGREEMENT CONTAINING CONSENT ORDER

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

1. Complainant Mark J. Ciarciello is employed by the State of Connecticut Judicial Branch, Administrative Services Division, and a Program Manager II. Complainant made his affidavit of complaint to the Commission on behalf of and at the behest of the Judicial Branch.
2. Respondent was employed at all times relevant to this complaint by the Judicial Branch as Administrative Services Coordinator. Respondent does not have a prior history with the Commission.
3. Complainant sought investigation of various possible Campaign Finance Law violations pertaining to Respondent's alleged use of Judicial Department e-mail, equipment and supplies while being compensated for performing her duties as a Judicial Branch employee to support municipal candidates and the Hamden Republican Town Committee campaign in the Town of Hamden prior to the November 4, 2013 election.
4. The Commission considers this matter for the limited purposes of considering and determining alleged violations of Campaign Finance Law pursuant to its authority provided by General Statutes § 9-7b.
5. General Statutes § 9-622, provides in pertinent part:
The following persons shall be guilty of illegal practices and shall be punished in accordance with the provisions of section 9-623:

(5) Any person who, directly or indirectly, pays, gives, contributes or promises any money or other valuable thing to defray or towards defraying the cost or expenses of any campaign, primary, referendum or election to any person, committee, company, club, organization or association, other than to a campaign treasurer,

except that this subdivision shall not apply to any expenses for postage, telegrams, telephoning, stationery, express charges, traveling, meals, lodging or photocopying incurred by any candidate for office or for nomination to office, so far as may be permitted under the provisions of this chapter; ...

[Emphasis supplied.]

6. After investigation, the Commission finds credible evidence that Respondent defrayed the costs of the campaigns of a municipal candidate, her own municipal candidacy and the Republican Town Committee ticket in the Town of Hamden in connection with the November 4, 2013 election. Further, the Commission finds that the Respondent did so while being compensated for performing her duties as a Judicial Branch employee and using Judicial Branch email, computer systems, equipment and supplies towards defraying costs of a campaign in the following manner:
- (1) Respondent received and maintained/updated a list of campaign volunteers;
 - (2) Respondent received and maintained/updated contributor lists from Republican political/candidate committees;
 - (3) Respondent received and maintained/updated email lists of the Republican Town Committee membership;
 - (4) Respondent received, maintained, edited and printed address labels for prospective contributors;
 - (5) Respondent received, maintained, and edited campaign contributor "thank you" letters and various campaign letterheads;
 - (6) Respondent received and then forwarded announcements of various campaign meetings;
 - (7) Respondent communicated via email pertaining to various fundraising strategies for specific contributors;
 - (8) Respondent communicated via email pertaining to general campaign strategy;
 - (9) Respondent communicated via email pertaining to campaign strategies regarding lawn signage, canvassing information/instruction, and media/public relations strategies; and,
 - (10) Respondent used Judicial Branch computer hardware to store and preserve campaign materials.

7. Furthermore, after investigation, the Commission finds that the substantial weight of evidence based on the Commission's own investigation and review of the documentation provided by the Judicial Branch pertaining to the affidavit of complaint support the conclusion that Respondent violated General Statutes § 9-622 (5) by defraying campaign costs of a person or committee for an election.
8. Specifically, the Commission concludes that Respondent violated General Statutes § 9-622 (5) by directly and indirectly contributing various things of value, including but not limited to Judicial Branch supplies and use of equipment, to defray the campaign costs of the Hamden Republican Town Committee and various candidates prior to the November 4, 2013 election in Hamden.
9. While the Commission declines to exercise its authority under the criminal law in these circumstances, it deems *any* violations of General Statutes § 9-622 (5) as serious. The Commission therefore considers its decision to assess a penalty of five hundred dollars (\$500.00) and proceed in these limited and specific circumstances with its civil authority both appropriate and indicative of the Commission's intent to strictly enforce prohibitions against defraying costs to candidates, committees and parties as prescribed by § 9-622 (5).
10. The Commission notes that the finding of a violation in this matter, comes after a fact based investigation and rests not on any single action by the Respondent but on the cumulative and substantial nature of her use of materials and services to the benefit of a campaign. The application of General Statutes § 9-622 (5) and subsequent conclusions are therefore narrowly tailored to the facts and circumstances of this complaint and investigation.
11. Finally, the Commission declines to issue a general standard for defraying costs pursuant to General Statutes § 9-622 (5), in that such conclusions will necessarily entail analysis and weighing of fact on a case by case basis as was applied in this instance.
12. 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 after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in the Regulations of Connecticut State Agencies § 9-7b-56.
11. 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 as an admission in any subsequent hearing, if the same becomes necessary.

12. 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.

13. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent with respect to this matter.

ORDER

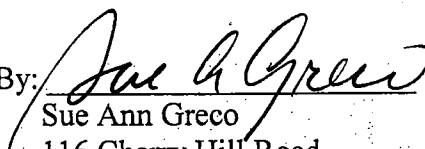
IT IS HEREBY ORDERED that the Respondent is reprimanded and shall pay a civil penalty of five hundred dollars (\$500.00) on or before January 15, 2014.

IT IS FURTHER ORDERED that the Respondent shall strictly comply with General Statutes § 9-622 (5).

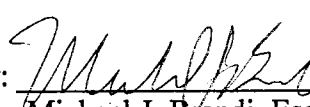
The Respondent:

For the State Elections Enforcement Commission:

By:


Sue Ann Greco
116 Cherry Hill Road
Hamden, 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

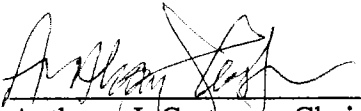
Dated:

12-30-13

Dated:

1/8/14

Adopted this 15th day of January, 2014 at Hartford, Connecticut by vote of the Commission.


Anthony J. Castagno, Chairman
By Order of the Commission