

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

SEEC initiated investigation based on a referral from the Bridgeport Corporation Counsel

File No. 2013-141

**AGREEMENT CONTAINING A CONSENT ORDER**

The parties, the Office of the Town Clerk of Bridgeport, Connecticut, hereinafter referred to as the Respondent or the Town Clerk's Office, 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 summary, the Respondent acknowledges that it has no authority to waive late filing fees prescribed by General Statutes § 9-623 (b) (1) and agrees to the implementation of certain procedures aimed at best securing and maintaining records filed with such office under Chapter 155. In accordance with the above provisions, the parties agree that:

1. The "Town Clerk's Office" is Bridgeport, Connecticut's "town clerk" as that term is used in Chapter 155 of the General Statutes and, in particular, as it relates to the duties prescribed by §§ 9-603 and 9-623 of such statutes.
2. At all times relevant hereto, Alma Maya held the title of Bridgeport Town Clerk. As noted above, the actual Respondent in this matter is the Office of the Town Clerk, not Ms. Maya individually in either her official or personal capacity.
3. The Commission initiated this investigation based on an informal referral from the Bridgeport Corporation Counsel. The investigation has confirmed the statement by the Bridgeport Corporation Counsel in the referral that, "[T]here exists what appears to be substantial legitimate concerns as to whether there may have occurred violations of State law regarding subject matters within the jurisdiction of the CT SEEC. In particular, there may have occurred material alteration or destruction of the SEEC Form 20 filed on behalf of Committee DEJESUS 12 by virtue of the deletion/removal of the writing 'No late fee charged per Town Clerk Alma Maya.'" The cover page on such filing appears to have been swapped out for a version that removes such notation and changes the time-date stamp from

September 4, 2013 at 3:40pm to September 3, 2013 at 2:48pm. Nevertheless, after an extensive and thorough investigation, the evidence has not provided a sufficient basis to proceed further against any individual suspect or suspects.<sup>1</sup>

4. A significant number of both employees of the Town Clerk's Office and the general public had unmonitored access to the original record between its receipt on September 4, 2013 and the reported discovery of the alteration on or about September 17, 2013. While there is also evidence indicating that the Town Clerk's Office's time-date stamp clock was tampered with to facilitate the alteration, the method of operation and alteration of the clock's time recording was generally known and available to most or all of the Town Clerk's Office's staff members. All interviewed witnesses agree that the Town Clerk Alma Maya was unaware how to operate the date stamp sufficiently to alter the recorded time.
5. To reduce the chance of a reoccurrence, the Respondent has already agreed to and reports the implementation of the following reforms: (1) the key to change the settings of the time-date stamp clock is maintained in direct custody of the person of the Town Clerk, or the Town Clerk's designee; (2) no individual will be permitted with unmonitored access to review original records; (3) to the extent that the office's resources permit, a filed document will be recorded in the land records system, with a written receipt provided to the filer if a fee is paid to file said document; (4) the original of each document is maintained under lock and key by the person of the Town Clerk or her designee and such documents can only be accessed when at least two persons from the Town Clerk's Office's staff are present; and (5) the office will have a Visitors' Sign-in/Sign-out Booklet when a person visits the Town Clerk's Office to review documents a visitor's sign-in and sign-out will be witnessed by an employee and such employee will also sign the Booklet and list the documents reviewed.
6. The Town Clerk's Office has been fully cooperative with the investigation.
7. General Statutes § 9-603 identifies the applicable town clerk's office as the filing repository for candidate registration and campaign finance reports for municipal office and provides that:

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<sup>1</sup> The referral also included a similar reference to a "fee waiver" for the filing for the Connecticut Educational Political Action committee. On its face, this filing also appeared to be filed one day late. However, this filing appears to simply have been a redundant courtesy copy of a committee properly registered and filing with the Commission rather than the Town Clerk's Office. As such, no fee is owed by the treasurer of such committee to the Bridgeport Town Clerk.

(a) Statements filed by party committees, political committees formed to aid or promote the success or defeat of a referendum question proposing a constitutional convention, constitutional amendment or revision of the Constitution, individual lobbyists, and those political committees and candidate committees formed to aid or promote the success or defeat of any candidate for the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, State Comptroller, Attorney General, judge of probate and members of the General Assembly, shall be filed with the State Elections Enforcement Commission. *A political committee formed for a slate of candidates in a primary for the office of justice of the peace shall file statements with the town clerk of the municipality in which the primary is to be held.*

(b) *Statements filed by political committees formed solely to aid or promote the success or defeat of a referendum question to be voted upon by the electors of a single municipality and those political committees or candidate committees formed to aid or promote the success or defeat of any candidate for public office, other than those enumerated in subsection (a) of this section, or the position of town committee member shall be filed only with the town clerk of the municipality in which the election or referendum is to be held.* Each unsalaried town clerk shall be entitled to receive ten cents from the town for the filing of each such statement. [Emphasis added.]

...

8. General Statutes § 9-608 (a) (1) sets forth certain filing dates for committee treasurers and provides, in relevant part:

Each treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603 ....

9. General Statutes § 9-608 (d) sets the rule for timely filings under § 9-608 with town clerks and provides, in relevant part:

Any other filing required to be filed with a town clerk pursuant to this section shall be deemed to be filed in a timely manner if it is delivered by hand to the office of the town clerk in accordance with the provisions of section 9-603 before four-thirty o'clock p.m. or postmarked by the United States Postal Service before midnight on the required filing day. If the day

for any filing falls on a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day thereafter.

10. General Statute § 9-623 (b) (1) sets forth a mandatory fee for treasurers who fail to meet the filing deadlines and provides:

If any campaign treasurer fails to file any statement required by section 9-608, or if any candidate fails to file either (A) a statement for the formation of a candidate committee as required by section 9-604, or (B) a certification pursuant to section 9-603 that the candidate is exempt from forming a candidate committee as required by section 9-604, within the time required, the campaign treasurer or candidate, as the case may be, shall pay a late filing fee of one hundred dollars.

11. In Advisory Opinion [19]75-7 the Commission ruled that “the town clerk has no discretion in collecting or failing to collect the late filing fee prescribed...” In speaking of such late filing fees, in Advisory Opinion [19]76-10 Late Filing Penalties, the Commission concluded that “The Elections Commission lacks the statutory authority to waive late filing penalties imposed as a result of failure to file campaign disclosure forms. Nothing in our enabling legislation ... specifically permits the Commission to waive such penalties.”
12. The Commission’s advice on this issue complies with the formal opinion it has received from the Office of the Attorney General on this issue stating:

[Y]ou requested our opinion as to whether or not the State Elections Commission possesses the power to waive the Fifty Dollar late filing fee ... in cases where extreme hardship is clearly demonstrated.

At the outset, we note that the Fifty Dollar late filing fee called for ... is in the nature of a penalty and is mandatory by its express terms with no exceptions provided:

“...if any campaign treasurer or principal campaign treasurer fails to file the statements required by section 14 of said act (P.A. 74-189) within the time required, he shall pay a late filing fee of fifty dollars...”  
(Emphasis added.)

We also note that ... the powers and duties of the State Elections Commission nowhere grants the Commission any power to waive payment

of the late filing fee. In light of this, we are impelled to find that your Commission may not waive payment of the fee in question.

The legislature, however, may make provision to ameliorate cases of extreme hardship. For instance, in Section 33-303 of the General Statutes, the Attorney General is given the power to remit any unpaid forfeitures incurred by corporations for failure to file annual reports when it would be inequitable to enforce collection thereof.

It is our suggestion that the General Assembly be approached by your Commission or by the Secretary of State to make provision for the cases which you describe as "where extreme hardship is clearly demonstrated".<sup>2</sup>

13. As provided above, the function of town clerks in relation to fees due to their municipalities under General Statutes § 9-623 (b) (1) is identical to the SEEC's function in relation to fees due to the State. The statutes have not provided such a waiver to the SEEC or any of the town clerks' offices since the inception of such fee.

14. General Statutes § 1-240 (a) provides that:

Any person who wilfully, knowingly and with intent to do so, destroys, mutilates or otherwise disposes of any public record without the approval required under section 1-18 or unless pursuant to chapter 47 or 871, or who alters any public record, shall be guilty of a class A misdemeanor and each such occurrence shall constitute a separate offense.

15. The Commission acknowledges that the person of Alma Maya was acting on a good faith understanding of the statutes regarding such office's perceived ability to authorize a "fee waiver."

16. The Respondent acknowledges that, as the execution of this Consent Order, it accepts the Commission's interpretation that neither it, nor its officers or staff members may waive any such fees.

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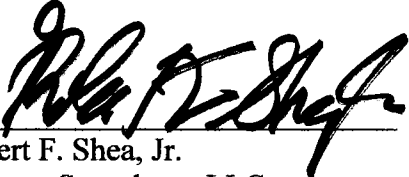
<sup>2</sup> Opinions, Conn. Atty. Gen. to Mr. Steven G. Mednick, Chairman of the State Elections Commission, February 18, 1975 (Approx. 1 page), 1975 WL 28446.

17. 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.
18. 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 to contest the validity of the Order entered into pursuant to this Agreement.
19. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent or its officers or staff members concerning this matter. However, should additional evidence arise concerning criminal action related to illegal records alteration or destruction governed by General Statutes § 1-240 (a) or other applicable statutes, the Commission reserves the right to open any related investigation and take any and all appropriate and necessary action, including, but not limited to, a referral to the Chief State's Attorney. Other than for matters specifically addressed and included in the instant agreement or otherwise identified in the referral from Bridgeport Corporation Counsel dated October 23, 2013, such agreement shall not serve to preclude the Commission from proceeding against any present or future town clerks in their official or personal capacity for any violation within the Commission's jurisdiction including, but not limited to, General Statutes § 9-623.
20. 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 by the Parties in any subsequent hearing, if one becomes necessary.
21. The Parties may agree to a modification of the Consent Order, but any such agreement shall only be effective if memorialized in writing and authorized by a vote of the Commission. Any formal request by the Respondent to modify the terms of the Consent Order shall only be considered if issued by regular mail and shall be addressed to the attention of the Executive Director and General Counsel of the Commission.

## ORDER

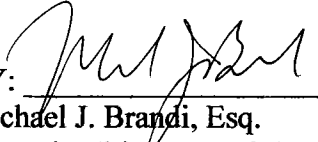
1. It is hereby ordered that the Respondent cease and desist from attempting to waive or authorizing any of its officers or staff to waive any fees incurred under General Statutes § 9-623.
2. It is further ordered that the Respondent take reasonable measures to collect such fees in the same or substantially similar manner as fees or other moneys owed to the Town Clerk's Office or municipality, as most applicable.
3. It is further ordered that, as part of the instant Consent Order, the Respondent formally adopt precautionary protocols aimed at securing campaign finance filings similar to those already voluntarily in place and described above. Such adopted protocols shall specifically include the following measures: (1) the key to change the settings of the time-date stamp clock is maintained in direct custody of the person of the Town Clerk, or the Town Clerk's designee; (2) no individual will be permitted with unmonitored access to review original records; (3) a filed document will be recorded in the land records system, with a written receipt provided to the filer if a fee is paid to file said document; (4) the original of each document is maintained under lock and key by the person of the Town Clerk or her designee and such documents can only be accessed when at least two persons from the Town Clerk's Office's staff are present; and (5) the office will have a Visitors' Sign-in/Sign-out Booklet when a person visits the Town Clerk's Office to review documents a visitor's sign-in and sign-out will be witnessed by an employee and such employee will also sign the Booklet and list the documents reviewed.
4. It is further ordered that, if any filing or registration governed by General Statutes § 9-623 (b) (1) and due with the Town Clerk's Office is considered timely owing solely to the postmarked date rather than the date the record is physically received at the Town Clerk's Office, the Town Clerk's Office shall maintain and preserve the record reflecting the applicable postmark in an accessible manner for no less than five years from the date such statements are filed.
5. It is further ordered that, the Respondent take reasonable measures to educate its officers and staff regarding the terms of the instant Consent Order as well as the criminal penalty in General Statutes § 1-240 (a) concerning public record destruction or alteration. A licensed-attorney hired by the Respondent may assist the Respondent and its employees in fulfilling the requirements of this Order.

**For the Respondent**  
**Office of the Town Clerk of Bridgeport,**  
**Connecticut:**

BY:   
Robert F. Shea, Jr.  
Conway Stoughton, LLC  
643 Prospect Avenue  
West Hartford, CT 06105

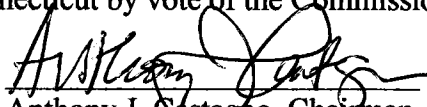
Dated: 7/3/14

**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

Dated: 7/7/14

Adopted this 16 day of July 2014 at Hartford, Connecticut by vote of the Commission.

  
Anthony J. Castagno, Chairman  
By Order of the Commission



**RECEIVED  
STATE ELECTIONS**

**JUL 8 2014**

**ENFORCEMENT COMMISSION**