

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Jeff Guttman, Monroe

File No. 2013-143

AGREEMENT CONTAINING AGREED SETTLEMENT

This agreement, by and between Jason Maur, of the Town of Monroe, County of Fairfield, State of Connecticut (hereinafter "Respondent"), 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. Complainant filed this complaint alleging that Respondent while Monroe Democratic Town Committee (MDTC) Treasurer violated General Statutes §9-606 by serving both as MDTC treasurer and appearing on a slate of candidates sponsored by the MDTC. Respondent was a candidate for Board of Education at the November 5, 2013 municipal election in the Town of Monroe.
2. Respondent filed a *Certification of Exemption From Forming a Candidate Committee* (SEEC Form 1B) on July 16, 2013 with the Monroe Town Clerk in which he indicated that he was a one of a slate of candidates whose campaign was sponsored by the MDTC. Commission records indicate that Respondent was designated MDTC Treasurer on April 4, 2012 and remained so at the time of his filing of the aforementioned SEEC Form 1B and designating the MDTC as his sole funding, and at all times relevant to this complaint.
3. General Statutes, §9-602, provides in pertinent part:
 - (a) Except with respect to an individual acting alone, or with respect to a group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate, no contributions may be made, solicited or received and no expenditures may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual or any party or referendum question, unless (1) the candidate or chairman of the committee has filed a designation of a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds, **or (2) the candidate has filed a certification in accordance with the provisions of section 9-604.** In the case of a political committee, the filing of the statement of organization by the chairman of such committee, in accordance with the provisions of section 9-605, shall constitute compliance with the provisions of this subsection.[Emphasis added.]

4. General Statutes, §9-604, provides in pertinent part:

...

(b) The formation of a candidate committee by a candidate and the filing of statements pursuant to section 9-608 shall not be required if the candidate files a certification with the proper authority required by section 9-603, not later than ten days after becoming a candidate, and any of the following conditions exist for the campaign: ***(1) The candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election or primary and expenditures made on behalf of the candidate's campaign are reported by the committee sponsoring the candidate's candidacy;*** (2) the candidate finances the candidate's campaign entirely from personal funds and does not solicit or receive contributions, provided if said candidate personally makes an expenditure or expenditures in excess of one thousand dollars to, or for the benefit of, said candidate's campaign for nomination at a primary or election to an office or position, said candidate shall file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a candidate committee under section 9-608; (3) the candidate does not receive or expend funds in excess of one thousand dollars; or (4) the candidate does not receive or expend any funds, including personal funds, for the candidate's campaign.[Emphasis added.]

5. General Statutes, §9-606, provides in pertinent part:

...

(d) No person shall act as a campaign treasurer or deputy campaign treasurer unless the person is an elector of this state, and a statement, signed by the chairman in the case of a party committee or political committee or by the candidate in the case of a candidate committee, designating the person as campaign treasurer or deputy campaign treasurer, has been filed in accordance with section 9-603. In the case of a political committee, the filing of a statement of organization by the chairman of the committee, in accordance with the provisions of section 9-605, shall constitute compliance with the filing requirements of this section. No provision of this subsection shall prevent the campaign treasurer, deputy campaign treasurer or solicitor of any committee from being the campaign treasurer, deputy campaign treasurer or solicitor of any other committee or prevent any committee from having more than one solicitor, but no candidate shall have more than one campaign treasurer. ***A candidate shall not***

serve as the candidate's own campaign treasurer or deputy campaign treasurer, except that a candidate who is exempt from forming a candidate committee under subsection (b) of section 9-604 and has filed a certification that the candidate is financing the candidate's campaign from the candidate's own personal funds or is not receiving or expending in excess of one thousand dollars may perform the duties of a campaign treasurer for the candidate's own campaign. [Emphasis added.]

6. The Commission publishes publicly available advice pertaining to its historic application of the law regarding who may *not* serve as a treasurer or deputy treasurer in *A Guide for Party (Town and State Central) Committees* (Party Guide). Specifically, the Commission advises that in the event that a candidate has authorized a town committee to be his or her sole funding source, any such individual who is also its treasurer “...*must immediately resign as treasurer or deputy treasurer.*” See *Understanding the Connecticut Campaign Finance Laws: A Guide for Party (Town and State Central) Committees* (Connecticut State Elections Enforcement Commission), Hartford, Connecticut, May 2013, at page 6.
7. Additionally, the Commission Party Guide specifies that the candidate “...*may not resume the position of town committee treasurer ... until he or she ceases to be a candidate.*” Id. The Commission finds that the aforementioned guide was available at the time Respondent filed his SEEC Form 1B on July 16, 2013.
8. The Commission Party Guide does not address or make any mention of the exception above referenced General Statutes, §9-606 as highlighted above in Paragraph 5, nor does the Commission Party Guide offer any guidance as to what is constituted within that exception.
9. Upon investigation, it was determined that Respondent remained MDTC Treasurer at the time he filed his SEEC Form 1B on July 16, 2013 as a candidate. Therefore, the Commission finds that Respondent therefore served as both MDTC treasurer and was a candidate on a slate running for the Board of Education that was sponsored by the MDTC at the November 5, 2013 election in Monroe as prohibited by General Statutes § 9-606 (d).
10. The Commission concludes that that Respondent was prohibited by General Statutes § 9-606 (d) from being the MDTC treasurer at the same time he filed his Form 1B on July 16, 2013 as a candidate, *and* serving as his own treasurer as a candidate for Board of Education at the November 5, 2013 election in Monroe.

11. Respondent asserts that by filing a Certification that he would be neither receiving nor expending funds in excess of \$1,000.00, he satisfactorily avoided the prohibition against serving as one's own treasurer.
12. Further, the Respondent maintains that his interpretation was consistent with the statute, and made in good faith in his efforts to comply with the same. The Respondent has entered into this negotiated agreement rather than go through the process of a hearing.
13. The Respondent admits all jurisdictional facts and agrees that this agreement shall have the same force and effect of a final order and become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
14. 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.
15. 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.
16. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

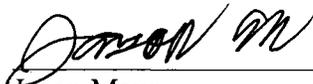
ORDER

IT IS HEREBY ORDERED that the Respondent shall pay a civil fine in the amount of one hundred dollars (\$100.00) on or before July 16, 2014 and shall henceforth strictly comply with General Statutes § 9-606 (d).

The Respondent:

For the State of Connecticut:

BY:



Jason Maur
97 Bugg Hill Road
Monroe, Connecticut

Dated: 7/8/14

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: 7/25/14

Adopted this 16th day of July, 2014 at Hartford, Connecticut



Anthony J. Castagno, Chairman
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

JUL 25 2014

ENFORCEMENT COMMISSION