

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of John McNamara,
New Britain

File No. 2013-145

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b alleging that the Connecticut Property Owners Alliance, Inc. made a communication over electronic mail without including the attribution required by General Statutes § 9-621.

After an investigation of the matter, the Commission makes the following findings and conclusions:

1. As alleged, the Connecticut Property Owners Alliance, Inc. acknowledged that it forwarded an email inviting individuals to a meet and greet with then New Britain mayoral candidate Erin Stewart (the "Forwarded Communication").
2. The Forwarded Communication clearly identified the Connecticut Property Owners Alliance, Inc. as the forwarding person as well providing their address and contact information.
3. The content of the original communication stated that "Allen Court Apartments Invites You To Meet Erin Stewart...There are only 13 days left till the election, New Britain needs Erin Stewart to win this election to fix the mess the current Mayor has created." (the "Email Communication")
4. The Email Communication clearly identified "Allen Court Apartments" as the person issuing such communication.
5. The Commission finds that the reasonable observer would conclude that the above persons issued relevant communications and there is no evidence to support any findings of intent to deceive or mislead the public.
6. General Statutes § 9-621 (h) (1) provides, in relevant part:

No entity shall make or incur an independent expenditure for any written, typed or other printed communication, or any web-based, written communication, that promotes the success

or defeat of any candidate for nomination or election or promotes or opposes any political party or solicits funds to benefit any political party or committee, unless such communication bears upon its face the words "Paid for by" and the name of the entity, the name of its chief executive officer or equivalent, and its principal business address and the words "This message was made independent of any candidate or political party." In the case of an entity making or incurring such an independent expenditure, which entity is a tax-exempt organization under Section 501(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, or an incorporated tax-exempt political organization organized under Section 527 of said code, such communication shall also bear upon its face the words "Top Five Contributors" followed by a list of the five persons or entities making the largest contributions to such organization during the twelve-month period before the date of such communication.

7. Based on the Commission's finding that the persons issuing the communications were clear to the reasonable observer and noting the absence of any evidence of any intent to deceive or mislead the public, the Commission declines to investigate the matter further. See, e.g., *Compliant by Michael Gongler and Victor L. Harpley, Cromwell*, File No. 2009-126; *Complaint of John D. Norris, Southbury*, File No. 2011-108, *Complaint of Arthur Scialabba, Norwalk*, File No. 2011-125, *Complaint of Robert W. Prentice, Wallingford*, File No. 2011-134; *Complaint of Arthur Scialabba, Norwalk*, File No. 2012-011. Further, in previous enforcement actions, the Commission has exercised its prosecutorial discretion and declined to take action where the cost to issue the communication related to the alleged violation is negligible and where there were no other aggravating factors associated with the alleged violation. See, e.g., *Complaint of Arthur Scialabba, Norwalk*, File No. 2009-039 (attribution matter was closed without further action because of the nominal value of the expenditure involved in sending an email communication); *Complaint of Elizabeth-Ann Edgerton, Monroe*, File No. 2009-084 (attribution matter was closed without further action because of the nominal value of the expenditure, a hyperlink and the volunteer labor to develop a webpage referred to as a "blogspot"); *Complaint of Carole Dmytryshak, Salisbury*, File No. 2009-133 (attribution matter was closed without further action because of the nominal value of the expenditure, the fair market value of 50-75 sheets of paper); *Complaint of*

Donald Steinbrick, et. al., Putnam, File No. 2010-006, (attribution matter with no further action due to the nominal value of the single email); and *Complaint of Robert H. Kalechman, Simsbury*, File No. 2010-138 (no further action in attribution matter due to nominal value of a single letter and postage).

ORDER

The following Order is recommended on the basis of the aforementioned findings:

That no further action be taken.

Adopted this 16th day of April, 2014 at Hartford, Connecticut.


Anthony J. Castagno, Chairman
By Order of the Commission