

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Complaints of Colleen M. Finn, Shelton, et al.

File Nos. 2013-147, 150

AGREEMENT CONTAINING A CONSENT ORDER AND PENALTY

The parties, John A. Belden Jr. of Shelton, State of Connecticut, hereinafter referred to as the Respondent, 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 accordance with those provisions, the parties agree that:

1. At all times relevant hereto, the Respondent was the treasurer of the Shelton Republican Town Committee, a party committee (the "Committee").
2. At all times relevant hereto, Anthony Simonetti and Gene Kierce were Republican candidates for Alderman in Shelton, Connecticut (the "Candidates").
3. The Respondent authorized expenditures of Committee funds for two flyers promoting the Candidates.
4. The first of two such communications was a flyer promoting the Candidates and which lacked any information regarding who paid for the communication (the "first flyer"). The first flyer was clearly written in the first person in the Candidates' voices and included their names, but not their actual signatures, on the bottom of the one page document. The first flyer did not specifically state "approved by" either of the Candidates.
5. The second of the two communications was a broadly similar flyer promoting the two Candidates. Unlike the first flyer, such communication stated "Paid for by the Shelton Republican Town Committee. John Belden, Treasurer" (the "second flyer"). The second flyer was also clearly written in the first person in the Candidates' voices and included their names, but not their actual signatures, on the bottom of the one page document. The second flyer also did not specifically state "approved by" either of the Candidates.

6. The Respondent has acknowledged that the expenditures for such flyers were made with the consent of, in coordination with, or in consultation with the Candidates.
7. General Statutes § 9-621 (a), governing attributions on certain written political communications provides, in relevant part:

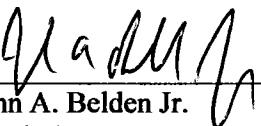
[N]o ... committee shall make or incur any expenditure including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary 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 (1) the words "paid for by" and the following: ... (C) in the case of a party committee, the name of the committee; ..., and (2) the words "approved by" and the following: (A) In the case of an individual, group or committee other than a candidate committee making or incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, the name of the candidate....
8. The Respondent agrees and understands that, in this context, General Statutes § 9-621 (a) requires disclosure concerning both who paid for and who approved political communications.
9. Because the Respondent authorized the use of committee funds to pay for the flyers, both flyers were required to include "Paid for by the Shelton Republican Town Committee. John Belden, Treasurer."
10. Because the expenditures for such flyers were made with the consent of, in coordination with, or in consultation with the Candidates, the flyers were also required to include "Approved by" followed by the names of the Candidates.
11. Connecticut General Statutes § 9-7b (a) (2) provides that the Commission may assess a civil penalty not to exceed "two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155 or 157." Pursuant to Regulations of Connecticut State Agencies § 9-7b-48, in determining the amount of a civil penalty, the Commission shall consider, among other mitigating and aggravating factors:

- (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.
12. The Commission's consideration of the above factors, includes, but is not limited to, the following mitigating factors: (1) the Respondent has no identified history of violating the statutes under the Commission's jurisdiction. (2) the content of both flyers made it clear to the reasonable observer that the Candidates approved the communications. The Commission, nevertheless, requires a settlement payment because, upon a review of the first flyer, the reasonable observer could not discern who paid for such communication.
13. 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.
14. 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.
15. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him concerning this matter.
16. 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.

ORDER

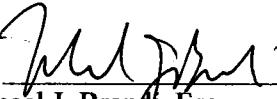
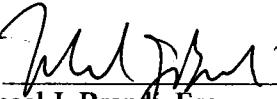
It is hereby ordered that the Respondent pay as a civil penalty the amount of \$100.00 for the attribution violation for the flyer identified above. The Respondent further agrees henceforth to strictly comply with the requirements of General Statutes § 9-621.

The Respondent:


John A. Belden Jr.
25 Birch St.,
Shelton, CT 06484

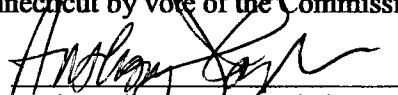
Dated: 1/28/14

For the State of Connecticut:


BY: 
Michael J. Brandt, Esq.
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: 1/29/14

Adopted this 19 day of Jan, 2014 at Hartford, Connecticut by vote of the Commission.


Anthony J. Castagno, Chairman
By Order of the Commission

RECEIVED
STATE ELECTIONS

JAN 30 2014

ENFORCEMENT COMMISSION