

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Arthur J. Scialabba, Norwalk

File No. 2013-164

AGREEMENT CONTAINING A CONSENT ORDER AND PENALTY

The parties, William Vitez of Norwalk, 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 Norwalk Community Values committee, a political slate committee (the "Committee").
2. At all times relevant hereto, Steve Colarossi and Andres Roman were candidates for Board of Education in Norwalk, Connecticut (the "Candidates").
3. At all times relevant hereto, the Committee was registered as formed to support the Candidates.
4. The Respondent authorized an expenditure of Committee funds for a flyer promoting the Candidates (the "Flyer").
5. The Flyer promoted the Candidates and lacked information regarding who paid for the Flyer. The Flyer did not state "approved by" either of the Candidates. The Flyer did direct the reader to "Please visit www.NorwalkCommunityValues.com" (the "Committee's Website").
6. The Committee's Website did include the disclaimer, "Website paid for by Norwalk Community Values, William Vitez, Treasurer. This website is approved by Steve Colarossi and Andres Roman."
7. *The Flyer included content not otherwise included in the Committee's Website.*

8. The Respondent has acknowledged that the expenditure for the Flyer was made with the consent of, in coordination with, or in consultation with the Candidates.

9. 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 ... 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 ... election ... unless such communication bears upon its face as a disclaimer (1) the words "paid for by" and the following: ... (B) in the case of a committee other than a party committee, the name of the committee and its treasurer; ... 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...

10. 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.

11. Because the Respondent authorized the use of Committee funds to pay for the Flyer, the Flyer was required to include "Paid for by Norwalk Community Values, William Vitez, Treasurer."

12. Because the expenditures for the Flyer was made with the consent of, in coordination with, or in consultation with the Candidates, the Flyer was also required to include "Approved by" followed by the names of the Candidates.

13. 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;

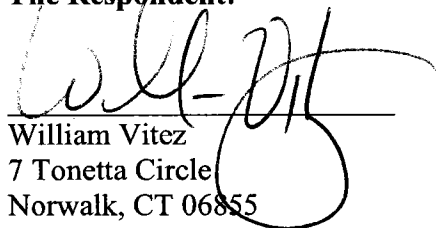
- (2) the amount necessary to insure immediate and continued compliance;
- (3) the previous history of similar acts or omissions; and
- (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.

14. The Commission's consideration of the above factors, includes, but is not limited to, the following mitigating factor: the Respondent has no identified history of violating the statutes under the Commission's jurisdiction. The Commission, nevertheless, requires a settlement payment because, upon a review of the Flyer, the reasonable observer could not discern that the Candidates approved such communication.
15. 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.
16. 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.
17. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent or Candidates concerning this matter.
18. 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.

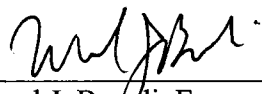
ORDER

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

The Respondent:


William Vitez
7 Tonetta Circle
Norwalk, CT 06855

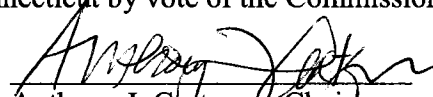
For the State of Connecticut:

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: MAR. 28, 2014

Dated: Apr 14, 2014

Adopted this 6th day of Apr, 2014 at Hartford, Connecticut by vote of the Commission.


Anthony J. Castagno, Chairman
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

APR 03 2014

ENFORCEMENT COMMISSION