

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Bill Kemp

File No. 2013-180

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Jon Carlo Gallup, (hereinafter referred to as "Respondent") of the City of Stamford, County of Fairfield, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with General Statutes § 4-177(c) and section 9-7b-54 of the Regulations of Connecticut State Agencies.

In accordance herewith, the parties agree that:

1. The Complainant alleged that Respondent, candidate for Constable at the November 5, 2013 election in the City of Stamford, violated campaign finance laws by filing an SEEC Form 1B and spending in excess of the \$1,000 without revising his registration.
2. On July 18, 2013, Respondent filed a *Registration by Candidate – Certificate of Exemption From Forming a Candidate Committee* (SEEC Form 1B) disclosing the following conditions pursuant to General Statutes § 9-604 (b) (4): *I do not intend to receive or expend any funds, including personal funds, for this campaign.*
3. By way of background, Respondent has no prior history with the Commission and was ~~not~~ elected constable at the November 5, 2013 election.
4. General Statutes § 9-603, provides in pertinent part:

...

(c) A certification of a candidate who is exempt from the requirement of subsection (a) of section 9-604 to form a candidate committee shall be filed with the State Elections Enforcement Commission if the candidate seeks an office enumerated in subsection (a) of this section, *or with the town clerk of the municipality in which the election is to be held if the candidate seeks an office other than those enumerated.* A certification of a group of individuals who have joined solely to aid or promote a referendum question and who are exempt from the requirement to form a political committee under section 9-605 shall be filed with the town clerk of each municipality in which the referendum is to be held.

[Emphasis added.]

5. 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: ...***(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.*** If the candidate no longer qualifies for the exemption under any of these conditions, the candidate shall comply with the provisions of subsection (a) of this section, not later than three business days thereafter and shall provide the candidate's designated campaign treasurer with all information required for completion of the treasurer's statements and filings as required by section 9-608. ***If the candidate no longer qualifies for the exemption due to the condition stated in the candidate's certification but so qualifies due to a different condition specified in this subsection, the candidate shall file an amended certification with the proper authority and provide the new condition for the candidate's qualification not later than three business days following the change in circumstances of the financing of the candidate's campaign.*** The filing of a certification under this subsection shall not relieve the candidate from compliance with the provisions of this chapter.

[Emphasis added.]

6. General Statutes § 9-608, provides in pertinent part:
- (a)(1) 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, (A) on the tenth calendar day in the months of January, April, July and October, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, ***(B) on the seventh day preceding each regular state election, except that (i) in the case of a candidate or exploratory committee established for an office to be elected at a municipal election, the statement shall be filed on the seventh day preceding a regular municipal election in lieu of such date, ...*** The statement shall cover a period to begin with the first day not included in the last filed statement. ***In the case of a candidate committee, the statement required to be filed in January shall be in lieu of the statement formerly required to be filed within forty-five days following an election.***
[Emphasis added.]
7. After investigation, the Commission finds that Respondent filed an *Itemized Campaign Finance Disclosure Statement* (SEEC Form 20) on January 10, 2014. The aforementioned SEEC Form 20 disclosed the earliest expenditure by Respondent on October 24, 2013 in the amount of \$800.00 for signs.
8. The Commission finds that the October 24, 2013 expenditure of personal funds by Respondent changed the condition for qualifying for a candidate committee exemption that he certified with the Stamford Town Clerk by filing a SEEC Form 1B on July 18, 2013. Specifically, the condition of *not spending any funds* on a campaign changed to *spending personal funds* on a campaign. The Commission finds therefore that Respondent should have “...filed an amended certification with the proper authority and provide the new condition for the candidate's qualification not later than three business days following the change in circumstances of the financing of the candidate's campaign,” pursuant to General Statutes § 9-604 (b).
9. The Commission concludes, for the reasons detailed in paragraphs 7 and 8 above, that Respondent violated General Statutes § 9-604 (b) when he failed to amend his registration statement within *three business days* of October 28th after making his first expenditure for his campaign for constable and thereby no longer satisfying the condition for his exemption from forming a candidate committee as he originally declared on SEEC Form 1B on July 19, 2013 at the Stamford Town Clerk's office.

10. The Commission notes that the Respondent could have maintained his exemption from forming a candidate committee by amending his SEEC Form 1B and designating the condition at 11D on that form within three business days of his \$800.00 expenditure on October 28, 2013. As detailed herein, Respondent failed to do so.
11. As detailed above, Respondent filed a SEEC Form 20 on January 10, 2014. Specifically, the Commission finds that the SEEC Form 20 was filed after receipt and acknowledgement by Respondent of this complaint against him. Respondent, consistent with General Statutes § 9-608 (a) (1) (B) filed the SEEC Form 20, disclosing a total of personal expenditures for his campaign in the amount of \$10,865.10.
12. Respondent's SEEC Form 20 itemizes an October 28, 2013 expenditure in the amount of \$3,201.82 for direct mailing. It follows that Respondent exceeded the \$1,000.00 expenditure on October 28th and was required by § 9-604 (b) (2) to begin filing consistent with the disclosure requirements and schedule of § 9-608. The Commission finds that based on Respondent's October 28th expenditure and pursuant to § 9-608, the January 10, 2014 itemized disclosure statement detailed herein was the first required for Respondent.
13. The Commission finds that Respondent exceeded \$1,000.00 in expenditures on October 28, 2013 and was required by General Statutes § 9-604 (b) to begin filing consistent with the disclosure requirements and schedule of § 9-608(a) (1) (B) at that time. The Commission concludes, as detailed in paragraphs 11 and 12 above, that Respondent met the filing requirements by filing a SEEC Form 20 with the Stamford Town Clerk's Office on January 10, 2014 after he exceeded the \$1,000.00 expenditure threshold on October 28, 2013 and therefore Respondent did *not* violate § 9-608.
14. 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 after a full hearing and shall 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.
15. 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.

16. The Respondent waives:

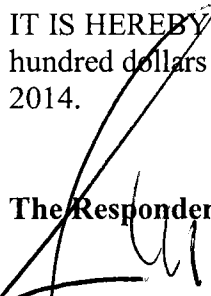
- a. Any further procedural steps;
- b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
- c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this agreement.

ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-604.

IT IS HEREBY FUTHER ORDERED that the Respondent shall pay a civil penalty of three hundred dollars (\$300.00) to the State Elections Enforcement Commission on or before August 19, 2014.

The Respondent:



Jon Carlo Gallup
21 Dartley Street
Stamford, Connecticut

Dated: 8/15/2014

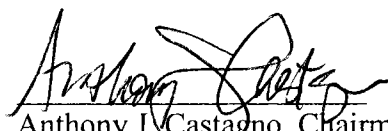
For the State of Connecticut:

BY: 

Michael J. Brandi, Esq.
Executive Director and General Counsel
And Authorized Representative of the
State Elections Enforcement Commission
18-20 Trinity Street, Suite 101
Hartford, Connecticut

Dated: 8/25/14

Adopted this 19th day of August, 2014 at Hartford, Connecticut.



Anthony J. Castagno, Chairman
By Order of the Commission