

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Ethan Book,
Bridgeport

File No. 2014-002

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between the Jack O. Banta, of the City of Bridgeport, County of Fairfield, State of Connecticut, hereinafter referred to as "Respondent" and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. Complainant alleged various reporting violations by *Taylor-Moye and Banta 2013* (hereinafter "Committee"), a political slate committee registered by Denese Taylor-Moye and Respondent for the November 5, 2013 municipal election in the City of Bridgeport.
2. The individual identified as treasurer of the committee by Respondent is his brother Respondent James A. Banta. The committee was established for the candidates' election to the City Council from the 131st District in Bridgeport. The Respondent and Respondent Denese Taylor-Moye are currently City Council members.
3. By way of background, Respondents have no prior history with the Commission. Any settlements with Respondents James A. Banta and Denese Taylor-Moye are treated under separate agreements.
4. 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, other than independent 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 treasurer*** and a depository institution situated in this state as the depository for the committee's funds.... 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.]

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

...

(d) ***No person shall act as a treasurer or deputy treasurer (1) unless the person is an elector of this state***, the person has paid any civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive, 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 treasurer or deputy treasurer, has been filed in accordance with section 9-603, and (2) if such person has been convicted of or pled guilty or nolo contendere to, in a court of competent jurisdiction, any (A) felony involving fraud, forgery, larceny, embezzlement or bribery, or (B) criminal offense under this title, unless at least eight years have elapsed from the date of the conviction or plea or the completion of any sentence, whichever date is later, without a subsequent conviction of or plea to another such felony or offense. 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. ... ***A candidate shall not serve as the candidate's own treasurer*** or deputy 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 treasurer for the candidate's own campaign. [Emphasis added.]

6. General Statutes § 9-608, provides in pertinent part:

...

(e) (1) Notwithstanding any provisions of this chapter, in the event of a surplus the treasurer of a candidate committee or of a political committee, other than a political committee formed for ongoing political activities or an exploratory committee, shall distribute or expend such surplus not later than ninety days, or for the purposes of subparagraph (H) of this subdivision, one hundred twenty days after a primary which results in the defeat of the candidate, an election or referendum not held in November or by March thirty-first following an election or referendum held in November, or for the purposes of subparagraph (H) of this subdivision, June thirtieth

following an election or referendum held in November, in the following manner:

(A) Such committees may distribute their surplus to a party committee, or a political committee organized for ongoing political activities, return such surplus to all contributors to the committee on a prorated basis of contribution, distribute all or any part of such surplus to the Citizens' Election Fund established in section 9-701, distribute such surplus to any charitable organization which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, or, in the case of a candidate committee for any candidate, other than a participating candidate, distribute such surplus to an organization under Section 501(c)(19) of said code, as from time to time amended, ... [Emphasis added.]

7. General Statutes § 9-602 (a) requires that a candidate registering a candidate committee must designate a treasurer of that committee. In addition, § 9-606 (d) prohibits any person from serving as a campaign committee treasurer *unless* that individual is an elector of Connecticut.
8. Upon investigation, the evidence establishes that Respondent filed a *Candidate Committee Registration Statement* (SEEC Form 1A) filed with the Bridgeport City Clerk's office on August 1, 2013, designating James A. Banta as treasurer of the Committee. Further, the investigation revealed that James A. Banta is *not* an elector of Connecticut.
9. Moreover, the Commission finds after investigation that Respondent, while not the legally qualified to do so, nevertheless served as *de facto* treasurer of the Committee in that he directed its expenditures and otherwise assumed the duties and responsibilities of treasurer throughout the campaign.
10. General Statutes § 9-602 (a) requires a candidate to register a candidate committee and designate a treasurer for that committee. Furthermore, § 9-606 (d) prohibits an individual from serving as the treasurer of a candidate committee who is not an elector of Connecticut.
11. The Commission concludes that Respondent, by filing an SEEC Form 1A with the Bridgeport City Clerk's office on August 1, 2013 that did not designate a Connecticut elector as treasurer of the Committee, failed to meet the requirements of General Statutes § 9-602 (a) and § 9-606 (d).

12. The Commission concludes that Respondent violated General Statutes § 9-602 (a) and § 9-606 (d) by registering a political slate committee as a candidate with the Bridgeport City Clerk's office without designating a Connecticut elector as treasurer of the Committee and by filing a SEEC Form 1A that erroneously identified a non-electror as his campaign treasurer.
13. The Commission further concludes that Respondent, by serving as the Committee's *de facto* treasurer, violated § 9-606 (d), which prohibits candidates from serving as the treasurer of their own candidate committees.
14. General Statutes § 9-608 (e) (1) (A) requires that committee surplus be distributed to "... *a party committee, or a political committee organized for ongoing political activities,*" or that it be returned "...*to all contributors to the committee on a prorated basis of contribution.*" That section also provides for surplus distribution to the Citizens' Election Fund, a charitable organization which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or in the case of a committee not participating in the Citizens Election Program an organization under Section 501(c)(19) of that code. General Statutes § 9-608 (e) (1) (A).
15. Upon investigation, the evidence established that Respondent distributed or caused to be distributed the Committee's surplus in the amount of \$230.00 to himself. The Commission concludes that a distribution of surplus funds to a candidate from that candidate's campaign committee does *not* satisfy the requirements of General Statutes § 9-609 (e) (1) (A).
16. The Commission, for the reasons detailed above, concludes that Respondent violated General Statutes § 9-608 (e) (1) (A) by directing and/or otherwise causing a surplus distribution in the amount of \$230.00 to be distributed by the Committee to himself.
17. The Respondent admits all jurisdictional facts and agree 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.
18. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used against either party in any subsequent hearing, if the same becomes necessary.

19. 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.
20. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent pertaining to this matter.

ORDER

IT IS HEREBY ORDERED THAT Respondent shall pay a civil penalty in the amount of three hundred dollars (\$300.00) for his violations of General Statutes § 9-602, § 9-606 and § 9-608

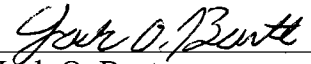
IT IS FURTHER ORDERED THAT Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-602, § 9-606 and § 9-608.

The Respondent

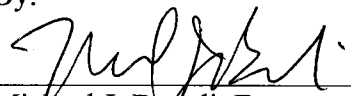
For the State of Connecticut

By:

By:



Jack O. Banta
20 Cole Street
Bridgeport, Connecticut




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: 9-28-15

Dated: 10/1/15

Adopted this 20th day of October, 2015 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

OCT 01 2015

ENFORCEMENT COMMISSION