

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Lori Jeffers,
Willimantic

File No. 2014-003

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between Mike Desaulniers of the Town of Windham, County of Windham, State of Connecticut (hereinafter "Respondent") and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Complainant alleged that the Windham Republican Town Committee ("WRTC"), violated § 9-390 in connection with a legal notice placed in a newspaper prior to a January 10, 2014 caucus.
2. Specifically, the Complainant alleged that the January 5, 2014 WRTC legal notice in *The Chronicle* violated General Statutes § 9-390 as it did not contain the *purpose* of the caucus scheduled for January 10, 2014.
3. Complainant provided a copy of the legal notice that is subject of this complaint. Respondent at all times relevant to this complaint was WRTC chairman and does not dispute that the legal notice provided by the Complainant was a true copy of the original notice submitted to *The Chronicle*. The timeliness of the aforementioned legal notice is not at issue in this complaint.
4. The legal notice that is subject of this complaint follows: *Legal Notice Windham Republican Town Committee caucus will be held on 1/10/14 at 7 p.m. 116 Club Rd., Windham, CT.*
5. General Statutes § 9-390, provides in pertinent part:
 - (a) Except as provided in subsection (g) of this section, party-endorsed candidates of any party in any municipality for municipal office shall be selected, ***in accordance with the rules of such party, by:*** (1) The enrolled members of such party in such municipality in caucus, (2) delegates to a convention chosen in accordance with such rules by such enrolled members, or (3) the town committee of such party. ***The town chairman or his designee shall give notice in a newspaper having a general circulation in the town of the date, time, location and purpose of a caucus held pursuant to subdivision (1) of this subsection. Such notice shall be given not less than five days prior to the date set for the caucus;***

provided, if the rules of the party in any municipality require earlier notice, such party rules shall prevail. [Emphasis added.]

6. General Statutes § 9-387, provides:

The state rules of each party shall prescribe *the manner in which any dispute as to the endorsement by such party* of a candidate for state, district or municipal office or for town committee member, or as to the selection by such party of a delegate to a convention, including conflicting claims to such endorsement or selection, shall be resolved. [Emphasis added.]

7. The Commission finds that General Statutes § 9-390 includes “date, time, location and purpose” within the elements of the notice requirement for a caucus, *and* provides that such notice must be in accordance with party rules. The Commission further finds that the public notice, that is subject of this complaint, failed to include the “purpose” of the January 10, 2014 WRTC meeting as required by § 9-390. Finally, the Commission finds that pursuant to § 9-390 the “town chairman or his designee” is required to give a public notice of a caucus.
8. The Commission concludes, for the reasons detailed in paragraph 7 above, that Respondent as Chairman of the WRTC was required to give public notice of the January 10, 2014 caucus which included the “purpose” of that caucus and by failing to do so violated General Statutes § 9-390.
9. The Commission notes that General Statutes § 9-387 provides that: *The state rules of each party shall prescribe the manner in which any dispute as to the endorsement by such party of a candidate for state, district or municipal office or for town committee member, or as to the selection by such party of a delegate to a convention, including conflicting claims to such endorsement or selection, shall be resolved.* The Commission in this instance declines to interpret and apply party rules and limits its decision herein to the interpretation and application of General Statutes § 9-390 under these narrow facts, which plainly required Respondent as town committee chairman to include the *purpose* of the January 14, 2014 WRTC caucus in the January 5, 2014 legal notice that appeared in *The Chronicle*.
10. The Respondent admits all jurisdictional facts and agrees that this agreement shall have the same force and effect of a final order and 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.

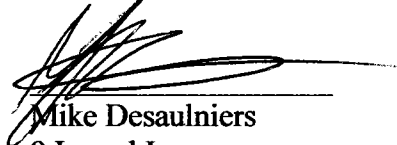
11. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
12. The Respondent 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.
13. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with General Statutes § 9-390 and its requirements.

The Respondent:

BY:

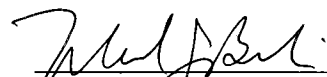


Mike Desaulniers
9 Laurel Lane
Windham, Connecticut

Dated: 10 July 14

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 Street, Suite 101
Hartford, Connecticut

Dated: 7/11/14

Adopted this 18th day of July, 2014 at Hartford, Connecticut



Anthony J. Castagno, Chairman
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

JUL 11 2014

ENFORCEMENT COMMISSION