

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re. Audit of John Console for 28th Dist. Wethersfield

File No. 2014-015

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between Gayle Raducha, Town of Woodstock, 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. The Commission performed an in-depth review of the expenditures of the 2012 *John Console for 28th Dist. Wethersfield* candidate committee after the committee's selection in the random audit lottery conducted following the 2012 election cycle. John Console established his candidate committee to run for the 28th district General Assembly seat on July 5, 2012, naming Gayle Raducha the committee's treasurer.¹ The candidate committee participated in the Citizens' Election Program.² The committee applied for³ and received a grant from the Citizens' Election Fund totaling \$26,810 on October 9, 2012.⁴
2. According to the investigation conducted by Commission staff, on or about August 16, 2012, Caesar Rossitto sent a check to the candidate committee for \$250. The check was payable to the Console candidate committee. Rossitto did not include a contribution certification card with the check, and Raducha, as the committee's treasurer, never asked him for one.
3. The audit of the Console candidate committee and subsequent investigation of this matter showed that Raducha negotiated the check from Rossitto on or about October 9,

¹ See SEEC Form 1 – Registration of Candidate Committee (*John Console for 28th Dist. Wethersfield*, July 5, 2012) (reflecting establishment of candidate committee by John J. Console and appointment of Gayle Raducha as treasurer).

² See SEEC Form CEP 10 – Affidavit of Intent to Abide by Expenditure Limits and Other Citizens' Election Program Requirements (*John Console for 28th Dist. Wethersfield*, Sept. 18, 2012) (reflecting intent of candidate and treasurer to participate in Citizens' Election Program and follow voluntary program rules).

³ See SEEC Form CEP 15 – Citizens' Election Program: Application for Grant (*John Console for 28th Dist. Wethersfield*, Sept. 18, 2012) (showing that candidate and treasurer affirmed that candidate committee had returned all excess contributions that did not meet standards for "qualifying contributions" under statute or had transmitted excess to Citizens' Election Fund).

⁴ See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: First Weekly Supplemental Filing General Election (*John Console for 28th Dist. Wethersfield*, Oct. 10, 2012) (reporting grant received from Citizens' Election Fund on October 9, 2012).

2012. Instead of simply cashing the check when the treasurer presented it, the bank, however, reported the transaction as a deposit to the committee's account and simultaneous withdrawal of \$250. The treasurer, who did not respond to the Commission's auditors and investigators, used this cash to pay for expenditures, including paying 11 individuals \$20 each to engage in door-to-door campaigning. The remaining \$30 was purportedly used to make a refund to an individual, according to the investigation. The candidate committee returned a surplus of \$1,259 to the Citizens' Election Fund at the conclusion of the campaign.

4. General Statutes § 9-604 requires a candidate to form a candidate committee upon becoming a candidate for office and to establish a bank account at a depository institution located within the State of Connecticut.⁵ The appointed treasurer has the obligation to deposit all contributions into the committee's bank account within 20 days of receiving them.⁶ A committee governed by Chapter 155 must make payments to satisfy its obligations via a "check drawn by the treasurer, on the designated depository" or by a credit or debit card.⁷ A candidate committee may use "petty cash" to satisfy small obligations, but such a petty cash fund may never exceed \$100 at any time.⁸ In addition, a participating candidate committee may not make cash expenditures in excess of \$50.⁹
5. A candidate committee seeking to qualify for a grant from the Citizens' Election Fund in 2012 could accept only "qualifying contributions" of between \$5 and \$100.¹⁰ Upon applying for grant from the Citizens' Election Fund, the candidate and treasurer must certify that any contributions that did not meet the definition for "qualifying contribution" had been returned or that the excess funds had been transferred to the Citizens' Election Fund.¹¹ A candidate committee may not accept a contribution of more than \$5 where the contributor does not include the contributor's name and address nor may the candidate committee accept contributions of more than \$50 that do not include

⁵ See General Statutes § 9-604 (a) (mandating that candidate must form single candidate committee and must designate "a depository institution situated in this state as the depository for the committee's funds").

⁶ See General Statutes § 9-606 (a) ("The treasurer of each committee shall deposit contributions in the committee's designated depository not later than twenty days after receiving them.")

⁷ See General Statutes § 9-607 (e) (1) (requiring expenditures to be made using checks or a credit or debit card.)

⁸ See General Statutes § 9-607 (e) (2) (limiting committees' "petty cash funds" to maximum of \$100 at any time).

⁹ See Regulations, Connecticut State Agencies, § 9-706-2 (b) (5) (limiting individual cash expenditures to \$50).

¹⁰ See General Statutes § 9-704 (defining "qualifying contribution" as contributions from individuals of no less than \$5 and no more than \$100).

¹¹ See General Statutes § 9-706 (b) (laying out written certifications required from candidates and treasurers upon application for grant from Citizens' Election Fund).

the information required under General Statutes § 9-608 (c) (3).¹² General Statutes § 9-622 (10) makes any person who “. . . makes or receives a contribution that is otherwise prohibited by any provision of this chapter” guilty of an illegal practice.

6. Raducha here violated several statutes in the way she handled the check for \$250 from Rossitto and the cash that she received from the bank for the check.
7. First, she received a check that exceeded the maximum amount that an individual could make as a “qualifying contribution” and did not return the check or turn over the excess amount to the Citizens’ Election Fund before applying for a grant. Accepting this excess contribution from Rossitto violated General Statutes § 9-704 as well as programmatic rules related to the Citizens’ Elections Program.
8. Second, the treasurer did not receive appropriate documentation to support the contribution from Rossitto in violation of General Statutes §§ 9-608 (c)(3), 9-612, and 9-704.
9. Third, the treasurer did not deposit the check into the candidate committee’s checking account within 14 days of receipt as required under General Statutes § 9-606 (a).
10. Fourth, the treasurer used cash to pay obligations of the candidate committee, in excess of the amount allowed for candidate committees, in violation of General Statutes §§ 9-607 (e) (1) and 9-607 (e) (2) as well as Regulations, Connecticut State Agencies, § 9-706-2 (b) (5).

¹² See General Statutes §§ 9-704 (c) (2) (requiring contributions of more than \$5 to include contributor’s name and address); 9-704 (b) (requiring contribution certification to accompany contributions of more than \$50). General Statutes § 9-608 (c) (3) requires the following information to accompany any contribution that exceeds \$50: “(A) The name of the contributor’s employer, if any; (B) the contributor’s status as a communicator lobbyist, as defined in section 1-91, a member of the immediate family of a communicator lobbyist, a state contractor, a prospective state contractor or a principal of a state contractor or prospective state contractor, as defined in section 9-612; and (C) a certification that the contributor is not prohibited from making a contribution to such candidate or committee.” The statute also imposes deadlines on treasurers to get this information in order to accept a contribution that does not arrive with a certification form. “If a treasurer receives such a contribution and the contributor has not provided such certification, the treasurer shall: (i) Not later than three business days after receiving the contribution, send a request for the certification to the contributor by certified mail, return receipt requested; (ii) not deposit the contribution until the treasurer obtains the certification from the contributor, notwithstanding the provisions of section 9-606; and (iii) return the contribution to the contributor if the contributor does not provide the certification not later than fourteen days after the treasurer’s written request or at the end of the reporting period in which the contribution was received, whichever is later.” *Id.*

11. Finally, when applying for a grant from the Citizens' Election Fund, the treasurer falsely certified that all non-qualifying contributions had been returned or were included in the buffer sent to the Citizens' Election Fund, in violation of General Statutes § 9-706.
12. General Statutes § 9-622 provides, in part, the following persons shall be guilty of illegal practices:
 - (8) Any person who knowingly and wilfully violates any provision of this chapter;
...
 - (10) Any person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter;
13. The Commission has the authority to impose a civil penalty of as much as \$2,000 for each offense of Connecticut's General Statutes regarding campaign finance.
14. Respondent had never served as a treasurer before 2012. Since her tenure as treasurer for the Console candidate committee ended in 2013, she has not served as treasurer and represents she has no intention to do so in the future.
15. 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. 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.
17. 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 as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

ORDER

IT IS HEREBY ORDERED THAT the Respondent Gayle Raducha violated Connecticut's campaign finance statutes related to receiving, depositing, and reporting contributions properly; failing to obtain backup documentation to support a qualified contribution; improperly making expenditures using cash, and falsely stating that she had followed all the rules related to the Citizens' Election Program when applying for a grant from the Citizens' Election Fund. She agrees that henceforth she will comply with all statutory rules and regulations.

The Respondent

For the State of Connecticut

By:



Gayle Raducha
94 Beaver Dam Road
Woodstock Valley, CT 06282-2504

By:



Michael J. Brandi, Esq.
Executive Director and General Counsel and
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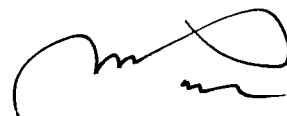
Dated:

10/18/19

Dated:

2/19/2020

Adopted this 19th day of February, 2019 at Hartford, Connecticut by vote of the Commission.



By Order of the Commission