

In the Matter of a Complaint by Gary M. Schaffrick, Bristol

File Nos. 2012-188; 2012-194; 2014-041; 2014-087

RESPONDENT:

Ajmal Mehdi
511 Pine Street
Bristol, CT 06010

Final Decision

This matter was heard as a contested case on January 19, 2017, pursuant to Chapter 54 of the Connecticut General Statutes, § 9-7b of the Connecticut General Statutes and § 9-7b-35 of the Regulations of Connecticut State Agencies, at which time Attorney Ryan M. Burns appeared on behalf of the State of Connecticut (the “State”) and the Respondent, Ajmal Mehdi (the “Respondent”), did not appear. The State called four witnesses: Scott Branfuhr (Legal Investigator at the State Elections Enforcement Commission (hereinafter “Commission”)), Sheri-Lyn Lagueux (Clerk of the Commission), Kathleen Echevarria (the designated treasurer for the Respondent’s 2012 candidate committee), and Michael Schroeder (publisher of the New Britain Herald and Bristol Press). Documentary and testimonial evidence was presented. The Hearing Officer also directed the State to submit a post-hearing brief on or before February 17, 2017 (the “*State’s Post-Hearing Brief*”).¹

After careful consideration of the entire record, the following facts are found and conclusions of law are made:

1. Commissioner Michael Ajello was designated as Hearing Officer for the above-captioned matter.
2. The Respondent was a candidate for Registrar of Voters in the town of Bristol in 2012 and 2014.
3. For the 2012 Bristol election, the Respondent filed a candidate registration statement (SEEC Form 1) with the Bristol town clerk on October 25, 2012, forming a candidate committee (SEEC Form 1A) naming the committee Mehdi 2012 (the “Mehdi 2012 candidate committee”) and designating Kathleen Echevarria as treasurer.
4. For the 2014 Bristol election, the only documentation the Bristol Town Clerk had in the office files was a form from the Office of the Secretary of the State titled “Registration of Write-in Candidacy for the November 4, 2014 State Election” which contained the name and signature of Ajmal Mehdi for the office of Registrar of Voters,

¹ In the *State’s Post-Hearing Brief*, the State asserts that “[a]ny allegation not specifically addressed herein [in the post-hearing brief is] withdrawn by the State.”

and which indicates the date signed by the Respondent and received by the Secretary of the State as September 18, 2014.²

5. State witness Kathleen Echevarria testified that at the time she signed the Mehdi 2012 candidate committee registration form designating her as treasurer, she was employed to perform clerk duties in a store owned and operated by the Respondent, Lucky's Mini Mart. She testified that she was not aware of the duties and responsibilities that she was assuming by signing this registration form.
6. On November 21, 2013, Ms. Echevarria signed a witness statement (the "November 2013 Witness Statement") regarding one of the underlying complaints in this matter, in which she states, in relevant part, as follows:

At some time during the summer of 2012, I was approached by Mehdi who asked me to be the treasurer for his campaign for the office of Bristol Registrar of Voters. After Mehdi explained that he would complete all the necessary work and take care of everything else, I agreed. I did not intend to actually serve as the treasurer for this campaign and only did this as a favor to Mehdi. I recall signing my name to a couple of forms, but I did not fill any other information on these forms.

I did not open a bank account on behalf of Mehdi 2012 campaign. I did not receive any contributions on behalf of Mehdi 2012 campaign. I never made any bank deposits on behalf of the Mehdi 2012 campaign. I never paid for any political advertisements on behalf of the Mehdi campaign. I never filed any committee reports on behalf of the Mehdi 2012 campaign. I never paid any late filing fees on behalf of the Mehdi 2012 campaign. I never did any work for the Mehdi 2012 campaign. *Mehdi did all of these things himself.*

(emphasis added).

7. Ms. Echevarria further testified that although she signed a SEEC Form 20 (Itemized Campaign Finance Disclosure Statement) on October 19, 2012 on behalf of the Mehdi 2012 candidate committee (the "Mehdi campaign October 2012 SEEC Form 20"), the remainder of the handwriting contained in the disclosure statement was not her writing, and she did not provide or write in any of the entries or information contained in the disclosure statement. She stated that when the Respondent presented this document for her to sign, she was employed by him at Lucky's Mini Mart.
8. Ms. Echevarria testified, consistent with her assertions in the November 2013 Witness Statement, that she never opened a bank account, never collected any contributions or other funds, never purchased any advertising, and never made any expenditures on behalf of the Mehdi 2012 candidate committee.

² Pursuant to General Statutes § 9-603, candidates for municipal office file campaign finance statements with the local town clerk.

9. The Mehdi campaign October 2012 SEEC Form 20 contains disclosure of several business entity donations or contributions, including disclosure of an in-kind donation of \$390 on June 8, 2012, for tables and food for events paid for by Lucky's Mini Mart; an in-kind contribution of \$100 on July 29, 2012, for advertising in the Bristol Press paid for by Medics Home Healthcare; an expenditure of \$390 on July 4, 2012, for advertising in the Bristol Observer/Press paid for by Mehdi LLC; an expenditure of \$395 on July 12, 2012 for lawn signs paid for by Lucky's Mini Mart; and an expenditure of \$580 on July 11, 2012 for advertising in paper paid for by Medics Home Healthcare.
10. The State provided two records of the Office of the Secretary of the State, concerning the trade names associated with the Respondent's businesses. On March 12, 2010, a Certificate of Trade Name was received by the City of Bristol and signed by the Respondent, identifying a business named "Mehdi LLC DBA Mini Mart" as conducting and transacting a retail business in the Town of Bristol. On the same day, a second Certificate of Trade Name was received by the Town of Bristol and signed by the Respondent, identifying a business named "Mehdi LLC DBA Medics Home Health" as conducting and transacting a home health aid business in the Town of Bristol.
11. State witness Scott Branfuhr, a legal investigator employed by the Commission, testified regarding a letter dated February 7, 2013 (the "Respondent's February 7, 2013 letter") submitted to the Commission and signed by Ajmal Mehdi, who identified himself in the document as President of the People Party. In the Respondent's February 7, 2013 letter, the Respondent represents that:
 - The people party used in-kind contribution[s] to the Mehdi 2012 campaign from the Jar (pasi-jama-karna wala duba).
 - [money] from the Jar (pasi-jama-karna wala duba) was counted by my kids [one child] counted \$395.00 dollars and [another child] counted \$390.00. [one child] is 9 years old [the other child] is 17 years old who counted the (pasi- jama- karna wala duba) they didn't contribute the money.
12. The State called Michael Schroeder, publisher and owner of the *New Britain Herald* and *Bristol Press*, as a witness. Mr. Schroeder explained that his duties include operations, sale, content, and circulations.
13. Mr. Schroeder testified that he submitted documents and appeared at the hearing pursuant to an investigatory subpoena issued by the Commission.³ Among other things, the subpoena sought advertisements in the *Bristol Press* bearing the name "the People Party" or "Mehdi," and requested specific relevant advertisements appearing in the *Bristol Press* on November 6, 2012, December 20, 2012, and July 3, 2014.

³ Mr. Schroeder explained that it is his standard practice to require a subpoena before providing records and information, and that it is the business and editorial practice to keep records and sources confidential from third parties, but that the newspapers will cooperate with the law upon an order.

14. Mr. Schroeder provided a list of all advertisements placed by Lucky's Mini Mart between November 1, 2012 and November 21, 2014. He testified that the Respondent was his contact for such advertising. He stated that he placed asterisks next to three entries that he felt were relevant to the investigation:

- The first asterisk was related to an advertisement listing a contact date of November 6, 2012 for a publication date of November 6, 2012, identifying the client name as Lucky's Mini Mart and listing the amount as \$71.25;
- The second asterisk was related to an advertisement listing a contact date of December 20, 2012 for a publication date of the same day, identifying the client as Lucky's Mini Mart and listing the amount as \$138.80;
- The third asterisk was related to an advertisement listing a contact date of July 3, 2014 for a publication date of the same day, identifying the client as Lucky's Mini Mart and listing the amount as \$125.00.

15. The State entered into evidence copies of the three newspaper advertisements that were printed in the Bristol Press. The first advertisement appeared in the Bristol Press on November 6, 2012, and contains the text "INSTITUTE CHANGE. Please Vote for MEHDI of the People Party Independent Registrar. This ad was paid for by the People Party." Mr. Schroeder testified that his handwriting, stating "\$71.25, billed to Lucky's Mini Mart," appears on the copy.

16. The first complaint filed in this consolidated matter refers to this November 6, 2012 advertisement and alleges, among other things, that the People's Party was not a registered party committee with the SEEC. *State's Exhibit 1 (File No. 12-188)*. In its *Request for a Finding of Reason to Believe*, the State represented that:

...[the Respondent's] nominating petitions for his 2012 campaign for Registrar of Voters in Bristol ... lists "People" as his party designation. The Secretary of the State confirmed that [the Respondent] had applied for a Reservation of Party Designation and Formation of a Party Designation Committee for the People Party on January 1, 2012. As of [September 13, 2016, the date of the *Request for a Finding of Reason to Believe*] the People Party ha[d] still not filed any party rules with the Secretary of the State, nor has it registered a party committee with the Commission."

17. The second advertisement referred to by Mr. Schroeder appeared in the Bristol Press on December 20, 2012, and contained language promoting the Respondent's candidacy, as well as the People Party ("Merry Christmas and Happy New Year FROM THE PEOPLE PARTY I, Ajmal Mehdi, should be independent voter registrar along with the other two ladies who won." Mr. Schroeder testified that his handwriting, stating "\$138.00, billed to Lucky's Mini Mart," appears on the copy.

18. The third advertisement appeared in the *Bristol Press* on July 3, 2014, and contained text stating "the People Party. Please Come in and Register to Vote. Get a FREE Hot dog at Lucky's" and contains the url, www.thepeopleparty.info. Mr. Schroeder testified that his handwriting, stating "\$2500, billed to Lucky's Mini Mart," appears on the copy.

19. The *Bristol Press* printed a front page news article on March 12, 2014 (“The People Party: Ajmal Mehdi promotes his party for the minority”) which featured a discussion of the People Party, and mentioned the Respondent’s unsuccessful effort to be elected for a city registrar’s position in the 2012 election. The article also contained a picture of a jar with a handwritten sign on it that reads “the People Party,” and the newspaper caption stated, “A collection jar in Ajmal Mehdi’s store stands ready to accept contributions to support the People Party.”
20. The State also introduced into evidence a photograph taken by State’s witness Scott Branfuhr. Mr. Branfuhr testified that he took the photograph of a front window of Lucky’s Mini Mart in Bristol in July of 2014. The photograph contains a poster addressed to the “Citizens of Bristol,” and states, in relevant part as follows:

We are trying to change the city politics by starting a new party called The People Party. Please help us sign the petition for change. ...
Sincerely, Ajmal Mehdi...
21. As noted above, on September 18, 2014, the Respondent submitted a signed document to the Secretary of the State, which contains a stamp from the Secretary of the State’s office indicating it was received on this same day, titled “Registration of Write-In Candidacy for November 4, 2014 State Election.”⁴ The document indicates that the Respondent was registering for write-in candidacy for the Bristol Registrar of Voters office.
22. The Complainant Gary M. Schaffrick filed a series of four complaints with the Commission, on the following dates: November 29, 2012 (File No. 2012-188); December 3, 2012 (File No. 2012-194); April 10, 2014 (File No. 2014-041); and July 29, 2014 (File No. 2014-187).
23. In September 2016, the State submitted to the Commission a *Request for a Finding of Reason to Believe that a Violation of the General Statutes within the Civil Penalty Authority of the Commission has Been Committed Pursuant to Section 9-7b-35 of the Regulations of Connecticut State Agencies* (the “*State’s Request for a Finding of Reason to Believe*”), in which the State grouped and summarized the various allegations in the series of complaints that the State sought to pursue at the hearing. The *State’s Request for a Finding of Reason to Believe* was attached by the State as part of its notice.
24. It was alleged that the Respondent committed numerous violations of the statutes while seeking the office of Registrar of Voters in the town of Bristol in 2012 and 2014, including serving as the treasurer of his own candidate committee (allegedly violating General Statutes § 9-606), failing to include the proper attributions for

⁴ General Statutes § 9-373a provides, in relevant part: “Any person desiring to be a write-in candidate for any state, district or municipal office to be filled at any regular election shall register his candidacy with the Secretary of the State on a form prescribed by the Secretary. The registration shall include the candidate’s name and address, the designation and term of the office sought, a statement of consent to the candidacy, and any other information which the Secretary deems necessary.”

campaign advertisements (allegedly violating General Statutes § 9-621), failing to keep internal records of contributions made to the committee (allegedly violating General Statutes § 9-606), receiving prohibited business entity contributions (allegedly violating General Statutes § 9-613 (a) and § 9-622 (10)), failing to register as a candidate or form a committee (allegedly violating General Statutes § 9-604 (a) & (b)), raising funds for his campaign via a jar in his business (allegedly violating § 9-606), and placing a newspaper advertisement that was unlawfully purchased by a business entity (allegedly violating General Statutes § 9-613 and § 9-622).

25. On September 20, 2016, the State issued a Notice of Hearing in these consolidated matters, attaching the *State's Request for a Finding of Reason to Believe* as part of the notice.
26. The original Notice of Hearing, dated September 20, 2016, set the date of hearing to be November 17, 2016. The Respondent requested a first continuance, which was granted, and the hearing was re-scheduled to November 22, 2016. The Respondent requested a second continuance, which was granted, and the hearing was re-scheduled to December 6, 2016. When the Respondent requested a third continuance, the Hearing Officer directed the Clerk of the Commission to issue an Order, offering up three different dates with two time slots on each day (for a total of six choices) and ordering the State and the Respondent to enter a written stipulation setting forth an agreement for the hearing to proceed on one of those dates and times. Although the parties did not execute a written stipulation, Ryan M. Burns, on behalf of the State, sent an email to the Clerk of the Commission representing that the parties had consulted and agreed to a date and time for the hearing, for January 19, 2017 at 10:00 a.m., and accordingly, the hearing was set to this date and time in *an Order & Notice Re: Hearing Date on January 19, 2017* (the "*January 19 Order & Notice*").⁵
27. The Clerk of the Commission testified that she received notice that the Respondent received the *January 17 Order & Notice* that was sent via certified mail and email.
28. The Respondent sent an email to the Clerk of the Commission and to State's attorney Ryan M. Burns on Thursday, January 19, 2017 (the time indicated on the email was 3:28 a.m.), stating that the Respondent was "out of the country due to family emergency" and was unable to attend the hearing.

Application of Law to Facts:

29. The *State's Request for a Finding of Reason to Believe* categorizes the allegations in the four complaints into eight counts, as discussed below. The counts are discussed out of order for ease of discussion.

⁵ Subsequent notices of hearing were issued due to Respondent's requests for postponement; because, other than the date of the hearing being changed, the substance of the allegations did not change, citations herein are to the initial notice and attachments when the hearing was first noticed in State's Exhibit 1.

Candidate Impermissibly Serving as De Facto Treasurer of His Own Candidate Committee (2012 election cycle) (Count One):

30. Count One alleges that the Respondent violated the law by serving as the *de facto* treasurer of his own candidate committee. General Statutes § 9-606 (d) provides, in relevant part:

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). Since, for the 2012 election cycle, the Respondent registered a candidate committee, none of the exceptions apply here.

31. The evidence demonstrates that although the Respondent had Kathleen Echevarria sign the 2012 candidate registration form and the financial disclosure statement filed by the committee, Ms. Echevarria did not perform any of the duties of the treasurer: she did not open a bank account, receive or deposit contributions or fill out any of the entries in the Mehdi campaign October 2012 SEEC Form 20 Disclosure Statement, or make expenditures for advertising or for anything else on behalf of the committee. She stated in the November 2013 Witness Statement that the Respondent performed these duties himself. Ms. Echevarria's testimony and November 2013 Witness Statement demonstrated that the Respondent designated her as treasurer in name only, and that he intended to perform the treasurer duties, in violation of the law. There was no evidence to the contrary.
32. The evidence demonstrates that every substantive act and duty reserved for the treasurer under Chapter 155 of the General Statutes was effectively personally exercised by the Respondent and/or was exercised at his exclusive direction, including, but not limited to, opening the bank account, receiving and depositing contributions, filling out the specific entries on the itemized disclosure statement (SEEC Form 30), and authorizing and making expenditures on behalf of the committee. *See* File No. 2008-082.2, *In the Matter of Crisco 2008*, Agreement Containing Consent Order and Payment of a Civil Penalty (May 18, 2009) (finding that where a candidate acted as his *de facto* treasurer, combined with other violations, to constitute "material improprieties and represent[] substantial noncompliance with the campaign finance laws").
33. Accordingly, **it is concluded that the Respondent acted as his own *de facto* treasurer for his candidate committee during the November 2012 election cycle, and that by doing so, he intentionally violated General Statutes § 9-606 (d).**

Receipt of Impermissible Business Entity Contributions (2012 election cycle) (Count Four):

34. Count Four alleges that the Mehdi 2012 campaign committee accepted impermissible business entity contributions.
35. General Statutes § 9-613 (a) provides, in relevant part, that “[n]o business entity shall make any contributions or expenditures to, or for the benefit of, any candidate’s campaign for election to any public office or position subject to this chapter or for nomination at a primary for any such office or position, or to promote the defeat of any candidate for any such office or position.”
36. The statute further prohibits receipt of impermissible contributions, providing that it is an illegal practice to “receive[] a contribution that is otherwise prohibited by any provision of this chapter....” General Statutes § 9-622 (10).
37. A “contribution” is defined, in relevant part, to mean “[a]ny gift, subscription, *loan, advance, payment* or deposit of money *or anything of value*, made to promote the success or defeat of any candidate seeking the nomination for election, or election or for the purpose of aiding or promoting the success or defeat of any referendum question or the success or defeat of any political party.” General Statutes § 9-601a (a) (1).
38. In Section M (In-Kind Contributions) of the Mehdi campaign October 2012 SEEC Form 20 disclosure statement, the Respondent disclosed an in-kind contribution, from Medics Home Healthcare, for advertising in the Bristol Press, with a fair market value of \$100.
39. A payment by a business, in coordination with a candidate or committee, for a newspaper advertisement promoting the candidate is an impermissible contribution by a business entity. **It is concluded that the Respondent violated General Statutes § 9-622 (10) by receiving this prohibited contribution.**
40. In Section P (Expenses Paid by Committee) of this disclosure statement, the campaign disclosed several expenses paid to businesses owned or operated by the Respondent, as follows:
 - An expenditure listing “Mehdi LLC” as the payee, for \$390, for “advertising in Bristol Observer Press”;
 - An expenditure listing “Medics Home Healthcare” as the payee, for \$580, for “advertising in paper.”
41. It is concluded that the \$580 payment to Medics Home Healthcare for “advertising in paper” and the \$390 payment to Mehdi LLC for “advertising in Bristol Observer Press” were not direct expenditures for advertising, but instead either appear to be payments from the 2012 Mehdi candidate committee to reimburse the two business entities for such payments, or payments made directly by Medics Home Healthcare or Mehdi LLC for advertising with no reimbursement from the campaign. Either way, it is concluded that these two payments were business contributions in the form of a

loan, advance, payment or something of value to promote the success of the Respondent's 2012 campaign. **By receiving these two impermissible contributions as the *de facto* treasurer of the candidate committee, the Respondent violated General Statutes § 9-622 (10).**

42. In summary, it is concluded that the Respondent committed three violations of General Statutes § 9-622 (10) by receiving prohibited business entity contributions.

Violation of Attribution Provision (2012 election cycle) (Count Two)

43. Count Two asserts a violation of the attribution provision in General Statutes § 9-621 (a).

44. General Statutes § 9-621 (a) provides, in relevant part:

No individual shall make or incur any expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, no group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee shall make or incur any expenditure, and no candidate or committee shall make or incur any expenditure including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, 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 nomination at a primary or election or promotes or opposes any political party or solicits funds to benefit any political party or committee unless such communication bears upon its face as a disclaimer (1) the words "paid for by" and the following: (A) In the case of such an individual, the name and address of such individual; (B) in the case of a committee other than a party committee, the name of the committee and its treasurer; (C) in the case of a party committee, the name of the committee; or (D) in the case of a group of two or more individuals that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee, the name of the group and the name and address of its agent, 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; or (B) in the case of a candidate committee, the name of the candidate.

45. Both the *State's Request for a Finding of Reason to Believe*⁶ and the *State's Post-Hearing Brief* identified a single advertisement,⁶ which ran in the Bristol Press on

⁶ The State's Post-Hearing Brief refers to State's Exhibit 24, but the advertisement there did not run until December 20, 2012, well over a month after the election, and states that "I, Ajmal Mehdi, should be independent voter registrar *along with the other two ladies who won.*" Because this advertisement ran a month after the election, and does not promote the candidate's nomination or election, there is no violation of General Statutes §

November 6, 2012 (the “November 6th advertisement”) and expressly promoted a candidate (“INSTITUTE CHANGE. Please Vote for MEHDI”) and contained the attribution, “THIS AD PAID FOR BY THE PEOPLE PARTY.”

46. The State contends that the evidence shows that “the advertisement was paid for by entities controlled by the Respondent” and that “reporting by the Mehdi 2012 campaign committee further shows that the advertisement [was] paid for by the Mehdi 2012 campaign committee,” and thus it was required to put the candidate committee’s attribution on the advertisement.
47. Although the State points generally to the SEEC Form 20 campaign finance disclosure statement, the State did not identify a specific entry in this disclosure statement that supports its argument that the candidate committee paid for or otherwise disclosed this expenditure. Although there are several entries for advertising in the Bristol Press or in a local paper, there is no entry for the amount of \$71.25. Further, the campaign identified the “period covered” by the disclosure statement as starting on June 1, 2012, and ending “present,” which is presumed to mean October 19, 2012, the date Ms. Echevarria signed the disclosure statement. The advertisement did not appear in the newspaper until November 6, 2012, almost three weeks after the close of the reporting period.
48. However, both the testimony and documents provided by Michael Schroeder demonstrate that an advertisement was invoiced to the Respondent’s business, Lucky’s Mini Mart, on November 6, 2012 for the amount of \$71.25.
49. Accordingly, **the preponderance of the evidence leads to the conclusion that the Respondent failed to include the proper attribution on the November 6th advertisement in violation of General Statutes § 9-621.**⁷
50. As far as the identity of the “People Party” proclaimed in the attribution, there was no witness or documentary evidence presented regarding the exact nature of this entity. Paragraph thirteen of the *State’s Request for a Finding of Reason to Believe* alleges the following:

The evidence further supports a determination that at the time the advertisement ran, there was no entity registered with the Commission known as the People Party. However, [the Respondent’s] nominating petitions for his 2012 campaign for Registrar of Voters in Bristol [] lists “People” as his party designation. The Secretary of the State confirmed that [the Respondent] had applied for a Reservation of Party Designation and Formation of Party

9-621 (a) in this instance. It appears, rather, that the *State’s Post-Hearing Brief* meant to refer to State’s Exhibit 25, as the State’s description of the advertisement in its brief (“Please vote for Mehdi ... THIS AD PAID FOR BY THE PEOPLE PARTY”) corresponds to the November 6, 2012 Bristol Press Advertisement.

⁷ Whether the attribution of Lucky’s Mini Mart, as the purchaser of the advertisement, or the candidate committee, as the recipient benefiting from the advertisement, should have been included in the advertisement need not be addressed in this instance because the Respondent, as the owner of Lucky’s Mini Mart and the *de facto* treasurer of the candidate committee, remains liable either way.

Designation for the People Party on January 1, 2012. As of this date, the People Party has still not filed any party rules with the Secretary of the State, nor has it registered a party committee with the Commission.

51. The election administration statutes define “party designation committee” to mean “an organization, composed of at least twenty-five members who are electors, which has, on or after November 4, 1981, reserved a party designation with the Secretary of the State pursuant to the provisions of this chapter.” General Statutes § 9-372 (8). If two or more individuals acting together are making contributions (including coordinated expenditures) to promote or oppose a candidate or candidates, they are required to form a political committee. General Statutes § 9-602 (a).⁸ If such individuals are only raising and spending funds to support or oppose candidates in a single municipal election, the chairperson is required to file a registration with the local municipal clerk. General Statutes § 9-603 (a) & (b).⁹
52. In multiple correspondences with the State regarding this hearing and the underlying complaints, the Respondent associated himself with the People Party. For example, in his letter to Commission staff dated February 7, 2013 (“Respondent’s February 7, 2013 letter”), the Respondent identified himself as “President” of “The People Party” in the letter’s signature block, and in the letter’s body the Respondent explained his

⁸ General Statutes § 9-602 (a) provides, in relevant part:

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***, or (2) the candidate has filed a certification in accordance with the provisions of section 9-604. ***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.***

⁹ Although the State asserts that no such political committee was registered with the Commission, there was no witness or documentary evidence presented as to whether a political committee on behalf of the People Party was registered with the Bristol Town/City Clerk pursuant to General Statutes § 9-603 (b). While it appears that there may be some violations regarding the People Party entity, there was not adequate evidence presented at the hearing regarding the nature of the People Party to establish a specific violation.

For example, if there was evidence that the People Party was making contributions, including coordinated expenditures, to benefit a candidate’s nomination or election, and *had failed to register*, this would appear to violate General Statutes § 9-602 (a). If the People Party was registered with the Bristol Town Clerk, and was controlled by the Respondent, this would appear to be a violation, as the Commission has found that “candidate controlled political committees are prohibited by law from making expenditures under any circumstances that support the controlling candidate’s own campaign.” File Nos. 2008-158 & 2008-223, *Complaints of Frank Burgio, Waterbury and In re: “Friends of Selim,” Agreement Containing Consent Order* at par. 31 (Aug. 24, 2011); *see also* General Statutes § 9-606 (“No candidate shall establish, agree to or assist in establishing, or give his consent or authorization to establishing a committee other than a single candidate committee to promote his candidacy for any public office except that a candidate may establish an exploratory committee.”). Because there was not sufficient evidence provided regarding the People Party’s status or lack of status as a registered committee, there is not sufficient evidence to conclude which statutory provisions the People’s Party may or may not have violated.

goal to “change the Election and Two Party system.” In this letter he admits that funds from a People Party jar were provided to the Mehdi 2012 campaign and counted by his children. In a communication received by Commission staff on June 24, 2014, the Respondent’s letterhead states in large bold letters “THE PEOPLE PARTY” and the bottom header of the document contains the url, <http://www.thepeopleparty.info>. See also Respondent’s Motion for Extension of Time (dated October 14, 2016) (The Respondent identifies himself as “president of the people party of Bristol Connecticut”); (Respondent’s letter to Commission staff dated November 15 , 2016 (“The People Party of Connecticut would like to request from commission” a further extension of time); Respondent’s email to Commission staff dated January 1, 2017 (signature block stating “The People Party of Connecticut” and referring to “the people party hearing” in the body of the email).

53. Accordingly, while the preponderance of the evidence leads to the conclusion that Lucky’s Mini Mart paid for the advertisement and the Respondent be found in violation of General Statutes § 9-621, **it is also recommended that the Commission issue an order directing the Respondent to henceforth comply with the requirements of Chapter 155 regarding the People Party, including but not limited to, registration, disclosure, contribution, expenditure, and attribution requirements.**

Collecting Cash Contributions without Maintaining Internal Records (2012 election cycle) Count Three

54. Count Three alleges that during the 2012 campaign, the Respondent was collecting cash contributions for his 2012 campaign in his business, Lucky’s Mini Mart, without maintaining proper records, in violation of General Statutes § 9-606 (a).
55. General Statutes § 9-606 (a) provides, in relevant part, that “[t]he treasurer of each committee shall be responsible for (1) depositing, receiving and reporting all contributions and other funds in the manner specified in section 9-608, ... and (5) keeping internal records of each entry made on such statements.”¹⁰
56. The Mehdi campaign October 2012 SEEC Form 20 disclosed two contributions in Section B (Itemized Contributions from Individuals), one from the Respondent’s daughter in the amount of \$395, and one from the Respondent’s son in the amount of \$390. However, in his February 13, 2017 letter, the Respondent represented that these contributions were not actually from his children. His letter stated that his children counted these funds provided from the People Party jar as an in-kind contribution to the Mehdi 2012 campaign.
57. In his February 7, 2013 letter, the Respondent represented that the names of the true contributors were not disclosed “[d]ue to Safety and Security reason[s].”¹¹ However,

¹⁰ The law provides that any “anonymous” contributions received by a committee must be “immediately” transmitted to the Commission for deposit in the State’s General Fund. General Statutes § 9-606 (b).

¹¹ The sample individual contributor certification form provided by the Commission staff for municipal candidate committees instructs that a contributor “may enter an alternate address in lieu of [the contributor’s]

the Respondent did not provide any indication in the letter that the campaign had internal records of who provided the cash in the jars.

58. As found above, the Respondent was acting as *de facto* treasurer of the Mehdi 2012 candidate committee, and the Respondent had substantial involvement in the People Party. The Respondent admitted that at least some funds from the People Party jar were provided to the Mehdi 2012 campaign.
59. **The preponderance of the evidence leads to the conclusion that the Mehdi 2012 committee received cash contributions via the jar, without maintaining the proper records, in violation of General Statutes § 9-606 (a).**

Violation of Attribution Provision (2014 election cycle) (Count Seven)

60. Count Seven alleges that the Respondent “purchased an advertisement in the Bristol Press promoting his 2014 candidacy that lacked the proper attributions.” In its Post-Hearing Brief, the State identified the following specific advertisements relating to this allegation: (1) an advertisement appearing in the Bristol Press on July 3, 2014, with a header identifying “the People Party,” and stating as follows: “Please come in and register to vote. Get a free hot dog at Lucky’s ... Everyone welcome. www.thepeopleparty.info.”; and (2) a photograph taken by State’s witness Branfuhr of a front window of Lucky’s Mini Mart in Bristol in July of 2014, which contains a poster addressed to the “Citizens of Bristol,” and states, in relevant part as follows:

We are trying to change the city politics by starting a new party called The People Party. Please help us sign the petition for change. ...
Sincerely, Ajmal Mehdi...

61. Neither the July 3, 2014 Bristol Press advertisement nor the July 2014 photograph of the window poster identify the Respondent as a candidate, or promote or oppose his nomination or election or mention his candidacy. The July 3, 2014 Bristol Press advertisement does not contain the Respondent’s name, and appears on its face to seek voter registration. The July 2014 window poster also appears to ask for signatures to start a new party. There was no other evidence presented that the Respondent was a candidate in July 2014. As noted in the discussion of *Count Five (Failure to File Registration as Candidate with Town Clerk (2014 election cycle))*, the Office of the Secretary of the State received the Respondent’s Registration of Write-In Candidacy for the November 4, 2014 election on September 18, 2014.
62. It is recommended that the Commission find that there is insufficient evidence to conclude that the July 3, 2014 newspaper advertisement or the window posters were expenditures to promote the Respondent’s 2014 candidacy.

residential address only if [the contributor is] admitted into the Address Confidentiality Program pursuant to General Statutes § 54-240 (a) or if [the contributor is] one of the individuals with protected address status articulated in General Statutes § 1-217.”

Impermissible Business Purchase of Advertisement (2014 election cycle) (Count Eight)

63. Count Eight in the *State's Request for a Finding of Reason to Believe* alleges that a business entity purchased the advertisement detailed in Count Seven which is an impermissible business contribution pursuant to General Statutes §§ 9-613 (a) and 9-622 (10). Because there was no evidence to support a conclusion that such advertisement promoted the Respondent's 2014 campaign for election to municipal office, there is no basis to find the violation set forth in Count Eight.¹²

Collecting Cash Contributions without Maintaining Internal Records (2014 election cycle) (Count Six)

64. Count Six alleges that the Respondent was raising funds for his 2014 campaign via a jar in his business, in violation of General Statutes § 9-606 (a).
65. The State points to a March 12, 2014 Bristol Press article with the headline "The People Party: Ajmal Mehdi promotes his party for the minority." The article contains a photograph of a jar with a piece of paper on the jar that reads "People Party contributions" and with a caption that says "[a] collection jar in Ajmal Mehdi's store stands ready to accept contributions to support the People Party." The article focuses primarily on the People Party and minor parties in general, and while the article generically states that the Respondent hoped to land a city office, it does not identify Mehdi as a candidate in the 2014 Bristol election.
66. As noted earlier, prior to September 2014 when the Respondent submitted his Registration of Write-in Candidacy for the November 4, 2014 State Election" with the Secretary of the State, there was no evidence that he was a candidate for the 2014 election. Accordingly, there is no finding of a violation in Count Six.

Failure to File Registration as Candidate with Town Clerk (2014 election cycle) (Count Five)

67. The State alleges that the Respondent did not register as a candidate for the 2014 election.
68. The campaign finance laws require a candidate to either register a candidate committee, or file a certificate of exemption, if the candidate so qualifies, with the proper filing repository set forth in General Statutes § 9-603, within ten days of becoming a candidate. General Statutes §§ 9-604 (a) & (b). A candidate seeking a municipal offices is required to file with "the town clerk of the municipality in which the election ... is to be held." General Statutes § 9-603 (a) & (b).

¹² The evidence did support the conclusion that the Respondent's business, Lucky's Mini Mart, made an expenditure for the July 3, 2014 newspaper advertisement that promoted the People Party. However, as discussed earlier, because there was not sufficient evidence regarding the precise nature of the People Party, and because the State's Notice of Hearing and the attached *State's Request for a Finding of Reason to Believe* did not clearly specify allegations against the People Party, there is no finding of a violation in Count Eight.

69. "Candidate" is defined, in relevant part, as "an individual who seeks nomination for election or election to public office whether or not such individual is elected, and for the purposes of this chapter and chapter 157, an individual shall be deemed to seek nomination for election or election if such individual has (A) been endorsed by a party or become eligible for a position on the ballot at an election or primary, or (B) solicited or received contributions, other than for a party committee, made expenditures or given such individual's consent to any other person, other than a party committee, to solicit or receive contributions or make expenditures with the intent to bring about such individual's nomination for election or election to any such office." General Statutes § 9-601 (11).
70. As noted earlier, the Bristol Town/City Clerk sent correspondence to the State, providing that the only documents in the Bristol Office of Town and City Clerk relating to the Respondent's 2014 election was a write-in registration notification from the Secretary of the State, dated September 18, 2014. The Registration of Write-in Candidacy form refers to General Statutes § 9-373a, which provides, in relevant part, that "[a]ny person desiring to be a write-in candidate for any state, district or municipal office to be filled at any regular election shall register his candidacy with the Secretary of the State on a form prescribed by the Secretary."
71. It is concluded that by virtue of the filing and receipt of the Registration of Write-in Candidacy form, the Respondent became eligible for a position on the ballot (as an official write-in candidate), thereby triggering the definition of "candidate" for purposes of the campaign finance provisions and the requirement to register with the proper filing repository.
- 72. It is concluded that by failing to submit a candidate registration form (SEEC Form 1, and SEEC Form 1A (if forming candidate committee) or SEEC Form 1B (if certifying an exemption from forming a candidate committee) for the 2014 election, Respondent violated General Statutes § 9-604 (a) or (b).**
73. Section 9-7b-48 of the State of Connecticut Regulations provides, "In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances: (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."
74. It was recommended that the Commission consider the following as aggravating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) the Respondent committed violations through two election cycles; (2) the Respondent made multiple requests to postpone the hearing and ultimately did not show up; and (3) there was no evidence that the Respondent sought any guidance from the Commission's candidate services liaisons or compliance attorneys.
75. There were no mitigating factors presented at the hearing.

76. General Statutes § 9-7b authorizes the Commission to issue a civil penalty in the amount of “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 ...”.

77. In addition, General Statutes § 9-7b(a)(3)(B) provides that the Commission has the power “[t]o issue an order when the commission finds that an intentional violation of any provision of chapter 155 or 157 has been committed, after an opportunity to be heard at a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, which order may contain one or more of the following sanctions: ... (ii) prohibition on serving as a treasurer, deputy treasurer or solicitor;...”¹³

78. In summary, it was recommended that the Commission find the following violations:

- In the 2012 election cycle, the Respondent served as *de facto* treasurer of his own candidate committee in violation of General Statutes § 9-606 (d), and in doing so committed an intentional violation;
- In the 2012 election cycle, the Respondent failed to provide the proper attribution for a newspaper advertisement, in violation of General Statutes § 9-621;
- In the 2012 election cycle, the Respondent’s candidate committee received three impermissible business contributions in violation of General Statutes § 9-622 (10);
- In the 2012 election cycle, the Respondent’s candidate committee collected contributions without maintaining internal records, in violation of General Statutes § 9-606 (a); and
- In the 2014 election cycle, the Respondent failed to submit a candidate registration within ten days of becoming a candidate with the local town clerk, in violation of General Statutes § 9-604 (a) or (b).

79. In consideration of the factors listed above, it was recommended that the Commission: (1) assess a civil penalty in the amount of \$2,000 for the violation of General Statutes § 9-606 (d), \$1,000 for the violation of General Statutes § 9-606 (a), \$500 for the violation of General Statutes § 9-621, \$3,000 for the three violations of General Statutes § 9-622 (10) (\$1,000 per violation), and \$200 for the violation of General Statutes § 9-604, for an aggregate civil penalty in the amount of \$6,700; (2) issue a “henceforth order” ordering that the Respondent strictly comply with the requirements

¹³ Prior to 2013, this statutory provision contained a four-year limit on the prohibition to serve as treasurer, deputy treasurer, or solicitor. The campaign finance regulations authorize the Commission to “issue orders which require ... removal of a campaign treasurer, deputy campaign treasurer or solicitor or prohibiting service in such capacity for a period not to exceed four years.” Regs. Conn. State Agencies § 9-7b-46 (c) (3). However, section 24 of Public Act 13-180 removed the four year limit from the statute, giving the Commission more discretion to fashion a remedy to address specific facts. “A subsequent legislative act may clarify the legislative intent of an earlier related act.” *Circle Lanes of Fairfield, Inc. v. Fay*, 195 Conn. 534 (1965). “Subsequent enactments of statutes are presumed to repeal earlier inconsistent statutes or regulations only to the extent necessary to remove the conflict.” *Reddy v. New Hampshire Ins. Co.*, 28 Conn. App. 145, 160 n.14 (1992) (citing *Dugas v. Lumbermens Mutual Casualty Co.*, 217 Conn. 631, 641 (1991)).

of General Statutes §§ 9-604 (a) & (b), 9-606(a), 9-606 (d), 9-621, and 9-622(10); (3) issue an order prohibiting the Respondent from serving as treasurer, deputy treasurer, or solicitor for any committee or person for seven years from the date of the final decision; and (4) to any extent it is not in compliance, order the People Party, through the Respondent, to henceforth strictly comply with the campaign finance provisions set forth in Chapter 155 of the General Statutes, including but not limited to registration, disclosure, contribution, expenditure, and attribution provisions.

The following Order is adopted on the basis of these findings and conclusions:

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent shall pay a civil penalty in the amount of in the amount of \$2,000 for the violation of General Statutes § 9-606 (a), \$1,000 for the violation of General Statutes § 9-606 (d), \$500 for the violation of General Statutes § 9-621, \$3,000 for the three violations of General Statutes § 9-622 (10) (\$1,000 per violation), and \$200 for the violation of General Statutes § 9-604 (a) or (b), for an aggregate civil penalty in the amount of \$6,700, payable to the State Elections Enforcement Commission, within 45 days of notice of this decision;
2. The Respondent shall henceforth strictly comply with the requirements of General Statutes §§ 9-604 (a) & (b), 9-606 (a), 9-606 (d), 9-621, and 9-62 2(10);
3. The Respondent shall be prohibited from serving as a treasurer, deputy treasurer, or solicitor for any committee or person for purposes of the campaign finance provisions contained in Chapters 155-157 of the General Statutes, for a period of seven years from the date of this final decision, pursuant to General Statutes § 9-7b (a) (3) (B) (ii); and
4. With respect to his involvement with the People Party, the Respondent shall henceforth comply with the campaign finance provisions set forth in Chapter 155 of the General Statutes, including but not limited to, registration, disclosure, contribution, expenditure, and attribution provisions.

Adopted this 16th day of August, 2017.


Anthony J. Castagno, Chairman
By Order of the Commission