

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Joel Gonzalez
Bridgeport

File No. 2014-043

FINDINGS & CONCLUSIONS

Complainant Joel Gonzalez of Bridgeport filed this complaint alleging that candidate committees established by Andres Ayala in the 2010 and 2012 election cycles had engaged in improprieties that may have violated Connecticut's campaign finance statutes. By the time this complaint was filed, the Commission had already begun its audit of the *Andres Ayala 2012* candidate committee. After an investigation of the matter, the Commission adopts the following findings of fact and conclusions of law:

1. Joel Gonzalez filed this complaint on April 15, 2014, alleging that candidate committees established by Andres Ayala in the 2010 and 2012 election cycles may have violated Connecticut's campaign finance statutes. The allegations that Gonzalez made in his complaint covered many potential violations, gleaned by his review of committee filings but without specific facts to support those charges of campaign finance violations. As a result, the investigation of this complaint was consolidated with the broader audit of the 2012 Ayala candidate committee, which the Commission conducted as part of its post-election review process. The resolution of that audit case is captioned as SEEC File No. 2014-055.
2. Complainant Gonzalez filed a trio of complaints on April 15, 2014, alleging numerous allegations against candidates and other political operatives in Bridgeport. Two of the complaints, File Nos. 2014-042 and 2014-044, were previously resolved by the Commission.
3. Gonzalez Gonzalez's complaint against the Ayala 2010 and 2012 committees centered on potential expenditure and contribution violations. Among the allegations were:
 - Expenditures allegedly made to the candidate's family members;
 - Impropriety in the fact that the 2012 candidate committee treasurer works at the depository institution handling the committee's finances;
 - Potential straw contributions made by individuals that were unlikely to support Ayala;
 - Payments made to "consultants" who were not qualified to act in that capacity;
 - Payments made to non-profit group for wages; and

- Contributions from an individual who works as superintendent at an apartment building and may have engineered straw contributors from tenants there.
4. Commission staff investigated the allegations lodged in the complaint and found none to have merit, other than those that were already being addressed in the audit investigation, such as the alleged violations regarding missing or insufficient documentation to support expenditures made by the *Andres Ayala 2012* candidate committee.
 5. Gonzalez alleged in his complaint that Ayala's candidate committees had made expenditures to the children and mother of Carmen Colon, Ayala's "longtime girlfriend." While Connecticut's campaign finance statutes place restrictions on payments to family members, the definition of "family" does not include significant others or their children or parents.¹
 6. Gonzalez also alleged that the 2010 Ayala candidate committee made an improper surplus payment to Alpha Community Services in Bridgeport, which, according to Gonzalez, is managed by Carmen Colon. In 2010, the Ayala candidate committee did not participate in the Citizens' Election Program.² Non-participating candidate committees may distribute their surplus funds to any non-profit organization established under Section 501 (c) (3) of the Internal Revenue Code.³ Alpha Community Services is a subsidiary of the Central Connecticut Coast YMCA in Bridgeport.⁴
 7. Gonzalez alleged that Ayala's candidate committee treasurer Pilar Gonzales's occupation as a bank employee working at Bank of America created a conflict for the committee. Nothing in Connecticut's campaign finance statutes prohibits an employee at the committee's chosen depository institution from also serving as treasurer for the committee.
 8. Gonzalez alleged that several contributions made to the Ayala candidate committee were in fact not paid for by the purported contributors. Specifically, Gonzalez alleged that contributions by Carlos Silva and his girlfriend, Lindsey Colon, were not authorized by them.

¹ See, e.g., General Statutes § 9-607 (g) (4) (prohibiting use of candidate committee funds for "personal use" of candidate, including payments to candidate's "immediate family," which extends to spouse and dependent children residing in candidate's home).

² See SEEC Form CEP 11 – Affidavit of Intent Not to Abide by Expenditure Limits (*Re-Elect Ayala 2010*, Sept. 23, 2010) (reflecting intent of candidate and treasurer not to participate in Citizens' Election Program).

³ See General Statutes § 9-608 (e) (2) (allowing surplus distribution by non-participating candidate committees to 501 (c) (3) organizations).

⁴ See <http://www.cccymca.org/locations/alpha/> (Accessed on Nov. 2, 2016).

9. Connecticut General Statutes § 9-622 (7) prohibits any individual from making payments to a treasurer in any name other than that person's own.⁵ The Commission's investigation was not able to confirm that these contributions were straw contributions made in these individuals' names. Other than the complainant's allegations, nothing in the investigation confirmed that these contributions were unlawful.
10. Gonzalez alleged that the 2012 candidate committee had made payments to consultants that were not properly documented. The allegations regarding payments to consultants were addressed in the audit of the 2012 candidate committee. The lack of documentation – contracts and wage documents – have been addressed in SEEC File No. 2014-055.
11. Gonzalez alleged that the 2012 candidate committee made expenditures to Pivot Ministries, Inc., a not-for-profit group. This potential violation was also identified in the audit of the 2012 candidate committee.
12. General Statutes § 9-607(g)(2)(u) allows a candidate committee to purchase "tickets or advertising" from charities if the purchase is for a political purpose. Regulations adopted by the Commission to enact provisions of the Citizens' Election Program further codify this restriction, stating at Regulation of State Agencies § 9-706-2(b)(12) that a qualified candidate committee may not use its funds to make donations to charity or community organizations, except as admission fees to events for the candidate that did not exceed \$100. A candidate committee, however, may pay wages for workers that it hires through a not-for-profit organization.
13. The committee supplied documentation to show that Pivot Ministries provided election-day workers to the committee. That agreement between the committee and Pivot Ministries was supported by a contract reflecting the work that was to be performed by the group.
14. Gonzalez alleged that George Malave, who listed his occupation as "handyman" at Vine Street Apartments in Bridgeport, was in a unique position to create straw contributions for the candidate committee. The investigation revealed nothing to substantiate that allegation.
15. The only allegations that were substantiated involved certain expenditures made to contractors where the contracts were incomplete and documentation for expenditures may have been insufficient. Those allegations were handled in SEEC File No. 2014-055, which stemmed from the audit of the Ayala candidate committee.

⁵ See General Statutes § 9-622 (7) (prohibiting individuals from making payments to treasurers in names other than the individual's own name).

ORDER

IT IS HEREBY ORDERED THAT the Complaint will be dismissed.

Adopted this 19th day of August 2020 at Hartford, Connecticut by vote of the Commission.

A handwritten signature in cursive script, reading "Salvatore A. Bramante".

Commissioner *Salvatore Bramante*
By Order of the Commission