

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Donna Hemmann, Wethersfield

File No. 2014-058

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Katherine Breslin, of the City of New Britain, County of Hartford, State of Connecticut 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. The Complainant alleges here that the political committee Pro-Progressive Energetic Leadership PAC ("Propel PAC") failed to report (2) \$500 contributions from the Wethersfield Democratic Town Committee ("WDTC").
2. More specifically, the Complainant alleges that Propel PAC made 2 expenditures of \$500 each on October 21, 2013 and November 5, 2013, in the form of contribution checks benefitting the WDTC.
3. In support of this allegation, the Complainant included portions of the WDTC's Itemized Campaign Finance Disclosure Statement filed October 27, 2013 and covering the period between October 1, 2013 and October 27, 2013 and January 2014 quarterly WDTC's Itemized Campaign Finance Disclosure Statement covering the period between October 28, 2013 and December 31, 2013. These statements report the receipt of 2 \$500 contributions from PropelPAC on October 21, 2013 and November 5, 2013, as alleged by the Complainant.
4. General Statutes § 9-608 (c) reads, in pertinent part:

(c) Content of statements. (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution; (B) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to

include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be;

5. General Statutes § 9-623 (b) (4), reads:

(b) . . . (4) The penalty for any violation of section 9-603, 9-604 or 9-608 shall be a fine of not less than two hundred dollars or more than two thousand dollars or imprisonment for not more than one year, or both.

6. A review of the full reports above, as well as Propel PAC's reports for the relevant period revealed that the WDTC did report the \$500 payments as contributions received, but that Propel PAC failed to report that they had made the contributions.

7. The investigation also revealed that on or about June 3, 2014, Propel PAC, through its treasurer, Respondent Katherine Breslin, amended its filings to reflect the 2 missing contributions.¹

8. Respondent Breslin admits and apologizes for failing to report the contributions to the WDTC. She asserts that due to her oversight, she failed to thoroughly check to make sure all contributions had been accurately reported. She asserts that although she organizes all of the campaign activity by quarter, she mistakenly thought that she had previously reported the contributions to the WDTC.

9. She further asserts that during the week of the January deadline both her primary duties in her regular job, as well as illness significantly impacted her ability to meet her volunteer duties as treasurer.

10. The Respondent resigned as treasurer on or about June 9, 2014 (In an amendment filed by Chairman Russell Morin on or about June 9, 2014, the Respondent was replaced by Linda Palmer.)

11. Considering the aforesaid, the Commission concludes that the Respondent is liable for failing to report two contributions, each of which is a violation of General Statutes § 9-608

¹ Notice of the instant Complaint was sent to Ms. Breslin in a letter dated May 28, 2014.

12. General Statutes § 9-623 (b) (4) provides that the penalty for any violation of section 9-603, 9-604 or 9-608 shall be a fine of not less than two hundred dollars or more than two thousand dollars or imprisonment for not more than one year, or both. Pursuant to Regulations of Connecticut State Agencies §9-7b-48, in determining the amount of a civil penalty, the Commission shall consider, among other mitigating and aggravating factors:
 - (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.
13. Here, the two \$500 contributions should have been reported on October 27, 2013 and January 10, 2014, but were not reported until the aforementioned amendment on June 3, 2014 in response to the instant Complaint. Fortunately, there was at least a corresponding timely reporting of the contribution by the WDTC, which did at least establish some public notice of the transaction.
14. The Respondent has no prior history before the Commission and immediately revised the disclosures to reflect the contributions to the WDTC once the error was brought to her attention by this Complaint.
15. The Respondent resigned as treasurer of the Propel PAC. It is unclear whether the Respondent ever intends on serving as a treasurer again, but there does not appear to be a likely cause for concern about her continued willing compliance.
16. Considering the aforementioned aggravating and mitigating circumstances in this matter, the Commission concludes and the parties agree that the appropriate remedy herein is the minimum civil penalty of \$200 per offense and an agreement by the Respondent to henceforth comply.
17. The 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 after a full hearing and shall 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.

18. 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.

19. 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.

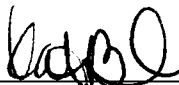
20. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings pertaining to this matter.

ORDER

IT IS ORDERED THAT that Respondent Katherine Breslin shall pay a total civil penalty of Four Hundred Dollars (\$400), in two monthly installments of \$200 no later than January 1, 2015 and February 1, 2015.

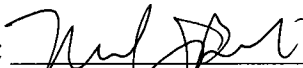
IT IS FURTHER ORDERED THAT that Respondent Katherine Breslin will henceforth strictly comply with the requirements of General Statutes § 9-608.

The Respondents:



Katherine Breslin
New Britain, CT

For the State of Connecticut:

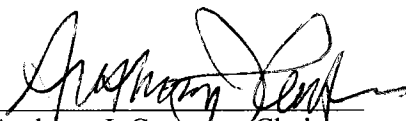
BY: 

Michael J. Brandi, Esq.
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: 12/11/2014

Dated: 12/16/14

Adopted this 13 day of JAN of 20 15 at Hartford, Connecticut



Anthony J. Castagno, Chair
By Order of the Commission