

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by a SEEC Elections Officer

RESPONDENT:
Regina V. Roundtree
18 Lake Garda Drive
Unionville, CT 06085

File No. 2014-062NF

Final Decision

This matter was heard as a contested case on September 29, 2014 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 Patrick Lamb appeared on behalf of the State of Connecticut and the Respondent, Regina V. Roundtree, appeared. Documentary and testimonial evidence was presented.

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

1. Michael J. Brandi was designated as permanent Hearing Officer for hearings concerning alleged violations of General Statutes § 9-608 on March 21, 2012 by order of the State Elections Enforcement Commission.
2. CT Black Republicans and Conservatives is a political committee registered with the State Elections Enforcement Commission. *State's Exhibit 2*. The Respondent has served as treasurer of CT Black Republicans and Conservatives since its inception in December 2013. *Testimony of Elections Officer Nancy Staniewicz; State's Exhibit 2*. The Respondent also serves as the committee chairperson. *State's Exhibit 2*.
3. General Statutes § 9-608 (a) provides, in relevant part, as follows: “(1) **Each campaign treasurer of a committee**, other than a state central committee, **shall file a statement**, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) **on the tenth calendar day in the months of January, April, July and October**, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, . . .” (Emphasis added).
4. General Statutes § 9-623 (b) provides as follows: “(1) If any campaign treasurer fails to file any statement required by section 9-608, or if any candidate fails to file either (A) a statement for the formation of a candidate committee as required by section 9-604, or (B) a certification pursuant to section 9-603 that the candidate is exempt from forming a candidate committee as required by section 9-604, within the time required, the campaign treasurer or candidate, as the case may be, shall pay a late filing fee of one hundred dollars. (2) In the case of any such statement or certification that is required to be filed with the State Elections Enforcement Commission, the commission shall, not later than ten days after the filing deadline is, or should be, known to have passed, notify by

certified mail, return receipt requested, the person required to file that, if such statement or certification is not filed not later than twenty-one days after such notice, the person is in violation of section 9-603, 9-604 or 9-608.”

5. On February 11, 2014, the Respondent filed a financial disclosure statement, marked an “Initial Contribution or Disbursement” statement, on behalf of CT Black Republicans and Conservatives, covering the period from December 24, 2013 through January 9, 2014. *State’s Exhibit 3; Testimony of Staniewicz.*
6. On April 10, 2014, the Respondent was required to file a financial disclosure statement on behalf of CT Black Republicans and Conservatives covering through March 30, 2014 per General Statutes § 9-608 (a) (1) (A), but did not. *Testimony of Staniewicz.*
7. On April 21, 2014, Commission staff sent a letter to the Respondent, by certified mail, return receipt requested, stating that the Commission had not received a financial disclosure statement from her that was due on April 10, 2014. *State’s Exhibit 4.* The letter imposed a \$100 late fee and requested that she file the statement within 21 days. *State’s Exhibit 4.* The letter warned that if the Respondent did not submit the statement within 21 days, the Commission may order a public hearing and she could be subject to a civil penalty of up to \$2,000. *State’s Exhibit 4.* The Respondent signed for the letter. *State’s Exhibit 4.*
8. On June 11, 2014, Commission staff sent a second letter to the Respondent, by certified mail, return receipt requested, stating that the Commission had still not received a financial disclosure statement from her that was due on April 10, 2014. *State’s Exhibit 5.* The letter explained that the Respondent was subject to a civil penalty between \$200 and \$2,000 but that she could avoid further enforcement of the matter if she submitted the statement and a payment of \$300 by July 1, 2014. *State’s Exhibit 5.* The Respondent testified that her stepdaughter signed for the letter and she never saw it. *Testimony of Respondent Regina V. Roundtree.*
9. On August 12, 2014, notice of the September 29, 2014 hearing was sent to the Respondent by first-class mail with delivery confirmation tracking and receipt and by certified mail and regular mail. *State’s Exhibit 1.* The Respondent signed for it. *State’s Exhibit 1.*
10. As of September 29, 2014, the date of the hearing, the Respondent had not filed a financial disclosure statement since the initial contribution or distribution statement was filed covering through January 9, 2014. *Testimony of Staniewicz; Testimony of Roundtree.* At the time of the hearing, the filing due April 10, 2014 was 172 days late.
11. The Respondent attended the September 29, 2014 hearing.

12. At the hearing, the Respondent testified that the committee had recently hired an accountant and they intended to file the statement within two weeks. *Testimony of Roundtree*. She estimated that during the period ending March 31, 2014, which was required to be reported by April 10, 2014, the committee raised approximately \$22,000 and spent around \$24,000. *Testimony of Roundtree*.
13. It is concluded that the Respondent violated General Statutes § 9-608 by failing to timely file a financial disclosure statement by April 10, 2014.
14. Evidence was presented that Commission staff was persistent and rigorous in its efforts to contact the Respondent about the delinquent filing. *State's Exhibits 1, 4, 5, and 6*.
15. General Statutes § 9-7b (a) (2) provides, in pertinent part, that the Commission shall have the power to levy a civil penalty not to exceed "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 or 157." The Commission may levy a civil penalty against any person only after giving the person an opportunity to be heard at a hearing. See General Statutes § 9-7b (a) (2).
16. General Statutes § 9-623 (b) (4) provides, in pertinent part, that "[t]he 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."
17. General Statutes § 9-606 (d), as amended by Public Act 13-180, provides: "**No person shall act as treasurer or deputy treasurer (1) unless the person is an elector of this state, the person has paid any civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive, and a statement, signed by the chairman in the case of a party committee or political committee or by the candidate in the case of a candidate committee, designating the person as treasurer or deputy treasurer, has been filed in accordance with section 9-603, . . .**" (Emphasis added).
18. General Statutes § 9-706 (b), as amended by Public Act 13-180, provides that in order to apply for a grant from the Citizens' Election Program, both the candidate and the treasurer of the candidate's candidate committee must certify that they have paid any outstanding civil penalties or forfeitures assessed pursuant to chapters 155 to 157.
19. 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.”

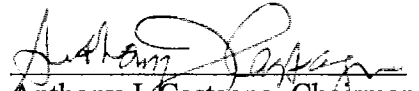
20. It was recommended that the Commission consider the following as aggravating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) at the time of the hearing, the filing due April 10, 2014 was 172 days late; (2) at the time of the hearing, the Respondent had still not submitted the filing; (3) the Respondent testified that the committee had over \$40,000 in financial activity during the period covered by the filing; and (4) Commission staff both informed the Respondent of her duties as treasurer and made diligent efforts to contact her about the missed filing.
21. It was recommended that the Commission consider no factors as mitigating circumstances per § 9-7b-48, Regs., Conn. State Agencies.
22. In consideration of the factors listed above, it was recommended that the Commission assess a civil penalty against the Respondent in the amount of \$1,500.00 for her violation of General Statutes § 9-608 and require her to submit the outstanding filing.

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


ORDER

IT IS HEREBY ORDERED THAT the Respondent, or her agent, shall file the financial disclosure statement that was due to be filed on April 10, 2014 within 30 days of notice of this decision, pursuant to General Statutes § 9-7b (a) (3) (F).

IT IS HEREBY ORDERED THAT the Respondent shall be pay a civil penalty in the amount of \$1,500.00, payable to the State Elections Enforcement Commission, within 30 days of notice of this decision, for violation of General Statutes § 9-608, pursuant to General Statutes § 9-7b (a) (2).


Anthony J. Castagno, Chairman
By Order of the Commission

I certify the preceding final decision was sent to Regina V. Roundtree, 18 Lake Garda Drive, Unionville, CT 06085, first-class mail with delivery confirmation tracking and receipt and certified mail and regular mail on December 18, 2014.


Sheri-Lyn Lagueux
Clerk of the Commission