

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Elissa Ann Voccola
City of Hartford

File No. 2014-092

In the Matter of a Complaint by Joseph Markley,
Town of Plantsville

File No. 2016-067

FINDINGS & CONCLUSIONS

Complainants Elissa Voccola of Hartford and Joseph Markley of Plantsville filed separate complaints alleging that John “Corky” Mazurek had spent money from a dormant candidate committee to promote his candidacy in 2014. After an investigation of the matter, the Commission adopts the following findings of fact and conclusions of law:

1. Complainant Voccola filed a complaint stating that Mazurek, who was then a candidate for the 80th district General Assembly seat, had used money from a prior candidate committee to make charitable contributions to entities in a manner that promoted himself during the on-going campaign.¹ In August, 2016, Complainant Markley filed an complaint making similar claims about Mazurek’s 2014 candidate committee and the payments made from his 2006 senate committee to charitable entities.² Given the similar allegations in the complaints, the Commission will resolve these matters together.
2. In the 2014 campaign cycle, Mazurek formed the “Corky for State Representative” candidate committee, naming George Phelan as the committee’s treasurer.³ Mazurek opted to participate in the Citizens’ Election Program,⁴ and several months later, the candidate committee applied for a grant from the Citizens’ Election Fund.⁵ The

¹ See Complaint of Elissa Ann Voccola, Hartford, SEEC File No. 2014-092 (Rec’d August 6, 2014) (alleging that funds from prior candidate committee were being used to promote candidacy for different office).

² See Complaint of Joseph Markley, Plantsville, SEEC File No. 2016-067 (Rec’d August 17, 2016) (claiming that funds from Mazurek’s prior candidate committee were used to promote Mazurek’s candidacy in 2014).

³ See Registration by Candidate, SEEC Form 1 (Rec’d Jan. 1, 2014) (establishing candidate committee and naming George M. Phelan as treasurer).

⁴ See Affidavit of Intent to Abide by Expenditure Limits and Other Citizens’ Election Program Requirements, SEEC Form CEP 10 (Rec’d Jan. 6, 2014) (reflecting candidate and treasurer’s intent to abide by expenditure limits stemming from participation in the Citizens’ Election Program).

⁵ See Citizens’ Election Program Application for Public Grant Dollars, SEEC Form CEP 15 (Rec’d June 2, 2014) (applying for Citizens’ Election Program grant for state representative seat).

candidate committee received a grant from the CEF totaling \$27,850.04 in two payments in late June 2014.⁶

3. In 2006, Mazurek ran briefly for the state senate seat in the 16th district. He established his candidate committee in February 2006⁷ but terminated it that July.⁸ In the termination report, Mazurek's candidate committee reported receiving and spending \$21,209.73.
4. According to information gathered through the investigation, before terminating, Mazurek's 2006 senatorial candidate committee had attempted to return contributions it had received to the donors who had made them in order to bring the candidate committee's balance to zero before terminating the committee. Ultimately, the committee had a balance of \$3,611 remaining in its account because several of the donors did not deposit the reimbursement checks.
5. In January of 2013, Mazurek contacted commission staff to discuss how to dispose of funds from his 2006 senatorial candidate committee. Staff directed Mazurek that his 2006 candidate committee could distribute any surplus to a not-for-profit entity organized under Chapter 501(c)(3) of the Internal Revenue Code.
6. Beginning in April 2014, the treasurer of Mazurek's 2006 senatorial candidate committee issued six checks – each for \$500 – from the terminated committee's bank account. The contributions went to a dog park, three volunteer fire departments, a food pantry, and an addiction recovery treatment center, all in Wolcott.
7. Mazurek announced that he had made the contributions to the various local charities through his 2014 candidate committee's website. Several of the announcements included photographs of Mazurek presenting checks to the groups, and he presented an oversized, novelty check to the Wolcott dog park, which, Mazurek said, provided the prop for the photo opportunity.
8. General Statutes § 9-607(g)(1)(A)(i) directs that a candidate committee may make expenditures to support the nomination or election of the candidate that established the committee. When establishing a candidate committee, General Statutes § 9-604(a) prescribes that a candidate establish a committee to promote that candidate's

⁶ See Itemized Campaign Finance Disclosure Statement, SEEC Form 30 (Rec'd July 1, 2014) (reporting payments in 2014 of \$8,355.04 on June 20 and \$19,495 on June 27).

⁷ See Registration of Candidate Committee, Form ED 49 (Rec'd Feb. 7, 2006) (establishing candidate committee for John "Corky" Mazurek for 16th senate district seat).

⁸ See Statement of Receipts and Expenditures, Form ED-45 (Rec'd July 14, 2006) (terminating Mazurek's committee for state senate seat).

election to a “particular office.” Once the candidate has withdrawn from a primary or election, the treasurer of the candidate committee must distribute its remaining funds to a tax-exempt entity organized under IRC § 501(c)(3) or return any surplus to contributors on a pro-rata basis. *See* General Statutes § 9-608(e)(2).

9. The Mazurek 2006 candidate committee was permitted to make charitable contributions to not-for-profit entities with the surplus remaining in the committee’s bank accounts. Many of the contributors who received reimbursements of their contributions to the 2006 candidate committee had failed to negotiate the checks they had received from the committee. The money still in the committee’s bank account could be used to make charitable contributions.
10. There were a few problems, however, with the way that the charitable contributions were made and documented by the candidate committee.
11. First, four of the five checks were made payable to the “Town of Wolcott” with notations in the memo line stating that the contributions were for the “Dog Park” or a particular fire brigade. General Statutes § 9-608(g)(2) specifies that contributions may go to entities that have status as not-for-profit entities under § 501(c)(3) of the IRS code. The “Town of Wolcott” does not have 501(c)(3) status.
12. Second, the treasurer of the candidate committee failed to report the transactions on the committee’s periodic campaign finance disclosure statements. Even though the candidate committee had already disbanded, any transactions out of the dormant committee’s bank account must be reflected in updated filings from the candidate committee.
13. In addition, Mazurek highlighted the making of the contributions to these charitable organizations through postings made to his 2014 campaign website, which was paid for by his 2014 candidate committee and included the proper attributions under General Statutes § 9-621. So, even though the contributions themselves were made using funds leftover from this 2006 campaign, the 2014 candidate committee paid for publicizing that the contributions were made.
14. Here, the Commission must determine whether a contribution to a non-501(c)(3) organization that was paid for with private funds from a 2006 committee but promoted through a 2014 candidate committee’s website would be a contribution to the candidate committee.
15. For campaign finance purposes, a contribution is “[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” General Statutes § 9-601a(a)(1).

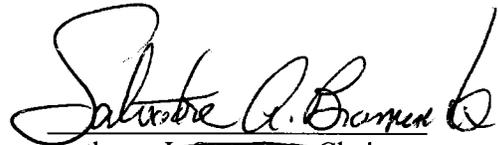
16. In this instance, the contribution would not be the money given from Mazurek’s 2006 candidate committee to the charitable entity. Rather the contribution to the committee would be the event at which charitable entity received the funds from Mazurek.
17. The commission has previously adopted a rubric to determine if an event is promotional of a candidate that attends. *See, e.g.,* In the Matter of a Complaint by Roberta Clapper, Norwich, File No. 2015-153 – Findings & Conclusions (State Elections Enforcement Comm’n., April 13, 2016) (reaffirming rubric to analyze campaign events); Advisory Opinion 2010-08:Allocating Pro Rata Share for Joint Campaign Events. The elements that the Commission considers to determine if an event is promotional of a candidate and thus a contribution include: “1) Whether the invitations for the event tout the candidate's presence and/or the chance to hear [the candidate's] message; 2) Whether the media was alerted as to the candidate's presence at the event; 3) Whether the candidate notified ... supporters that [the candidate] would be present at the event; 4) Whether the candidate is distributing ... campaign literature at the event or in connection with the event; 5) Whether the candidate is fundraising at the event; 6) The extent to which the event targets the voters or in-district donors of the candidate; and 7) The extent to which the candidate is speaking at the event regarding [the candidate's] campaign.” *Id.*
18. According to the evidence gathered in conjunction with this complaint, these events were simply photo opportunities and were not fundraising opportunities or gatherings where Mazurek was able to discuss policy or his candidacy with his constituents. There was no indication that invitations were distributed prior to the photo opps; that Mazurek notified his supporters prior to the events; or that he distributed campaign literature, raised campaign funds, or spoke about his candidacy at the events.
19. The fact that Mazurek’s 2014 candidate committee capitalized on the occasion of the making of these contributions to local not-for-profit groups as an opportunity to show the candidate “giving back” to the community by touting the event and publicizing a picture of the candidate with a giant check marking the contribution is indicia of promotion. In the future the candidate and treasurer are urged to exercise care in ensuring that events involving expenditures at which the candidate is appearing right before an election are not turned into events promotional of his candidacy by the current campaign.

20. The 2006 candidate committee should have updated its filings to reflect the payments to the groups, as directed by Commission staff, but given the time that has elapsed since the closure of the committee and the conclusion of this matter, the Commission will take no further action related to that aspect of the investigation.
21. Based on the above-referenced findings and conclusions, the matters – SEEC File Nos. 2014-092 and 2016-067 – will be dismissed.

ORDER

IT IS HEREBY ORDERED THAT the Complaint will be dismissed with no further action taken and that the associated audit of the *Corky for State Rep.* candidate committee will be closed.

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


Anthony J. Castagno, Chairman
By Order of the Commission *Vice Chairman*
Salvatore Biamante

RECEIVED
STATE ELECTIONS

JUN 19 2019

ENFORCEMENT COMMISSION