

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Lori Jeffers, Willimantic

File No. 2014-101

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Edwin Rivera (the “Respondent”) and the undersigned authorized representative of the State Elections Enforcement Commission (the “Commission”), enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

1. The Complainant alleged that the Respondent, treasurer of the Windham Republican Town Committee (“WRTC”), received improper contributions and failed to report contributions the Committee had received between September 26, 2013 and January 10, 2014.¹
2. General Statutes §§ 9-601, 9-601a, 9-601e, 9-606, 9-611, 9-612, 9-613, 9-615, 9-617, and 9-622 all regulate what contributions a party committee can accept and the treasurers duties in relation to those contributions.
3. General Statutes § 9-608 (a) requires that each treasurer of a committee file periodic financial disclosure statements concerning the financial activities of such committee.
4. General Statutes § 9-608 (c) (1) (A) specifically states that such financial disclosure statements shall include “[a]n itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution.”
5. However, General Statues § 9-608 (b) further provides that:

The statements required to be filed under subsection (a) of this section and subdivisions (2) and (3) of subsection (e) of this section, shall not be required to be filed by . . . (3) a party or political committee organized for ongoing political activities until such committee receives or expends an amount in excess of one thousand dollars for the calendar year except the statements required to be filed on the tenth calendar day in the month of January and on the seventh day preceding any election shall be so filed. The provisions of this subsection shall not apply to state central committees or to the statement required to be filed by an

¹ The Complainant made additional allegations against the Respondent in another case, *In the Matter of a Complaint by Lori Jeffers, Windham*, File No. 2014-003. Duplicative allegations were addressed in that decision. Any other allegation not addressed herein was not supported by the law or facts.

exploratory committee upon its termination. A committee which is exempted from filing statements under the provisions of this subsection shall file in lieu thereof a statement sworn under penalty of false statement, indicating that the committee has not received or expended an amount in excess of one thousand dollars.

6. Nevertheless, when the treasurer of a town committee chooses to file a statement of exemption pursuant to General Statutes § 9-608 (b), the transactions that occurred during the period covered by that exemption statement must be included on the next financial statement filed for that committee. General Statutes § 9-608 (“The statement shall cover a period to begin with the first day not included in the last filed statement.”).
7. In giving advice to committees, the Commission has been clear that statements of exemption pursuant to General Statutes § 9-608 (b) are not “statements” as used in General Statutes § 9-608 (a). *See* State Elections Enforcement Commission, Understanding the Connecticut Campaign Finance Laws: A Guide for Party (Town and State Central) Committees (Feb. 2017 ed.).
8. Accordingly, when the treasurer of a town committee files a financial disclosure statement, he must detail all the financial activity of the committee for the period since the last activity was reported on a financial disclosure statement, not the period since the last statement of exemption was filed.
9. The WRTC is a small town committee that rarely has more than \$1000 in financial transactions in a year.
10. The investigation revealed no evidence to support the allegation that the Respondent, or the WRTC, accepted any contribution it was not permitted to accept.
11. Moreover, the investigation revealed no evidence to support an allegation that the WRTC received contributions or made expenditures in excess of the amounts that would have permitted the Respondent to file exemptions to the filing of financial disclosure statements for the periods in which he did.
12. For the periods covered by this complaint, the WRTC filed exemptions from filing a financial disclosure statement pursuant to General Statutes § 9-608, when permitted. For the January, 2014 filing, the Respondent filed financial disclosure statements, as required, but such statements incorrectly covered the period since the last exemption was filed instead of the last full disclosure report.
13. As the investigation revealed no evidence to support the allegation that the Respondent or the WRTC received improper contributions those allegations are dismissed.

14. However, the investigation did reveal that, when the Respondent was required to file financial disclosure statements for the WRTC, he failed to include the financial transactions for the entire period since the last such statement had been filed.
15. Accordingly, the Commission finds that the Respondent violated General Statutes § 9-608.
16. The Respondent admits to all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.
17. 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 to contest the validity of the Order entered into pursuant to this Agreement.
18. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondents regarding this matter.
19. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum.

ORDER

It is hereby ordered that the Respondent shall henceforth strictly adhere to the requirements of General Statutes §§ 9-608.

For the Respondent:

For the State of Connecticut:

By: Edwin Rivera
Edwin Rivera
309 Jackson Street
Willimantic CT 06226

By: Michael J. Brandi
Michael J. Brandi
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St.
Hartford, CT 06106

Dated: 7/28/17

Dated: 8/2/17

Adopted this 16th day of August, 2017 at Hartford, Connecticut by vote of the Commission.
AJC ASC

Anthony J. Castagno
Anthony J. Castagno, Chairman
By Order of the Commission

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ENFORCEMENT COMMISSION