

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Campaign Disclosure and Audit Unit of the State Elections Enforcement Commission

RESPONDENT:
Jason Walsh
313 Savin Avenue
West Haven, CT 06516

File No. 2014-104NF

Final Decision

This matter was heard as a contested case on March 24, 2015 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, Jason Walsh, 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. Ajello was appointed as Hearing Officer for the above-captioned matter on March 17, 2015 by Chairman Anthony J. Castagno of the State Elections Enforcement Commission.
2. Citizens for Lee Whitnum is the candidate committee of Lee Whitnum, a 2014 candidate for Governor, which registered with the State Elections Enforcement Commission on April 9, 2014. The Respondent was appointed its treasurer.
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 July 10, 2014, the Respondent was required to file a financial disclosure statement on behalf of Citizens for Lee Whitnum covering through June 30, 2014 per General Statutes § 9-608 (a) (1) (A), but did not.
6. On July 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 him that was due on July 10, 2014. The letter imposed a \$100.00 late fee and requested that he file the statement within 21 days. The letter warned that if the Respondent did not submit the statement within 21 days, the Commission may order a public hearing and he could be subject to a civil penalty of up to \$2,000.00.
7. On September 25, 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 him that was due on July 10, 2014. The letter explained that the Respondent was subject to a civil penalty between \$200.00 and \$2,000.00 but that he could avoid further enforcement of the matter if he submitted the statement and a payment of \$300.00 by October 16, 2014. It was also emailed to the Respondent.
8. On December 5, 2014, notice of a January 26, 2015 hearing was sent to the Respondent by first-class mail with delivery confirmation tracking and receipt and by certified mail and regular mail.
9. The January 26, 2015 hearing was postponed due to impending inclement weather until February 10, 2015. The hearing was then postponed again due to unforeseen circumstances until March 24, 2015.
10. The Respondent attended the March 24, 2015 hearing.
11. At the time of the hearing, the Respondent was still treasurer of the committee and the committee had not been terminated.
12. At the time of the hearing, the filing due July 10, 2014 was 257 days late and remained outstanding.
13. At the hearing, the candidate Lee Whitnum testified that between the committee's date of registration and the date of the hearing, its expenditures amounted to approximately \$1,537, all of which were her own personal funds, and the committee received less than \$200 in contributions. There was indication she did not document or report to the Respondent contributions she received and expenditures she made on behalf of the committee. She also

testified that the failure to file the outstanding statement was not the fault of the Respondent but hers alone and that he provided consistent reminders to her that the filing was due.

14. It is concluded that the Respondent violated General Statutes § 9-608 by failing to timely file a financial disclosure statement by July 10, 2014.
15. Evidence was presented that Commission staff was persistent and rigorous in its efforts to contact the Respondent about the delinquent filing.
16. 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).
17. 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.”
18. 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).
19. 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.
20. 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.”

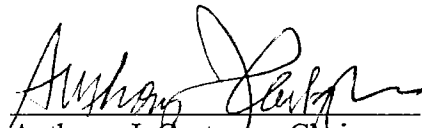
21. It was recommended that the Commission consider the following as aggravating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) at the time of the hearing, the filing due July 10, 2014 was 257 days late; (2) at the time of the hearing, the Respondent had still not submitted the filing; and (3) Commission staff both informed the Respondent of his duties as treasurer and made diligent efforts to contact him about the missed filing.
22. It was recommended that the Commission consider the following factors as mitigating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) the Respondent made a good faith attempt to execute his responsibilities as treasurer; however, his attempts were frustrated by the candidate, Lee Whitnum, who did not maintain records of personal funds she spent or contributions she received and failed and refused to provide him with supporting documentation for such expenditures and contributions.
23. 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 his violation of General Statutes § 9-608 and require him to submit the outstanding filing.

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

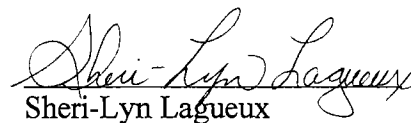
ORDER

IT IS HEREBY ORDERED THAT the Respondent, or his agent, shall file the financial disclosure statement that was due to be filed on July 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 Jason Walsh, 313 Savin Avenue, West Haven, CT 06516 by first-class mail with delivery confirmation tracking and receipt and certified mail and regular mail on July 14, 2015 and to Jason Walsh, 32 Earle Street, Milford, CT 06460 by first-class mail with delivery confirmation tracking and receipt and certified mail and regular mail on July 14, 2015.


Sheri-Lyn Lagueur
Clerk of the Commission