

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

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

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

File No. 2014-106NF

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, 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. 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. CT Black Republicans and Conservatives is a political committee registered with the State Elections Enforcement Commission. The Respondent served as treasurer of CT Black Republicans and Conservatives from February 11, 2014 until March 24, 2015. The Respondent also serves as the committee chairperson.
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 CT Black Republicans and Conservatives covering April 1 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 for the period of April 1 through June 30, 2014 that was due on July 10, 2014. The letter imposed a \$100.00 late fee and requested that she 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 she could be subject to a civil penalty between \$200.00 and \$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 her 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 she could avoid further enforcement of the matter if she submitted the statement and a payment of \$500.00 by October 16, 2014.
8. On December 5, 2014, notice of a January 29, 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 29, 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. On the date of the hearing, the Respondent resigned from the committee as treasurer.
12. The parties agreed by stipulation to amend the notice of hearing to include similar late filing causes of action concerning the Respondent’s filing obligations for statements due October 10, 2014 (File No. 2014-179NF) and October 28, 2014 (File No. 2014-188NF).
13. The filing due on July 10, 2014 was filed on November 22, 2014, making the filing 135 days late. The filing reflected \$6,164.48 in expenditures during the covered period. The filing due on October 10, 2014 pursuant to General Statutes § 9-608 was filed on January

12, 2015, making the filing 94 days late. The filing reflected no financial activity and a zero balance. The filing due on October 28, 2014 pursuant to General Statutes § 9-608 was filed on January 22, 2015, making the filing 86 days late. The filing reflected no financial activity and a zero balance.

14. The Respondent acknowledged and admitted to a total of three violations of General Statutes § 9-608 for the filings due July 10, 2014, October 10, 2014, and October 28, 2014 with civil penalties mandated by General Statutes § 9-623 in the range of \$200.00 to \$2,000.00 for each such violation, for a total range of \$600.00 to \$6,000.00.
15. It is concluded that the Respondent violated General Statutes § 9-608 in three separate instances by failing to timely file financial disclosure statements by July 10, 2014, October 10, 2014, and October 28, 2014.
16. Evidence was presented that Commission staff was persistent and rigorous in its efforts to contact the Respondent about the delinquent filing.
17. The Respondent has one record of a previous history of similar acts or omissions, in Final Decision and Order in File No. 2014-062NF, the penalty for which remains outstanding.
18. 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).
19. 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.”
20. 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).
21. 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.

22. 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."
23. It was recommended that the Commission consider the following as aggravating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) the filings were respectively 135, 94, and 86 days late, the first of which disclosed expenditures over \$6,000, exhibiting the gravity of the delay in publicly disclosing the information; (2) the Respondent was previously late in submitting one other prior filing, exhibiting a history of similar acts or omissions; and (3) Commission staff both informed the Respondent of her duties as treasurer and made diligent efforts to contact her about the missed filing.
24. It was recommended that the Commission consider the following as mitigating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) the Respondent had filed the three outstanding statements by the date of the hearing, showing good faith in attempting to comply; and (2) the Respondent resigned as treasurer, alleviating the need to insure immediate and continued compliance.
25. In consideration of the factors listed above, it was recommended that the Commission assess a civil penalty against the Respondent in a total amount of \$1,500.00 for her three violations of General Statutes § 9-608.

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

ORDER

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 three violations 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 June ~~16~~, 2015.


Sheri-Lyn Lagueur
Clerk of the Commission