

MAY 15 2019

ENFORCEMENT COMMISSION

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Erik Markiewicz
Town of Watertown

File No. 2014-119

FINDINGS & CONCLUSIONS

Complainant Erik Markiewicz of Watertown filed this complaint alleging that the Greater Waterbury Board of Realtors had made an impermissible contribution to the candidate committee of Donato Orsini, who was running for the 32nd district state senate seat. After an investigation of the matter, the Commission adopts the following findings of fact and conclusions of law:

1. Complainant Erik Markiewicz filed this complaint alleging that Greater Waterbury Board of Realtors sent an e-mail to its members that promoted Orsini for election to the 32nd district senate seat. Complainant stated that:

The text of the email is an introductory letter and advocacy appeal written by Mr. Orsini himself. In addition, it contains an appeal for contributions, as well as a hyperlink to the campaign website to make donations or to sign up to volunteer for the campaign. Nowhere on the email is there an attribution as to who paid for the "advertisement", or who "approved" of the message. Such a failure is a violation of CGS sec. 9-621.

In addition, while there is an exemption from the definition of what constitutes a "contribution" to a campaign under the law for communications made by an organization or association to its members, this is clearly a communication made by Mr. Orsini, written by him, and merely forwarded by the GWBR to its membership. The communication is not "from" or "made by" the GWBR, and therefore falls outside the exception. The GWBR is simply delivering a campaign mail piece. As such, the "cost" of delivering the piece and the provision of the list of members receiving it is an illegal and improper in-kind contribution by the GWBR to the Orsini campaign.

Finally, associations and organizations are precluded from making contributions to the campaign of a participating candidate in the Citizens Election Program. Since it is established that the expense of delivering a campaign mail piece, written by a candidate, is a contribution to the

campaign, the acceptance of such a contribution by the Orsini campaign is a clear violation of election law.¹

2. The message that generated this complaint was sent by Sharon Hallock, executive vice-president of the Greater Waterbury Board of Realtors, to the members of the association. The e-mail message included a picture of the candidate as well as the following text:

Meet REALTOR-Candidate Don Orsini

GWBR is proud to introduce Don Orsini as a Candidate for the 32nd Senate Seat.

Don is a Director of The Gr. Waterbury Board of REALTORS, Inc., and has been the Chair of the Legislation Committee for the past two (2) yrs. His high integrity, experience, sphere of influence and extensive knowledge of the business & real estate industry will pave the way to bring back the socio-economical climate of the State of CT!

For more information about Don's campaign, to volunteer to help or to make your donation click here [link to: ORSINIFORSENATE2014.com]

Dear Friends,

I'm running for the District 32 State Senate seat in November, and I need your help.

I have lived and worked in CT for over 53 years. Having left the state back in 1993 and coming back in 1997 helped me realize what a diverse and dynamic state we have. As a Real Estate Broker I have gained an appreciation of the challenges that all segments of our population are facing including Housing Costs, Property Taxes, Business Development, Education and Energy Costs.

Why am I running?

I believe as your State Senator, I can make a difference. With over 36 years' experience working for Fortune 500 companies, as well as being a small business owner and town leader, I believe that I have developed the skills necessary to help me revitalize the district I hope to represent. My dedication to improving our community includes participation on the Watertown Board of Education, Vice Chairman of the Watertown Conservation/Wetlands Commission, Chairman Legislative Committee Waterbury Board of Realtors, immediate past President Watertown Rotary Club, and former member of Watertown Economic

¹ See Complaint of Erik Markiewicz, Watertown, SEEC File No. 2014-119 (Rec'd Oct. 6, 2014) (alleging campaign finance and attribution violations by Greater Waterbury Board of Realtors).

Development Commission. Through my involvement with these organizations I have been able to develop relationships with both business and political leaders throughout the state. As your State Senator I am prepared to stand up to special interests and will work across party lines to bring solutions to the issues we face as a state.

What are the issues?

The most critical issue facing our State is creating jobs. I have a plan that will require the collaboration of business, government and our education system. Also, items high on my list of priorities are corralling our rising property taxes, increasing energy costs, preserving clean water and open space, revitalizing our antiquated road and rail systems, and promoting educational excellence. Now is the time to change the narrative in Hartford from what can't be done to how together we can get things done. There are no easy solutions, but I pledge my time and effort to get our State back to work.

What you can do to help:

If you wish to help me make a positive change in Hartford, please send a campaign contribution today. Contributions in any amount between \$5 and \$100 to meet Connecticut's requirement for public financing.

Please urge your friends and neighbors to help.

Thank you and sincerely,
Donato Orsini²

3. According to statistics provided by Hallock, the message was sent to 497 addresses. Of those recipients, only 134 opened the message. The link to the Orsini website was only selected by five individuals.³ One of the five individuals who clicked on the link was Hallock. None of the other four individuals who followed the link to the Orsini candidate committee's website contributed to the candidate committee.

² Message sent from Sharon Hallock to members of GWBOR (September 23, 2014) (promoting candidacy of Don Orsini).

³ See Greater Waterbury Board of REALTORS, E-mail Statistics from Constant Contact (October 7, 2014).

4. The Orsini candidate committee applied for a grant from the Citizens' Election Fund on September 30, 2014.⁴ The committee's application was approved by the Commission on October 8, 2014.⁵
5. General Statutes Chapter 155 exempts from the definition of contribution and expenditure communications that are made by associations solely to their members.⁶
6. The Commission has adopted a definition of membership organization for the purposes of Chapter 155. The definition, which was reiterated most recently in Declaratory Ruling 2018-001 "Political Activity of Organized Groups" includes among other criteria an organization in which the members pay an annual membership fee determined by the organization.
7. The Greater Waterbury Board of Realtors, Inc., in 2015 required its members to pay an annual membership fee of \$595. In order to remain a member of the organization, members must pay those annual fees.
8. According to Hallock, only members of the board of realtors received the message that was sent on September 23, 2014 promoting Orsini.
9. The substance of the e-mail, which included a message from Orsini, was copied from the candidate's website. Both Orsini and Hallock have stated that the candidate was not aware that the realtor group was sending this message. Nothing in the investigation indicated that Orsini had any prior knowledge or participation in the sending of this message.
10. Based on the above-referenced findings and conclusions, the matter will be dismissed.

⁴ See Citizens' Election Program Application for Public Grant Dollars – *Orsini for Senate 2014* (Rec'd September 30, 2014).

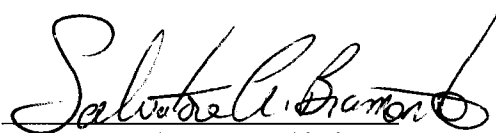
⁵ See Minutes, Regular Meeting State Elections Enforcement Comm'n (October 8, 2014).

⁶ See General Statutes § 9-601a (b)(2) (exempting from definition of "contribution" any communication by corporation, organization, or association solely to its members); General Statutes § 9-601b (b)(2) (exempting from definition of "expenditure" any communication by corporation, organization, or association solely to its members).

ORDER

IT IS HEREBY ORDERED THAT the Complaint will be dismissed.

Adopted this 15th day of May, 2019 at Hartford, Connecticut by vote of the Commission.



~~Anthony J. Castagno, Chairman~~

By Order of the Commission

Salvatore A. Bramante - Vice Chair