

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Commission Initiated Investigation Regarding
Possible Straw Contributions to "Thompson-Daniel 2014"

File No. 2014-166

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between John Davis, of the City of Hartford, County of Hartford, Connecticut, hereinafter referred to as "Respondent," and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and section 9-7b-54 of the Regulations of Connecticut State Agencies. In accordance herewith, the parties agree that:

1. The Commission initiated this investigation into whether Respondent violated provisions of the campaign finance laws by making various potentially prohibited contributions to *Thompson-Daniel 2014* (hereinafter "Committee") a candidate committee formed by Donna Thompson-Daniel to finance her 2014 primary campaign for General Assembly member from the 7th House District.
2. During the Commission Audit Validation of the Committee pertaining to its participation in the Citizen's Election Program ("CEP") and based on the audit validation findings for that committee pertaining thereto, it was determined that certain contributions attributed to Respondent were made by using funds other than his own.
3. Specifically, the Commission Audit Unit identified 95% of the contributions to the Committee as cash contributions in the process of certifying its CEP application and it was determined that consistent with CEP protocol a closer examination of qualifying contributions and contributor certification cards was warranted. Review of contributor certification cards included two submitted by Respondent to the Committee certifying a \$5.00 cash contribution on April 15, 2014 and \$95.00 cash contribution on July 7, 2015 by Respondent that served as the basis for this investigation.
4. After investigation, there is no indication or evidence that candidate Donna Thompson-Daniel, her agents or the Committee had involvement or knowledge of Respondent's activity pertaining his submission of qualifying contributions and certification forms regarding the same

5. General Statutes § 9-622 provides, in pertinent part, the following persons shall be guilty of illegal practices:

...

(7) *Any person who, directly* or indirectly, individually or through another person, *makes a payment* or promise of payment *to a campaign treasurer in a name other than the person's own*, and any campaign treasurer who knowingly receives a payment or promise of payment, or enters or causes the same to be entered in the person's accounts in any other name than that of the person by whom such payment or promise of payment is made;

....

(10) *Any person who solicits, makes* or receives *a contribution that is otherwise prohibited by any provision of this chapter*;
[Emphasis added.]

6. The Commission finds that upon review of two contribution certification forms submitted by Respondent to the Committee indicated that Respondent purportedly contributed \$5.00 in cash on April 15, 2014 and \$95.00 in cash on July 11, 2014.
7. In the course of this investigation Respondent provided a sworn affidavit detailing his the process by which he made contributions to the Committee using the money of others. Respondent cooperated with Commission staff and in the course of this investigation and admitted to Commission investigators that he had only made two contributions in the amount of \$5.00 each, and that the July 11, 2014 contribution attributed to him in the amount of \$95.00 included ninety dollars from individuals that he collected at a bar.
8. The Commission finds that Respondent completed and signed on July 11, 2014 a CEP *Qualifying Contribution Certification Form* for the Committee and signed the same certifying that his contribution was “...*being made from my personal funds, [was] not being reimbursed in any manner, [was] not being made as a loan and [was] not otherwise a prohibited contribution.*” Additionally, the Commission finds that Respondent admitted that the certification as it pertained to the July 11, 2014 contribution to the Committee was inaccurate as only \$5.00 of the reported \$95.00 were in fact his own.

9. General Statutes § 9-622 provides that the following persons shall be guilty of illegal practices: *Any person who . . . makes a payment or promise of payment to a campaign treasurer in a name other than the person's own . . . ; [and] Any person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter.* General Statutes § 9-622 (7) and (10). By using the money of other individuals and falsely certifying that it was his personal funds to make a qualifying contribution to the Committee, Respondent violated § 9-622 (7) and (10).
10. The Commission has had prior occasion to treat violations of General Statutes § 9-622 (7) and (10). Recently, the Respondent in *Commission Initiated Investigation of Contributions by Brian Lippey*, provided incorrect addresses for his family and extended family members and admitted giving 8 contributions in the maximum amount of \$100 for a CEP participant using his credit card to Tom Foley's 2014 gubernatorial candidate committee. See *Lippey*, File No. 2014-081, Greenwich.
11. Further, in *Lippey*, the Commission viewed the assessment of a substantial civil penalty totaling twelve thousand dollars (\$12,000.00) under the aforementioned circumstances as a "meaningful deterrent to Respondent and others regarding the seriousness with which the Commission will judge and treat violations concerning the giving contributions in the name of another pursuant to General Statutes § 9-622 (7)."
12. Section 9-7b-48 of the Regulations of Connecticut State Agencies provides that the Commission may consider mitigating or aggravating circumstances when determining whether to impose a civil penalty. The Commission may consider:
 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 shown good faith in attempting to comply with the applicable provisions of the General Statutes.[Emphasis added.]
13. The Commission determines in this instance that the imposition of a \$250.00 civil penalty by the Commission against Respondent, based on a *single* prohibited contribution that aggregated to less than the maximum qualifying contribution of \$100.00, sufficiently addresses the gravity of Respondent's act and serves to insure his immediate and continued compliance with General Statutes § 9-622.

14. Notwithstanding the seriousness with which the Commission regards Respondent's conduct and violations in this matter, the Commission nevertheless declines to exercise its authority pursuant to General Statutes § 9-7b (8) to refer this matter to the Chief State's Attorney because the Respondent has entered into this agreement and exhibited an interest to resolve this matter through conciliation. Furthermore, the Commission notes that it has been Commission practice that when matters do not implicate the candidate or campaign such cases are not referred to the Chief State's Attorney. See *Lippey* and *In the Matter of a Complaint by Sarah Hemingway*, Sandy Hook, File No. 2010-104.
15. The Respondent admits all jurisdictional facts and agrees that this agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
16. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the parties and may not be used as an admission by either in any subsequent hearing, if the same becomes necessary.
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 contest the validity of the Order entered into pursuant to this agreement.
18. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that henceforth the Respondent shall strictly comply General Statutes § 9-622 (7) and (10).

IT IS HEREBY FURTHER ORDERED that Respondent shall pay a civil penalty of two hundred and fifty dollars (\$250.00) prior to the adoption of this agreement.

The Respondent:

By: John Davis

John Davis
78 Edwards Street
Hartford, Connecticut

For the State Elections Enforcement Commission:

By: Michael J. Brandi

Michael J. Brandi, Esq.
Executive Director and General Counsel
And Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Adopted this 10th day of FEB, 2016 at Hartford, Connecticut.

Anthony J. Castagno

Anthony J. Castagno, Chairman
By Order of the Commission

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FEB - 8 2016

ENFORCEMENT COMMISSION