

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:

File No. 2015-018NF

Ms. Allison M. Hall
49 Canterbury St
Hartford, CT 06112

Final Decision

This matter was heard as a contested case on October 27, 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 Ryan M. Burns appeared on behalf of the State of Connecticut and the Respondent, Allison M. Hall, did not appear. 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 designated as Hearing Officer for the hearing on October 27, 2015, at a regular meeting held on October 20, 2015 of the State Elections Enforcement Commission (hereinafter "Commission").
2. McCrory 2014 was a candidate committee registered with the State Elections Enforcement Commission. The Respondent served as its treasurer and was the treasurer of record during the time period when the filing referenced within this decision was due. The registration statement indicates that the candidate who formed the McCrory 2014 candidate committee was seeking the office of State Representative.
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) (Because January 10, 2015 fell on a Saturday, the filing was due on January 12, 2015.)
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. Administrative notice is taken that the McCrory 2014 committee’s application for a grant for public funds was approved by the Commission at its regular meeting on July 2, 2014, and that the McCrory 2014 committee received public funds from the Citizens Election Program (“CEP”) on July 7, 2014, September 26, 2014, and October 21, 2014. General Statutes § 4-178 (a); Regs. Conn. State Agencies §§ 9-7b-41 (d) & (e); *see* Minutes, SEEC Regular Meeting, July 2, 2014; [http://seec.ct.gov/ecrisreporting/Data/Attachment/Unassigned/SEEC30 Additonal Itemized Statement in further support of application for Public Grant 26514.PDF](http://seec.ct.gov/ecrisreporting/Data/Attachment/Unassigned/SEEC30_Additonal_Itemized_Statement_in_further_support_of_application_for_Public_Grant_26514.PDF); [http://seec.ct.gov/ecrisreporting/Data/Attachment/Unassigned/SEEC30 October 10 Filing 32355.PDF](http://seec.ct.gov/ecrisreporting/Data/Attachment/Unassigned/SEEC30_October_10_Filing_32355.PDF); and [http://seec.ct.gov/ecrisreporting/Data/Attachment/Unassigned/SEEC30 First Weekly Supplemental Filing General Election 32356.PDF](http://seec.ct.gov/ecrisreporting/Data/Attachment/Unassigned/SEEC30_First_Weekly_Supplemental_Filing_General_Election_32356.PDF).
6. On or before January 12, 2015, the Respondent was required to file a financial disclosure statement on behalf of McCrory 2014 covering through December 31, 2014 per General Statutes § 9-608 (a) (1) (A). She did not.
7. On January 22, 2015, Commission staff sent a letter (a “21 day warning letter”) to the Respondent, by certified mail, return receipt requested, stating that the Respondent had failed to file a financial disclosure statement for the period ending on December 31, 2014 that was due on January 12, 2015. 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 filing within 21 days, the Commission may order a public hearing and she could be subject to a civil penalty of up to \$2,000.00 per violation. The letter was signed for at the Respondent’s address on January 30, 2015.
8. On March 6, 2015, the Respondent filed a SEEC Form 30 (Itemized Campaign Finance Disclosure Statement) covering through the period ending December 31, 2014.
9. This disclosure statement filed on March 6, 2015, discloses that substantial expenditures, in the aggregate amount of \$9,450.32, were made during this reporting period.
10. On April 14, 2015, Commission staff sent a letter to the Respondent, by certified mail, return receipt requested, stating that the Respondent had failed to timely file the disclosure statement from him that was due on January 12, 2015. The letter explained that the Respondent was subject to a civil penalty between \$200.00 and \$2,000.00 for this delinquent filing but that she could avoid further enforcement of the matter if she “FORWARD[] THE DELINQUENT REPORT AND A PAYMENT IN THE AMOUNT \$300.00” by May 4, 2015. This April 14, 2015 letter also stated at the bottom that “[e]ven if you have already filed the requested document prior to the

receipt of this demand, you must still pay the requested dollar amount to settle this matter.” The letter was signed for at the Respondent’s address on April 15, 2015.

11. On September 23, 2015, Commission staff sent notice of an October 27, 2015 hearing on this matter to the Respondent, by first-class mail with delivery confirmation tracking and receipt and by certified mail and regular mail. The notice was signed for at the Respondent’s address on September 24, 2015.
12. The Respondent did not attend the October 27, 2015 hearing.
13. It is concluded that the Respondent violated General Statutes § 9-608 by failing to timely file a financial disclosure statement by January 12, 2015.
14. Evidence was presented that Commission staff was persistent and rigorous in its efforts to contact the Respondent about the delinquent filing.
15. 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).
16. 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.”
17. 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).
18. 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.
19. 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.”

20. 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 January 12, 2015 statement by the date of the hearing, showing good faith in attempting to comply.
21. It was recommended that the Commission consider the following as aggravating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) the January 12, 2015 filing, filed 53 days late, disclosed a substantial amount of expenditures, exhibiting the gravity of the delay in publicly disclosing the information; (2) the committee was a CEP participant that received a public grant and therefore failed to timely disclose how it spent *public* funds, also exhibiting the gravity of the delay in publicly disclosing the information; and (3) Commission staff made diligent efforts to contact the Respondent about the missed filings.
22. In consideration of the factors listed above, it was recommended that the Commission assess a civil penalty against the Respondent in the amount of \$500.00 for this violation of General Statutes § 9-608.

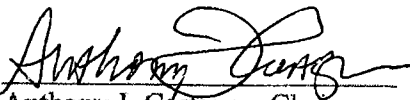
The following Order is adopted on the basis of these findings and conclusions:

ORDER

IT IS HEREBY ORDERED THAT:

The Respondent shall pay a civil penalty in the amount of \$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).

Adopted this 10th day of February, 2016.


Anthony J. Castagno, Chairman
By Order of the Commission

I certify the preceding final decision was sent to Allison M. Hall, 49 Canterbury St Hartford, CT 06112, first-class mail with delivery confirmation tracking and receipt and certified mail and regular mail on February 23, 2016.


Clerk of the Commission