

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Aaron Charney,
West Haven

File No. 2015-103L

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Christopher M. Suggs (hereinafter "Respondent"), of the City of West Haven, County of New Haven, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with 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 Complainant filed this complaint alleging that on August 1, 2015 that "an invitation for a West Haven's Future Now (WHFN) was posted on Facebook to a fundraiser" for candidates at the September 16, 2015 Democratic primary in the City of West Haven.
2. Complainant alleged that this invitation triggered the 10 day requirement for designating WHFN as their campaign funding vehicle, pursuant to General Statutes § 9-602 and § 9-604, and that all but one WHFN candidate failed to timely register in violation of those sections.
3. Further, Complainant alleged that the WHFN failed to register as a political slate committee within 10 days of its August 1, 2015 fundraising invitation as required by § 9-602 and § 9-605 in violation of those sections.
4. Complainant based his allegations on a solicitation to an August 6, 2015 WHFN fundraiser that first appeared on Facebook on August 1, 2015. It read in part:
Please Join Us – [Candidates/Respondents Names]—FOR A PIZZA FUNDRAISER/PARTY – \$20 – Date: THURSDAY August 6th – Time: 5:30-8:30 – Address: 867 Jones Hill Road, West Haven – Please come out and support us as we get ready for the Wednesday, September 16th Democratic Primary
The Commission notes that the solicitation had an attribution as required by General Statutes § 9-621 and named each of the candidates who were supported by WHFN.
5. The Commission details and addresses allegations in this complaint pertaining to individuals, other than Respondent, under separate dispositions.

6. Ms. Nancy Rossi and Mr. Joey S. Pascale, while members of the WHFN political slate committee, were nevertheless *not* named as Respondents in this matter as the facts did not support the potential for liability for either as alleged.

7. General Statutes § 9-602, provides in pertinent part:

(a) Except with respect to an individual acting alone, ... *no contributions may be made, solicited or received* and no expenditures, other than independent expenditures, may be made, directly or indirectly, *in aid of or in opposition to the candidacy for nomination or election of any individual* or any party or referendum question, *unless* (1) *the candidate or chairman of the committee has filed a designation of a treasurer and a depository institution situated in this state as the depository for the committee's funds*, or (2) the candidate has filed a certification in accordance with the provisions of section 9-604. In the case of a political committee, the filing of the statement of organization by the chairman of such committee, in accordance with the provisions of section 9-605, shall constitute compliance with the provisions of this subsection.

(b) No contribution in aid of or in opposition to the candidacy of any person or to any party or referendum question shall be made at any time, except to the committee's treasurer whose designation is on file with the proper authority, a solicitor or a candidate who is exempt from the requirement to form a candidate committee and has filed a certification.

[Emphasis added.]

8. General Statutes § 9-605, provides in pertinent part:

(a) *The chairperson of each political committee shall designate a treasurer and may designate a deputy treasurer.* The treasurer and any deputy treasurer so designated shall sign a statement accepting the designation. *The chairperson of each political committee shall file a registration statement* described in subsection (b) of this section along with the statement signed by the designated treasurer and deputy treasurer *with the proper authority, within ten days after its organization, provided that the chairperson of any political committee organized within ten days prior to any primary, election or referendum in connection with which it intends to make any contributions or expenditures, shall immediately file a registration statement.*

(b) The registration statement shall include: (1) The name and address of the committee; (2) a statement of the purpose of the committee; (3) the name and address of its treasurer, and deputy treasurer if applicable; (4) the name, address and position of its chairman, and other principal officers if applicable; (5) the name and address of the depository institution for its funds; (6) the name of each person, other than an individual, that is a member of the committee; (7) ***the name and party affiliation of each candidate whom the committee is supporting and the office or position sought by each candidate; ...***

[Emphasis added.]

9. Upon investigation, it was determined that Respondent registered the WHFN by filing a *Political Committee (PAC) Registration* (SEEC Form 3) with the West Haven City Clerk's office on August 12, 2015. Respondent designated Mr. Gerald Calabritto as treasurer of WHFN.
10. The WHFN registration indicated that the political slate committee was formed for the September 16, 2015 Democratic primary in West Haven and the *Registration by Candidate* (SEEC Form 1) and *Certification of Exemption from Forming a Candidate Committee* (SEEC Form 1B) exemptions for the individuals appearing on that slate of candidates were also filed by Respondent at the time of the WHFN registration.
11. The Commission finds that the August 1, 2015 WHFN social media solicitation on Facebook for the August 6, 2015 fundraiser triggered the requirement, pursuant to General Statutes § 9-602 and § 9-605.
12. Further, the Commission finds that Respondent, as its chair, had ten days pursuant to General Statutes § 9-602 and § 9-605 to register WHFN as a political slate committee and designate a treasurer, pertaining to its August 1, 2015 Facebook solicitation for a fundraiser in support of candidates for the September 16, 2016 West Haven Democratic primary.
13. The Commission finds therefore that Respondent was required to register the WHFN as a political slate committee by August 11, 2015 because of the invitation for an August 6, 2015 fundraiser that appeared on Facebook on August 1, 2015 pursuant to General Statutes § 9-602 and § 9-605.

14. After investigation, the Commission further finds that Respondent filed an SEEC Form 3 on August 12, 2015 registering the WHFN as a political slate committee with the West Haven City Clerk's office; or eleven days after the August 1, 2015 solicitation on social media for a fundraiser for the WHFN slate of candidates and one day after the registration was due under these specific facts and circumstances.
15. The Commission concludes therefore that Respondent violated General Statutes § 9-602 and § 9-605 by failing to register the WHFN as a political slate committee and designate a treasurer within 10 days of the August 1, 2015 solicitation for a fundraising event on August 6, 2015 in support of candidates for the September 16, 2015 Democratic primary in West Haven.
16. 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 Regulations of Connecticut State Agencies § 9-7b-56.
17. It is understood 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 Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
18. 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 challenge or contest the validity of this Agreement or Order hereinafter stated.
19. Upon the Respondent's agreement with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

ORDER

IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-602 and § 9-605.

The Respondent:

For the State Elections Enforcement Commission:

By: Christopher M. Suggs
Christopher M. Suggs
152 Terrace Avenue
West Haven, Connecticut

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

Dated: 8/26/2017

Dated: 9/6/17

Adopted this 20th day of September, 2017 at Hartford, Connecticut

Anthony J. Castagno
Anthony J. Castagno, Chair
By Order of the Commission