

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Christopher Suggs, West Haven

File No. 2015-107

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Robert L. Sager (the "Respondent") and the undersigned authorized representative of the State Elections Enforcement Commission (the "Commission"), enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

PARTIES

1. The Respondent, Robert L. Sager, was, at all times relevant hereto, the treasurer of the Friends of Ed O'Brien candidate committee (the "Committee").
2. Edward O'Brien was, at all times relevant hereto, a candidate for Mayor of the City of West Haven.¹

COUNT I

3. The Complainant alleged that the Respondent, as treasurer of the Committee, failed to report information concerning the contributors to the committee as required by General Statutes § 9-608.
4. General Statutes § 9-608 (a) requires that each treasurer of a committee file periodic financial disclosure statements concerning the financial activities of such committee.
5. General Statutes § 9-608 (c) specifically provides, in pertinent part:

(1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution; . . . (F) for each individual who contributes in excess of one hundred dollars but not more than one thousand dollars, in the aggregate, to the extent known, the principal occupation of such individual and the name of the individual's employer, if any; (G) for each individual who contributes in

¹ While Mr. O'Brien was listed in the Complaint as a respondent, there were no allegations contained within the Complaint for which Mr. O'Brien would bear liability.

excess of one thousand dollars in the aggregate, the principal occupation of such individual and the name of the individual's employer, if any[.]

6. Failure accurately report such information subjects a committee treasurer to civil penalties of up to \$2000 per violation. General Statutes § 9-7b.
7. Furthermore, the Commission has previously found that failure to provide information requested on the Commission mandated financial disclosure statement forms (SEEC Forms 20, 26, 30, and 40), though not specifically detailed General Statutes § 9-608, nevertheless subjects the committee treasurer to a civil penalty. See *In the Matter of a Complaint by Joseph Walcovich, Danbury*, File No. 2016-002B; *In the Matter of a Complaint by William P. Horan, Jr., East Hartford*, File No. 2011-126.
8. The Committee was the funding vehicle for Edward O'Brian's candidacy for mayor of West Haven in 2015.
9. As treasurer of the Committee, the Respondent was obligated to file financial disclosure statements concerning the activities of the committee quarterly, as well as on other dates detailed in General Statutes § 9-608. While the Respondent did timely file financial disclosure statements for the April and July quarterly filing periods, both filings omitted required information concerning numerous filings. Specifically, the financial disclosure statements in question contained the following errors and omissions:

| Type of Error/Omission | Total # of Error/Omissions |
|--|----------------------------|
| Failed to report aggregate contribution totals | 230 |
| Failed to report method of contribution | 13 |
| Failed to report date of contribution | 71 |
| Multiple names associated with a single contribution | 16 |
| Failed to report address of contributor | 6 |
| Failed to report last name of contributor | 1 |

10. The Committee raised in excess of \$24,000.
11. When the Respondent was contacted by Commission staff in response to the complaint, the Respondent swiftly apologized for the omissions and amended his filings to correct, to the best of his ability, the errors and omissions noted above.
12. General Statutes § 9-608 requires that a treasurer provide an "itemized accounting" of each contribution the committee for which he is treasurer he receives. The statute further specifically details certain information, such as names and addresses of contributors that

must be included. The Commission has further held that other information requested on the SEEC financial disclosure statement forms, but not specifically detailed in statute, is nonetheless required information and failure to include it amounts to a violation of General Statutes § 9-608. *In the Matter of a Complaint by Joseph Walcovich, Danbury*, File No. 2016-002B; *In the Matter of a Complaint by William P. Horan, Jr., East Hartford*, File No. 2011-126.

13. In this case, the Respondent had a several failures to report required information on both the April and July 2015 financial disclosure statements of the Committee, in violation of General Statutes § 9-608.

COUNT II

14. The Complainant alleged that the Respondent, as treasurer of the Committee, accepted contributions from business entities.

15. General Statutes § 9-613 provides, in pertinent part:

(a) No business entity shall make any contributions or expenditures to, or for the benefit of, any candidate's campaign for election to any public office or position subject to this chapter or for nomination at a primary for any such office or position, or to promote the defeat of any candidate for any such office or position. No business entity shall make any other contributions or expenditures to promote the success or defeat of any political party, except as provided in subsection (b) of this section. No business entity shall establish more than one political committee. A political committee shall be deemed to have been established by a business entity if the initial disbursement or contribution to the committee is made under subsection (b) of this section or by an officer, director, owner, limited or general partner or holder of stock constituting five per cent or more of the total outstanding stock of any class of the business entity.

16. General Statutes § 9-622 (10) further provides that “[a]ny person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter,” shall be guilty of prohibited practices.
17. At all times relevant hereto, the Respondent, Robert Sager, was the treasurer of the Committee. The Committee was the funding vehicle for Edward O’Brian’s candidacy for mayor of West Haven in 2015. When he was treasurer the Respondent accepted five contributions from business entities. The value of such contributions were between \$100 and \$500.
18. All of the aforementioned contributions were included on the Committee’s financial disclosure statements.

19. The Respondent claimed that he was not aware that accepting contributions from business entities was a violation.
20. When these facts were brought to the Respondent's attention and the Respondent was advised that these contributions were unlawful, the Respondent immediately issued reimbursement checks to each entity.
21. The Committee accepted five contributions from business entities during the campaign. Each contribution was a violation of General Statutes §§ 9-613 and 9-622. Accordingly, the Commission finds that the Respondent violated General Statutes §§ 9-613 and 9-622.

COUNT III

22. The Complainant alleged that the Respondent, as treasurer of the Committee, accepted cash contributions in excess of \$100.
23. General Statutes § 9-622 provides, in pertinent part:

The following persons shall be guilty of illegal practices: . . . (9) Any person who offers or receives a cash contribution in excess of one hundred dollars to promote the success or defeat of any political party, candidate or referendum question;
24. The financial disclosure reports filed by the Respondent indicate that they received a \$250 cash contribution from Matt Pickering on March 25, 2015.
25. The Respondent acknowledges that the Committee accepted a \$250 cash contribution. Accordingly, the Commission finds that the Respondent violated General Statutes § 9-622.

TERMS OF GENERAL APPLICATION

26. The Respondent admits to all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.
27. 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 to contest the validity of the Order entered into pursuant to this Agreement.

28. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondents regarding this matter.

29. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum.

ORDER

It is hereby ordered that the Respondent shall henceforth strictly adhere to the requirements of General Statutes §§ 9-608, 9-613, and 9-622.

It is further ordered that the Respondent shall pay a civil penalty of one thousand dollars (\$1,000).

It is further ordered that the Respondent shall not serve as a treasurer of any committee under the jurisdiction of the Commission for a period of seven (7) years.

For the Respondent:

By: Robert L. Sager
Robert L. Sager
72 Ranchwood Drive
West Haven, CT 06516

For the State of Connecticut:

By: Michael J. Brandi
Michael J. Brandi
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St.
Hartford, CT 06106

Dated: 12/15/17

Dated: 12/19/17

Adopted this 20th day of December, 2017 at Hartford, Connecticut by vote of the Commission.

Salvatore A. Bramante
Anthony J. Castagno, Chairman
By Order of the Commission
Salvatore A. Bramante

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