

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Cheryl Haase, Higganum

File No. 2015-115

**FINDINGS AND CONCLUSIONS**

The Complainant alleged that during the 2015 municipal election campaign in the Town of Haddam incumbent First Selectman Melissa Schlag, who was a candidate for re-election, spent municipal funds to send written notices of a neighborhood meeting under the pretense of a discussion of planned road improvements in the neighborhood, but that it was only a pretense to hold a campaign event on her behalf.<sup>1</sup>

**BACKGROUND**

1. The following pertinent facts are not in dispute.
2. The Respondent Melissa Schlag was at all times relevant to the instant Complaint, the First Selectman in the Town of Haddam and a candidate for re-election.
3. The Complainant was at all times the Chair of the Haddam Republican Town Committee
4. A letter on Town of Haddam stationary and dated August 26, 2015 and signed by the Respondent was sent to residents on McTigh Rd., Bartman Rd., and Porkony Dr., and read, as follows:

I hope this letter finds you well! As you know. I've been working to get McTigh, Bartman and part of Porkorny repaired and/or improved.

As of 2015, much of the extensive surveying and engineering has been completed and the longstanding property issues with respect to drainage on McTigh are currently being finalized.

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<sup>1</sup> The following are the Commission's findings and conclusions based on those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission's jurisdiction.

I'd like to invite you to an informational meeting on Monday, August 31, 6-7 p.m. at the home of Kathy Sullivan, [REDACTED]. Jeff Jacobson, from our town engineering firm Nathan L. Jacobson and Associates Inc., will present an engineering report for the upcoming projects.

At this meeting we will address the schedule, preliminary costs and respond to any questions or concerns you might have. Hope you can make it!

Please feel free to contact me any time if you can't make the meeting.

5. The aforementioned town meeting was held on the date and location indicated in the letter and representatives from Nathan L. Jacobson and Associates Inc. did their presentation as discussed in the letter.
6. Katherine Sullivan was at all times relevant to the instant Complainant, the treasurer for the Respondent's candidate committee.

#### **ALLEGATIONS**

7. Specifically, the Complainant alleged, in pertinent part:

Town resources were used to invite and attract local residents to this meeting. Those resources included using Town of Haddam stationery, mailing using the town postage meter and town personnel time in preparing the letters and the engineer's time in attending this meeting. Despite the subject matter being of concern to all town residents, the meeting was not held at a town venue capable of accommodating the public at large.

There was no public notice of this meeting at which Town business was being conducted. All taxpayers in the Town of Haddam will be paying for these road improvements. All citizens of the Town of Haddam should have been notified of this meeting and given an opportunity to attend.

During this meeting Melissa Schlag, who is a candidate for re-election as First Selectman in November, brazenly and openly asked for residents' votes and requested that they take campaign signs to be placed on their lawns.

8. The Complainant did not assert that she was present for this meeting and/or that she could personally attest to her allegations.
9. The Complainant's allegations here rely entirely on the statements of a single individual, a Mr. Craig Anderson, who resided on one of the affected roads, was invited to the meeting and did attend.
10. SEEC staff interviewed Mr. Anderson and he asserted that he recalled receiving a letter from Town Hall that was an invitation to attend a meeting regarding road renovations. He stated that he is on the Parks and Recreation Commission and originally thought he was receiving something related to his official duties. He believed the invitation was sent to people in neighborhoods impacted by the road repair proposal. Mr. Anderson stated that he attended the meeting "as concerned citizen." He asserted was surprised at the makeup of the people in attendance. He asserted that he believed that there were some neighbors, but that it appeared to be selective, and that there appeared to be some people who did not live in the impacted area who were friends and political allies of the Respondent—he cited specifically Marge DeBold as an example. Whereas, he asserted, the Respondent's opponent for First Selectman "lived next door" to Ms. Sullivan and did not appear to be invited. Mr. Anderson asserted that after the meeting, he asked other individuals nearby if they were invited and he indicated they were not, however Mr. Anderson did not identify any of these individuals with whom he claimed to have spoken. Mr. Anderson asserted that Jeff Jacobson, an engineer aligned with the project, gave a general outline of the project and how far along. He stated that it was represented that there was not funding presently available and there would be a need to bond for funds. It appeared to Mr. Anderson that the project was in a very early stage. Anderson stated that by his recollection, the presentation included what he believed to be political promotion and claimed that phrases such as, "vote for me and it will be funded" were used. Mr. Anderson recalled that the presentation phase lasted about an hour. He asserted that he felt very uncomfortable and thought the presentation was orchestrated. Finally, he asserted that at the end of the meeting refreshments were offered and people were told political signs were in the corner for those who wanted them.
11. Mr. Anderson also wrote a letter to the editor asserting the above, but also specifically asserted:

During the meeting, there was discussion concerning "too many Lizz signs" [the Respondent's opponent] and, at one point, while answering a question concerning the viability of this "road improvement project", Melissa Schlag stated "I guess you have to vote for me". Transparency? I think not. There were numerous "Schlag" campaign signs openly

displayed in the room and after the discussions ended all who were invited and still they were asked to share in the “tasty treats” and beverages as a thank you for attending.

**Law**

12. General Statutes § 9-610 (d) reads, in pertinent part:

(d) (1) No incumbent holding office shall, during the three months preceding an election in which he is a candidate for reelection or election to another office, use public funds to mail or print flyers or other promotional materials intended to bring about his election or reelection....

13. General Statutes § 9-622 reads, in pertinent part:

The following persons shall be guilty of illegal practices and shall be punished in accordance with the provisions of section 9-623:

...

(5) Any person who, directly or indirectly, pays, gives, contributes or promises any money or other valuable thing to defray or towards defraying the cost or expenses of any campaign, primary, referendum or election to any person, committee, company, club, organization or association, other than to a treasurer, except that this subdivision shall not apply to any expenses for postage, telegrams, telephoning, stationery, express charges, traveling, meals, lodging or photocopying incurred by any candidate for office or for nomination to office, so far as may be permitted under the provisions of this chapter; . . .

**Respondent's Reply**

14. The Respondent in this matter cooperated in full with the instant investigation. She generally denies the allegations and asserts that Mr. Anderson's account was that of a strong supporter of her opponent, and that the accounts of electioneering are largely fabricated and unsupported.

15. The Respondent sent a formal written reply to the Complaint as follows, in pertinent part:

First, this complaint is completely erroneous and borderline harassment. The complainant (who is chair of the Haddam Republican

Town Committee) was not at the meeting and the other “witnesses” are not only supporting but also working for my opponent’s campaign in the upcoming 2015 municipal election.

Second, organizing meetings to discuss an impending large infrastructure project is part of first selectman’s duties and these meetings are commonplace in all towns. All first selectmen of Haddam before me held similar meetings about road/infrastructure projects as well.

Third, I absolutely did not campaign at this event and I had no campaign literature or signs with me. Frankly, the gentleman Craig Anderson, who was invited to the meeting because he lives in the vicinity of the project, is actively working for my opponent’s campaign; many of the “notes” he wrote on the envelope are blatant lies and this complaint is nothing more than a petty political attack.

I have since had another road meeting, during which I videotaped the event, in case another complaint should be filed. If you wish to review the tape to see how I conduct my official business I would be happy to provide you with a copy.

16. The Respondent provided a list of the residents invited to the event, which included 19 addresses on Bartman Road, 30 addresses on McTigh Road, and 7 addresses on Arkona Dr.
17. The Respondent also provided a photograph from the event depicting many of the individuals who attended, including Mr. Anderson. No campaign materials and/or paraphernalia is present in the photograph.

### **Investigative Findings**

18. As an initial matter, the Commission notes that Mr. Anderson was the only witness provided by the Complainant in support of her allegations. No other witness or documentary evidence have been identified by either the Complainant or Mr. Anderson.
19. The investigation here included interviews with a number of the individuals that attended the meeting in question. The vast majority of the statements provided to the SEEC strongly refuted the allegations made in this Complaint and by Mr. Anderson, some at great length. The majority of the responses asserted that there was no doubt in their mind that the event was a community event to discuss what many saw to be deteriorating conditions of the

effected roads. None of the individuals interviewed could corroborate the statements attributed by Mr. Anderson.<sup>2</sup>

20. One witness, Dr. Robert McCarthy, provided a statement that he did witness a Schlag lawn sign at the end of the driveway as well as a “handful” of Schlag signs somewhere within the house. He also stated that at the end of the meeting people at the event began to discuss the impending election, but he could not verify any of the specific statements, including what was said, who the speakers may have been, or in what context the statements may have been made. He stated that he did not witness any other campaign material in the house and he was not asked to vote for the Respondent or make a contribution.

#### Analysis

21. This matter will turn on the question of whether the meeting that is the subject of this case was in fact a campaign event for the Respondent, that is, whether the event was held “for the purpose of influencing the nomination for election, or election, of” the Respondent.
22. Advisory Opinion 2010-08 concerned the question of when a campaign event for one candidate at which another candidate is present will be considered a joint campaign event for which both candidates must pay a share of the costs. In *In the Matter of a Complaint by Nancy DiNardo, Hartford*, File No. 2012-152, the Commission determined that the analysis developed in AO 2010-08 could be similarly applied in determining whether an event involving a single candidate constituted a “campaign event.” The *DiNardo* case involved a “gas giveaway” event sponsored by the entity “Americans For Prosperity” in which incumbent Senator Len Suzio made an appearance. The question in the case was whether the evidence supported a finding that the event was merely a pretext for a campaign event for Senator Suzio.
23. In AO 2010-08, the Commission held that:

Not every campaign event for one candidate at which another candidate is present will be considered a campaign event for both candidates such that both candidate committees must pay for a pro rata share of the costs of the event to avoid running afoul of General Statutes § 9-616 (a). The Commission will consider several indicia in determining whether an event is a campaign event for a candidate, including:

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<sup>2</sup> The Commission also takes administrative notice that the Internet comments to Mr. Anderson’s letter-to-editor also strongly refuted his claims.

- 1) Whether the invitations for the event tout the candidate's presence and/or the chance to hear her message;
- 2) Whether the media was alerted as to the candidate's presence at the event;
- 3) Whether the candidate notified his supporters that he would be present at the event;
- 4) Whether the candidate is distributing her campaign literature at the event or in connection with the event;
- 5) Whether the candidate is fundraising at the event;
- 6) The extent to which the event targets the voters or in-district donors of the candidate; and
- 7) The extent to which the candidate is speaking at the event regarding his campaign.

See Advisory Opinion 2010-08, pp 2 & 3.

24. Applying these indicia to the limited evidence available in this matter the Commission finds the following:

- a. Although an invitation was sent at town expense and on town stationary to approximately 56 people impacted by proposed road repairs improvements, there is no mention of the First Selectman's candidacy.
- b. Local blogger Ed Schwing was invited and attend the event. In response to SEEC inquires he provided statements that he was told that the event was about road issues and that the substance of the presentation was as advertised. He stated that he witnessed no campaign activity.<sup>3</sup>
- c. The invitations were sent to all affected houses and not limited by party affiliation (the Commission notes particularly, Mr. Anderson's attendance).
- d. There is conflicting information regarding the location and availability of campaign literature, but there is no confirmed accounts of any materials being offered and/or distributed.
- e. There is no testimony that fundraising occurred.
- f. There is no testimony that particular voters and/or donors were targeted by this event.
- g. The statements gathered by SEEC staff indicate that the Respondent spoke very little at the event and that there may have been a vague reference to her saying she

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<sup>3</sup> However, the Commission notes that there is no contemporaneous account of the Mr. Schwing's observations, as he did not ultimately end up writing about the event.

would pass the project if in office, but the people attending would have to deal with whoever was in office if the project came to fruition

25. Considering the aforesaid, the Commission concludes that the evidence in this matter is insufficient to establish that the event held at Kathleen Sullivan's home was held "for the purpose of influencing the nomination for election, or election, of" Respondent Melissa Schlag. As such, the costs of the event did not constitute an impermissible use of public funds towards her campaign for re-election as Haddam First Selectman. This matter should be dismissed.




ORDER

The following Order is recommended on the basis of the aforementioned findings:

Dismissed

Adopted this 11th day of May, 2016 at Hartford, Connecticut.

  
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Anthony J. Castagno, Chairperson  
By Order of the Commission