

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Nancy Conaway-Raczka, Middletown

File No. 2015-125

**AGREEMENT CONTAINING A CONSENT ORDER**

The parties, Florence Dunn (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:

**BACKGROUND**

1. At all times relevant hereto, Sandra Russo-Driska was a candidate for Mayor of the Town of Middletown concerning an election held on in the November, 3 2015.
2. Ms. Russo-Driska's 2015 campaign was funded by the Elect Sandra 2015 candidate committee (the "Committee").
3. The Respondent, Florence Dunn, was, at all times relevant hereto, treasurer of the Committee.

**COUNT I**

4. The Complainant alleged that the Respondent, as treasurer of the Committee, accepted cash contributions in excess of \$100.
5. 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; . . . .

6. The financial disclosure reports filed by the Respondent for the Committee indicated that it received the following cash contributions:

<b>Name of Contributor</b>	<b>Date of Contribution</b>	<b>Amount of Cash Contributed</b>
Ann Pandolfo	March 27, 2015	\$1,000
Josephine Cooley	March 27, 2015	\$200

Josephine Russo	March 27, 2015	\$250
Mary Hadsell	March 27, 2015	\$150
Jack DiMauro	March 27, 2015	\$300
Josephine Russo	June 5, 2015	\$575
Michael Russo	June 5, 2015	\$335
Susan Russo	June 5, 2015	\$290
Florence Dunn	June 5, 2015	\$200
T.J. Hutton	June 5, 2015	\$225

7. The Respondent admits to receiving the aforementioned cash contributions.
8. While the Respondent has accepted responsibility for these violations, the impermissible contributions were not returned or disgorged.
9. The Commission considers accepting a cash contribution in excess of the statutory limit to be a serious matter. *See In the Matter of a Complaint by Christopher M. Suggs, West Haven*, File No. 2015-107; *In the Matter of a Complaint by Susan Sinclair Wallace, Cheshire*, File No. 2005-135.

## COUNT II

10. 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.
11. General Statutes § 9-608 (a) requires that each treasurer of a committee file periodic financial disclosure statements concerning the financial activities of such committee.
12. 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 excess of one thousand dollars in the aggregate, the principal occupation of such individual and the name of the individual's employer, if any[.]

13. 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 Christopher M. Suggs, West Haven*, File No. 2015-107; *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.
14. The evidence in this case shows that the financial disclosure statements filed by the Respondent concerning the Committee for the April and July 2015 quarterly filing periods omitted required information. Specifically, the filings in question contained the following errors and omissions:

Type of Error/Omission	Total # of Error/Omissions
Failed to accurately report aggregate contribution totals	1
Failed to report date of contribution	9
Failed to report method of contribution	2

15. General Statutes § 9-608 requires that a treasurer provide an “itemized accounting” of each contribution his or her committee receives. The statute further details certain information, such as names and addresses of contributors that must be included in such itemized accounting. 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.
16. In this case, the Respondent failed to report required information required, both explicitly and implicitly by statute, on both the April and July 2015 financial disclosure statements of the Committee.
17. When these errors were brought to the attention of the Respondent, the Respondent filed amended financial disclosure statements including the missing information.

### COUNT III

18. The Complainant alleged that the Respondent, as treasurer of the Committee, accepted contributions from a business entity.

19. 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.

20. 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.
21. The evidence in this case reveals that, while she was treasurer of the Committee, the Respondent accepted a contribution from New England Construct, LLC in the amount of \$120. New England Construct, LLC is a limited liability corporation registered with the State of Connecticut.
22. When these facts were brought to the Respondent’s attention, the Respondent stated “the business check from New England Construction was received on 6/5/15 for \$120 and unfortunately was not noticed as being a business check. He is a sole proprietor and all future checks were received from the individual’s personal checking account as you will notice from the copies provided.”<sup>1</sup>
23. The Commission considers accepting a contribution from a business entity to be a serious violation. *See In the Matter of a Complaint by Randy T. Petroniro, Sr., Wolcott*, File No.

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<sup>1</sup> While the Respondent alleges that New England Construct, LLC is a “sole proprietor” the facts do not support this position. A limited liability company, even if owned by a single individual, is legally distinct from a sole proprietorship. *See C & J Builders & Remodelers, LLC v. Geisenheimer*, 249 Conn. 415 (1999). Pursuant to General Statutes § 9-601 (19), a limited liability company is within the definition of entity. Moreover, pursuant to General Statutes § 9-601 (8), any “entity which is engaged in the operation of a business or profit-making activity” is considered to be a “business entity” for the purposes chapters 155 and 157 of the General Statutes. While General Statutes § 9-601 (8) does except sole proprietorships from the definition of business entity, as aforementioned, such exception does not apply in this case.

2009-113; *In the Matter of a Complaint by Jack Testani, Trumbull*, File No. 2011-143; *In the Matter of a Complaint by John Lappie, North Branford*, File No. 2007-371.

24. In this case, while the violation is serious, the reporting of it on financial disclosure statements suggests that the violation was a result of not knowing the law, as opposed to willful flouting of it.

**TERMS OF GENERAL APPLICATION**

25. 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.
26. 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.
27. 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.
28. 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 Respondents 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 \$1,000.

**The Respondent:**

By: Florence Dunn  
Florence Dunn  
174 Craberry Drive  
Middletown, CT 06824

**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: 10/13/17

Dated: 10/12/17

Adopted this 8 day of OCTober, 2017 at Hartford, Connecticut by vote of the Commission.

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