

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Laura Bernaschina
Fairfield

File No. 2015-126

FINDINGS & CONCLUSIONS

Complainant Laura Bernaschina of Fairfield filed this complaint on September 25, 2015 per Connecticut General Statutes § 9-7b alleging that Stanton Lesser, town attorney for the Town of Fairfield, violated General Statutes § 9-610 (d) when he sent a notice on Town of Fairfield letterhead to Complainant regarding an allegation against her related to purported actions that occurred on school grounds. After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. Complainant Bernaschina ran as a Republican candidate for the Fairfield Board of Education in the 2015 municipal election cycle.¹
2. Respondent Lesser serves as the town attorney for the Town of Fairfield.
3. On July 1, 2015, Lesser sent a letter to Bernaschina stating that the Fairfield Public Schools had informed him that she and another individual “had been seen rummaging through a dumpster at Riverfield Elementary School.”² The letter went on to inform Complainant that the matter had been reported to the Fairfield Police Department and asked her to “cease and desist this behavior.”³
4. Complainant filed this complaint alleging that the Respondent had sent the letter “for political reasons” and that it represented “an abuse of office to use town funds in this manner when it is directed at a candidate running in the opposing party.”⁴
5. General Statutes § 9-610 (d) prohibits the use of public funds for certain activities. The statute comprises two different prohibitions on the use of public funds to promote the

¹ See ED-606 – Prescribed Form for Return of Votes Cast at a Municipal Election, Town of Fairfield (Connecticut Sec’y of the State, Rec’d Nov. 17, 2015) (reflecting Bernaschina’s candidacy as Republican candidate for Fairfield Board of Education).

² See Letter from Stanton Lesser to Laura Bernaschina (July 1, 2015) (summarizing allegations regarding Complainant and public school dumpster). The letter was initially sent on June 5, 2015 and addressed to the Complainant at “Mill Hill Road” instead of “Mill Plain Road.”

³ *Id.*

⁴ See Complaint of Laura Bernaschina, Fairfield, File No. 2015-126 (State Elections Enforcement Comm’n, Rec’d. September 25, 2015) (stating allegations against town attorney Lesser).

candidacy of a public official. First, § 9-610 (d)(1) prevents an incumbent within the three months preceding an election from using public funds “to mail or print flyers or other promotional materials” that are intended to promote the candidacy of that incumbent.⁵ Second, § 9-610 (d) (2) bans any individual from authorizing the use of public funds during the 12-months preceding an election for any promotional campaign or advertisement that features the name, face or voice of a candidate for public office or promotes the nomination or election of a candidate.⁶

6. Neither prohibition created under General Statutes § 9-610 (d) applies in this scenario.
7. The letter from Respondent Lesser was sent under the auspices of his role as town attorney for Fairfield. The letter was not a “flyer or promotional material” to promote the candidacy of an incumbent. Nor was the letter part of a promotional campaign featuring a candidate.
8. General Statutes § 9-610 (d) does not apply in this scenario.
9. According to the Commission’s investigation, Respondent actions were taken only in his role as town attorney, devoid of any political intent.
10. The Commission will dismiss this matter.

ORDER

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

That this matter will be dismissed.

Adopted this 13th day of January, 2016 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission

⁵ See General Statutes § 9-610 (d)(1).

⁶ See General Statutes § 9-610 (d)(2).