

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Campaign Disclosure and Audit Unit of the State
Elections Enforcement Commission

File Nos. 2015-017NF, 2015-037NF, 2015-169NF,
2015-187NF, 2016-009NF, 2016-040NF

RESPONDENT:

Allen Friedrich
47 Prospect St., Apt. D
Glastonbury, CT 06033-1188

Final Decision

This consolidated matter was heard as a contested case on September 21, 2016 pursuant to Chapter 54 of the Connecticut General Statutes, § 9-7b of the Connecticut General Statutes and § 9-7b-35 of the Regulations of Connecticut State Agencies, at which time Attorney Ryan M. Burns (the "State") appeared on behalf of the State of Connecticut and the Respondent, Allen Friedrich (the "Respondent"), appeared *pro se*. Each party was given the opportunity to present evidence and testimony for inclusion in the record, and each party was afforded the opportunity to submit post-hearing briefs by September 28, 2016 in this matter.

After careful consideration of the entire record, the following facts are found and conclusions of law are made:

1. Michael J. Ajello was designated as Hearing Officer for this consolidated matter. .
2. At the hearing, the State orally corrected some technical errors in the Notice of Hearing dated July 19, 2016, and represented that the correct file numbers are: 2015-017NF, 2015-037NF, 2015-169NF, 2015-187NF, 2016-009NF, and 2016-040NF. In addition, the State orally corrected the dates of the last filing deadline and filing period in the notice to refer to the April 11, 2016 filing for the period ending March 31, 2016. The Respondent did not object to this amended notice.
3. The parties agreed to the following signed and written stipulation of facts, as quoted below:
 - a) Respondent received all notices required by the General Statutes and Regulations of State Agencies of the State of Connecticut in connection with the hearing on September 21, 2016 concerning the above captioned matters, and such notices complied with all statutory and regulatory requirements.
 - b) Respondent was treasurer of the Glastonbury Democratic Town Committee (the "Committee") from April 9, 2014 until April 14, 2016.

- c) Prior to the matters that are the subject of this Agreement, Respondent has twice been found in violation of General Statutes § 9-608 by the Commission. *In the Matter of a Referral by the Campaign Disclosure and Audit Unit of the State Elections Enforcement Commission*, File No. 2014-180NF & *In the Matter of a Referral by the Campaign Disclosure and Audit Unit of the State Elections Enforcement Commission*, File No. 2014-194NF.
- d) Pursuant to General Statutes § 9-608, Respondent was required to file financial disclosure statements on January 12, 2015, April 10, 2015, October 13, 2015, October 27, 2015, January 11, 2016, and April 11, 2016 for the Glastonbury Democratic Town Committee.
- e) Respondent failed to file financial disclosure statements on January 12, 2015, April 10, 2015, October 13, 2015, October 27, 2015, January 11, 2016, and April 11, 2016 for the Glastonbury Democratic Town Committee.
- f) The SEEC fulfilled its statutory obligations pursuant to General Statutes § 9-623 with regard to each filing at issue in the above captioned matters.
- g) Respondent failed to file the financial disclosure statement due on January 12, 2015, April 10, 2015, October 13, 2015, October 27, 2015, January 11, 2016, and April 11, 2016 within the time period contained in the notices issued by the SEEC.
- h) More than \$1,000 in financial transactions occurred during the periods which were covered by the financial disclosure statements due on January 12, 2015, April 10, 2015, October 13, 2015, October 27, 2015, January 11, 2016, and April 11, 2016.
- i) Respondent was replaced as treasurer of the Glastonbury Democratic Town Committee on April 14, 2016.
- j) All outstanding financial disclosure statements of the Glastonbury Democratic Town Committee have been filed with the SEEC.

Stipulation signed by State and Respondent (Sept. 21, 2016).

- 4. The parties stipulated to the admission into evidence of State's Exhibits 1 – 52.
- 5. At the hearing, the Respondent offered his apology for the issues with the financial disclosure filings. He testified that his job with the United States Postal Service entails working non-standard hours; his start-time ranges from 10:00 p.m. to 3:00 a.m., his job involves travel and his region covers Connecticut, western Massachusetts, and Rhode Island. He explained that he rarely had two days in a row off. He testified that the hours are exhausting and has an impact on his daily life, and that he has recently dealt with both some serious personal health issues as well as family-member health issues. He stated that he realizes he should have resigned from his position as treasurer, but that he kept thinking he would get the responsibilities done the next day, however things just “snowballed” and got out of control. He further testified that he

realizes none of this is an excuse, and that he did not object to paying a \$4,000 civil penalty. He offered to pay \$2,000 the day of the hearing and \$2,000 the following month.

6. During the closing argument, the State noted that it could seek up to \$12,000 in aggregate civil penalties for the six missed filings, but under the circumstances, did not feel that that amount was necessary to ensure immediate and continued compliance, particularly given that the Respondent was no longer the treasurer at the time of the hearing.
7. The State testified that the Respondent was provided with a Financial Affidavit form. The Respondent subsequently submitted a completed Financial Affidavit, dated September 24, 2016 to the Clerk of the Commission.
8. General Statutes § 9-608 (a) provides, in relevant part, as follows: **“Each treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) on the tenth calendar day in the months of January, April, July and October, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, ..., (B) on the seventh day preceding each regular state election, except that ... (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date.”**
9. It is concluded that the Respondent failed to file the financial disclosure statements due on January 12, 2015, April 10, 2015, October 13, 2015, October 27, 2015, January 11, 2016, and April 11, 2016.
10. General Statutes § 9-7b (a) (2) provides, in pertinent part, that the Commission shall have the power to levy a civil penalty not to exceed “two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155 or 157.” The Commission may levy a civil penalty against any person only after giving the person an opportunity to be heard at a hearing. *See* General Statutes § 9-7b (a) (2).
11. General Statutes § 9-623 (b) (4) provides, in pertinent part, that “[t]he penalty for any violation of section ... 9-608 shall be a fine of not less than two hundred dollars or more than two thousand dollars or imprisonment for not more than one year, or both.”
12. In addition, General Statutes § 9-7b(a)(3)(B) provides that the Commission has the power “[t]o issue an order when the commission finds that an intentional violation of any provision of chapter 155 or 157 has been committed, after an opportunity to be heard at a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, which order may contain one or more of the following sanctions: (i) Removal of a treasurer, deputy treasurer or solicitor; (ii) prohibition on serving as a treasurer, deputy treasurer or solicitor; ...”.


13. Section 9-7b-48 of the State of Connecticut Regulations provides, "In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances: (1) the gravity of the act or omission; (2) the amount necessary to insure immediate and continued compliance; (3) the previous history of similar acts or omissions; and (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes."
14. It was recommended that the Commission consider the following as mitigating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) the Respondent attended the hearing, explained the reason for the lack of financial disclosure filings, and accepted responsibility for his conduct.
15. It was recommended that the Commission consider the following as aggravating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) this consolidated hearing concerned six separate violations; (2) because of the six missed filings, for large portions of 2015 and the first part of 2016 there was virtually no disclosure from the Glastonbury Democratic Town Committee, which had over \$1,000 of financial activity during the periods covered by the missed filings.
16. At the hearing, the State also requested that given the large number of missed filings, the Hearing Officer find an intentional violation or violations by the Respondent, and requested further that the Commission be asked to issue an order prohibiting the Respondent from serving as treasurer, deputy treasurer, or solicitor for a period of seven years from the date of the final decision. The Respondent conceded that he has no interest in serving in any of these roles and did not object to the State's request of such prohibition.
17. In consideration of the factors listed above, it was recommended that the Commission (a) assess a civil penalty against the Respondent in the amount of \$4,000 for these six violations of General Statutes § 9-608, and (b) issue an order prohibiting the Respondent from serving as treasurer, deputy treasurer, or solicitor for a period of seven years from the date of the final decision.

ORDER

The following Order is adopted on the basis these findings and conclusions:

IT IS HEREBY ORDERED THAT

1. The Respondent shall pay a civil penalty in the amount of \$4,000 payable to the State Elections Enforcement Commission, of which \$2,000 shall be paid within 45 days of notice of this decision, and the remaining \$2,000 be paid within 90 days of such notice, for these violations of General Statutes § 9-608, pursuant to General Statutes § 9-7b (a) (2).
2. The Respondent shall be prohibited from serving as a treasurer, deputy treasurer, or solicitor for any committee or person for purposes of the campaign finance provisions contained in Chapters 155-157 of the General Statutes, for a period of seven years from the date of this final decision, pursuant to General Statutes § 9-7b (a) (3) (B) (ii).


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

Adopted this 14th day of December, 2016.