

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Anne T. Stapleton-Reily, Kensington

File No. 2015-191

**FINDINGS AND CONCLUSIONS**

The Complainant alleges that Respondents Frederick J. Jortner and Ryan T. Zelek, as the chairman and treasurer of the Berlin Democratic Town Committee, printed mailers that failed to include the required attribution.<sup>1</sup>

1. Respondent, Frederick J. Jortner was, at all times relevant hereto, the Chair of the Berlin Democratic Town Committee.
2. Respondent, Ryan T. Zelek was, at all times relevant hereto, the Treasurer of the Berlin Democratic Town Committee.
3. Respondent, Richard Price was, at all times relevant hereto, the Treasurer of Democrats for Berlin, a political committee organized under the laws of Connecticut.
4. Complainant alleges that Respondents Jortner and Zelek distributed “mailers” promoting democratic candidates in the town of Berlin, without including an attribution required by Connecticut law.
5. General Statutes § 9-621 (a) provides, in pertinent part:

No individual shall make or incur any expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate’s agent, no group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee shall make or incur any

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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.

expenditure, and no candidate or committee shall make or incur any expenditure including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or promotes or opposes any political party or solicits funds to benefit any political party or committee unless such communication bears upon its face as a disclaimer (1) the words "paid for by" and the following: . . . (B) in the case of a committee other than a party committee, the name of the committee and its treasurer; (C) in the case of a party committee, the name of the committee; . . . and (2) the words "approved by" and the following: (A) In the case of an individual, group or committee other than a candidate committee making or incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, the name of the candidate; or (B) in the case of a candidate committee, the name of the candidate.

6. The photocopied mailers supplied by the Complainant to the Commission in this matter did not appear to contain any of the attributions required by General Statutes § 9-621.
7. However, the independent investigation into this matter revealed that the attributions were, in fact, on the original mailers, but were not visible on the photocopy provided by the Complainant because those sections of the mailers that included the attributions were beyond the margin of the photocopied image.
8. Based on a review of the original mailers, each mailer belonged in one of two groups. The first group were mailers printed and distributed by the Berlin Democratic Town Committee. The second group are those mailers prepared and distributed by Democrats for Berlin.
9. After reviewing the relevant evidence in this case, it is clear that all of the Berlin Democratic Town Committee mailers and the Democrats for Berlin mailers contained the required attributions.
10. Accordingly, because the facts in this case do not support the allegations, this matter should be dismissed.

ORDER

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

That the matter is dismissed.

Adopted this 16 day of August, 2016 at Hartford, Connecticut.

  
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Anthony J. Castagno, Chairperson  
By Order of the Commission