

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Ryan C. Henowitz,  
062  
New London

File No. 2016-

**CONSENT AGREEMENT**

This agreement by and between Michael J. O'Connor of the Town of Bozrah, County of New London, State of Connecticut (hereinafter "Respondent") and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. On February 26, 2016, Paul M. Formica established *Formica for Senate* (hereinafter "Committee") to support his election to the 20<sup>th</sup> Senatorial District at the November 8, 2016 election. Michael J. O'Connor was the designated treasurer of the Committee. The Committee opted to participate in the CEP and received grant funds from the Citizens' Election Fund (CEF).
2. Ali Formica, is the daughter of Mr. Formica. At all times relevant to this complaint, Ms. Formica was late-twenties in age, lived outside of her father's home and was not otherwise Mr. Formica's dependent.
3. This agreement is limited to Respondent as treasurer of the Committee. Allegations regarding Mr. Formica are dismissed by the Commission.
4. General Statutes § 9-608, provides in pertinent part:  
(c)(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; (B) *an itemized accounting of each expenditure*, if any, including the full name and complete address of each payee, *including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity*, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; ...  
[Emphasis added.]
5. General Statutes § 9-608 requires that committee treasurers report "secondary payees" on the committee's financial statements. The disclosure of secondary payees is necessary "...

*whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person.” See General Statutes § 9-608.*

6. Upon investigation, the Commission finds, that the sole owner of Miranda Creative is Maria Miranda. The Commission finds that there were four employees of the firm and that Ali Formica was not an employee or an owner of Miranda Creative. Finally, in the course of this complaint and investigation, owner Maria Miranda identified Ms. Formica as a subcontractor of her firm.
7. The investigation determined that Ms. Formica invoiced Miranda Creative for marketing and advertising work that she performed based on the contract between the Committee and the firm. Ms. Formica was paid directly for such work by Miranda Creative.
8. Additionally, the Commission finds that the Committee reported expenditures to Miranda Creative for “consulting services,” that in fact were performed by Ms. Formica as a subcontractor, but at no time did the Committee report Ms. Formica as either a payee or a secondary payee on its itemized financial statements.
9. The Commission finds that Ms. Formica invoiced Miranda Creative for work she did for the Committee. Further, the Committee, prior to their receipt of a grant from the CEF, reported a June 30, 2016 expenditure for \$1,859.54 paid to Miranda Creative. The Commission finds that Ms. Formica was paid by Miranda Creative for authorized work performed for the Committee.
10. The Commission finds that Ms. Formica worked exclusively on projects for the Committee under its contract with Miranda Creative.
11. The Commission concludes that Ms. Formica was a “secondary payee” pursuant to General Statutes § 9-608; and for purposes of the Committee disclosing its June 30, 2016 expenditure to Miranda Creative in the amount of \$1,859.54. The Commission finds that Respondent did not report Ms. Formica as a secondary payee for expenditures made by the Committee to Miranda Creative.
12. The Commission concludes therefore that Respondent violated General Statutes § 9-608 by failing to report the candidate’s daughter as a secondary payee when Respondent reported a June 30, 2016 expenditure by the committee to the primary payee Miranda Creative in the amount of \$1,859.54.
13. Respondent admits all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. Respondent enters into this agreement to avoid expending time and resources required for a hearing. Respondent shall receive a copy hereof as provided in § 9-7b-56 of the Regulations of Connecticut State Agencies.
14. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used by either party as an admission in any subsequent hearing or against the Company in any proceeding, if the same becomes necessary.
15. 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 contest the validity of the Order entered into pursuant to this agreement.

16. Upon Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent or proceedings against the Company pertaining to this matter, and this agreement and order does not serve as a prospective ban on future contracts between the Company and state agencies.

**ORDER**

IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-608.

The Respondent:

BY:



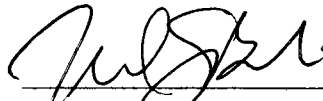
Michael J. O'Connor

23 Hickory Lane

Bozrah, Connecticut

For the State of Connecticut:

BY:



Michael J. Brandi, Esq.

Executive Director and General Counsel

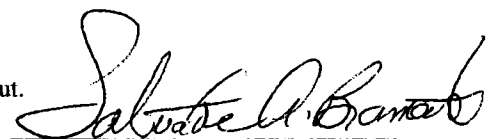
And Authorized Representative of the

State of Connecticut

State Elections

Enforcement Commission

Adopted this 18<sup>th</sup> day of September, 2019 at Hartford, Connecticut.



Salvatore Bramante  
By Order of the Commission