

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

Commission Initiated Investigation of
“Committee to Elect Joseph Vollano”

File No. 2016-079B

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between Leonard Rich, of the City of Meriden, County of New Haven, Connecticut, hereinafter referred to as “Respondent,” and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and section 9-7b-54 of the Regulations of Connecticut State Agencies. In accordance herewith, the parties agree that:

1. The Commission at its October 15, 2016 meeting initiated this matter, finding it necessary to investigate “*Committee to Elect Joseph Vollano*” (hereinafter “Committee”).
2. The predicate for this matter originates from the validation of the Vollano campaign. That validation raised issues that included dissimilar handwriting appearing on contribution cards submitted in the names of the same individuals.
3. By way of background Candidate Joseph Vollano participated in the Citizens’ Election Program (CEP) and the Committee was approved for a grant from the Citizens’ Election Fund (CEF). Respondent was the designated treasurer of the Committee, at all times relevant to this complaint and investigation.
4. This agreement is exclusive to settlement with Respondent and any settlements with other Respondents pertaining to this matter are treated under separate dispositions.
5. The validation that served as a predicate for this Commission initiated complaint and investigation did not reveal any conclusive evidence of irregularities suggesting a pattern of fraud by the candidate or campaign, or knowing violations of the eligibility requirements for public funding on behalf of the candidate or the Committee.

6. General Statutes § 9-608, provides in pertinent part:

(C) (2) *Each contributor described in subparagraph (F), (G), (H) or (I) of subdivision (1) of this subsection shall, at the time the contributor makes such a contribution, provide the information that the treasurer is required to include* under said subparagraph in the statement filed under subsection (a), (e) or (f) of this section. Notwithstanding any provision of subdivision (2) of section 9-7b, any contributor described in subparagraph (F) of subdivision (1) of this subsection who does not provide such information at the time the contributor makes such a contribution and any treasurer shall not be subject to the provisions of subdivision (2) of section 9-7b. If a treasurer receives a contribution from an individual which separately, or in the aggregate, is in excess of one thousand dollars and the contributor has not provided the information required by said subparagraph (G) or if a treasurer receives a contribution from an individual to or for the benefit of any candidate's campaign for nomination at a primary or election to the office of chief executive officer of a town, city or borough, which separately, or in the aggregate, is in excess of four hundred dollars ... Any failure of a contributor to provide the information which the treasurer is required to include under said subparagraph (F) or (H), which results in noncompliance by the treasurer with the provisions of said subparagraph (F) or (H), shall be a complete defense to any action against the treasurer for failure to disclose such information.

(3) *In addition to the requirements of subdivision (2) of this subsection, each contributor who makes a contribution to a candidate or exploratory committee for Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State, State Treasurer, state senator or state representative, any political committee authorized to make contributions to such candidates or committees, and any party committee that separately, or in the aggregate, exceeds fifty dollars shall provide with the contribution: (A) The name of the contributor's employer, if any; (B) the contributor's status as a communicator lobbyist, as defined in section 1-91, a member of the immediate*

family of a communicator lobbyist, a state contractor, a prospective state contractor or a principal of a state contractor or prospective state contractor, as defined in section 9-612; and (C) a certification that the contributor is not prohibited from making a contribution to such candidate or committee. The State Elections Enforcement Commission shall prepare a sample form for such certification by the contributor and shall make it available to treasurers and contributors. ... If a treasurer deposits a contribution based on a certification that is later determined to be false, the treasurer shall have a complete defense to any action, including but not limited to, any complaint investigated by the State Elections Enforcement Commission or any other investigation initiated by said commission, against such treasurer for the receipt of such contribution. [Emphasis added.]

7. General Statutes § 9-702, provides in pertinent part:

(a) There is established a Citizens' Election Program under which (1) the candidate committee of a major party candidate for nomination to the office of state senator or state representative in 2008, or thereafter, or the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer in 2010, or thereafter, may receive a grant from the Citizens' Election Fund for the candidate's primary campaign for said nomination, and (2) the candidate committee of a candidate nominated by a major party, or the candidate committee of an eligible minor party candidate or an eligible petitioning party candidate, for election to the office of state senator or state representative at a special election held on or after December 31, 2006, or at a regular election held in 2008, or thereafter, or for election to the office of Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer in 2010, or thereafter, may receive a grant from the fund for the candidate's general election campaign for said office.

(b) Any such candidate committee is eligible to receive such grants for a primary campaign, if applicable, and a general

election campaign if (1) the candidate certifies as a participating candidate under section 9-703, (2) the candidate's candidate committee receives the required amount of qualifying contributions under section 9-704, (3) the candidate's candidate committee returns all contributions that do not meet the criteria for qualifying contributions under section 9-704, (4) the candidate agrees to limit the campaign expenditures of the candidate's candidate committee in accordance with the provisions of subsection (c) of this section, and (5) the candidate submits an application and the commission approves the application in accordance with the provisions of section 9-706. [Emphasis added.]

8. General Statutes § 9-703 provides, in pertinent part:

(a) Each candidate for nomination or election to the office of state senator or state representative ... shall file an affidavit with the State Elections Enforcement Commission. The affidavit shall include a written certification that the candidate either intends to abide by the expenditure limits under the Citizens' Election Program set forth in subsection (c) of section 9-702, or does not intend to abide by said limits. If the candidate intends to abide by said limits, the affidavit shall also include written certifications (1) that the treasurer of the candidate committee for said candidate shall expend any moneys received from the Citizens' Election Fund in accordance with the provisions of subsection (g) of section 9-607 and regulations adopted by the State Elections Enforcement Commission under subsection (e) of section 9-706, ... The written certification described in subdivision (3) of this subsection shall be made by both the candidate and the treasurer of the candidate committee for said candidate. ...

(b) A candidate who so certifies the candidate's intent to abide by the expenditure limits under the Citizens' Election Program set forth in subsection (c) of section 9-702 shall be referred to in sections 9-700 to 9-716, inclusive, as a "participating candidate" and a candidate who so certifies the candidate's intent to not abide by said limits shall be referred to in sections 9-700 to 9-716, inclusive, as a "nonparticipating candidate". The commission shall prepare a list of the participating candidates and a list of the nonparticipating candidates and shall make such lists available for public inspection. ... [Emphasis added.]

8. General Statutes § 9-706 provides, in pertinent part:

(a)(2) A participating candidate for nomination to the office of state senator or state representative in 2008, or thereafter, or the office of Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer in 2010, or thereafter, may apply to the State Elections Enforcement Commission for a grant from the fund under the Citizens' Election Program for a general election campaign:...

(b) The application shall include a written certification that:

(1) The candidate committee has received the required amount of qualifying contributions;

(2) The candidate committee has repaid all moneys borrowed on behalf of the campaign, as required by subsection (b) of section 9-710;

(3) The candidate committee has returned any contribution of five dollars or more from an individual who does not include the individual's name and address with the contribution;

(4) The candidate committee has returned all contributions or portions of contributions that do not meet the criteria for qualifying contributions under section 9-704 and transmitted all excess qualifying contributions to the Citizens' Election Fund;

(5) The treasurer of the candidate committee will: (A) Comply with the provisions of chapter 155 and this chapter, and (B) maintain and furnish all records required pursuant to chapter

155 and this chapter and any regulation adopted pursuant to such chapters;

(6) All moneys received from the Citizens' Election Fund will be deposited upon receipt into the depository account of the candidate committee; ...

...

(c) The application shall be accompanied by a cumulative itemized accounting of all funds received, expenditures made and expenses incurred but not yet paid by the candidate committee as of three days preceding the day the application is filed. Such accounting shall be sworn to under penalty of false statement by the treasurer of the candidate committee. The commission shall prescribe the form of the application and the cumulative itemized accounting.

The form for such accounting shall conform to the requirements of section 9-608. Both the candidate and the treasurer of the candidate committee shall sign the application. [Emphasis added.]

9. The Respondent on August 22, 2016 signed a Citizens' Election Program *Affidavit of Intent to Abide* (SEEC Form CEP 10); where, under penalty of false statement, he swore: "*I certify that I understand that I am required to comply with the requirements of the Program, including all applicable statutes, regulations and declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations may result in the SEEC's imposition of penalties as provided in Chapter 155 and 157 General Statutes.*"
10. The contribution certification cards used by the Committee indicated that "*The Campaign Requests that the contributor complete the entire certification form.*" Upon investigation, the Commission finds that Respondent completed multiple contributor cards that were submitted with qualifying contributions to the Committee. Further, the Commission finds that those contributions and contributor cards were claimed as qualifying contributions in an application submitted to the Commission by the Committee to receive a grant from the CEF.

11. The Commission concludes, for the reasons detailed herein, that Respondent, violated General Statutes § 9-703 and § 9-706, by failing to follow the requirements as enumerated in his *Affidavit of Intent to Abide*, which he signed as treasurer of the Committee that participated in the CEP. Further, the Commission concludes that Respondent violated General Statutes § 9-706 in that he failed to “follow the provisions of Chapter 155 and [Chapter 157],” including applicable statutes and regulations, as he certified he would do as part of the Committee’s grant application process.
12. The Commission has had prior occasion to address violations by treasurers of candidates participating in the CEP who fail to abide by the requirements and regulations of the program. *See generally, In re Audit Report of “Jim Miron for Senate,”* File No. 2012-051. Moreover, such matters have resulted in the imposition of civil penalties for such failures to follow program requirements. *Id.*
13. Section 9-7b-48 of the Regulations of Connecticut State Agencies provides that the Commission may consider mitigating or aggravating circumstances when determining whether to impose a civil penalty. The Commission may consider:
 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 shown good faith in attempting to comply with the applicable provisions of the General Statutes.[Emphasis added.]
14. The Commission determines in this instance that the imposition of a \$150.00 civil penalty by the Commission against Respondent, based on his completing portions of respective contributor cards submitted to the Commission as qualifying contributions regarding a CEP application, sufficiently addresses the gravity of Respondent’s act and serves to insure his immediate and continued compliance with General Statutes § 9-703 and § 9-706.

15. Notwithstanding the seriousness with which the Commission regards Respondent's conduct and violations in this matter, the Commission nevertheless declines to exercise its authority pursuant to General Statutes § 9-7b (8) to refer this matter to the Chief State's Attorney because the Respondent has entered into this agreement and exhibited an interest to resolve this matter through conciliation.
16. Furthermore, the Commission notes that it has been Commission practice that when matters do not implicate the candidate or campaign such cases are not referred to the Chief State's Attorney. *See Commission Initiated Investigation of Contributions by Brian Lippey*, File No. 2014-081; *Matter of a Complaint by Sarah Hemingway*, Sandy Hook, File No. 2010-104; and, *Complaint by Christine Campbell*, Thompson, File No. 2017-020.
17. The 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. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
18. 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 parties and may not be used as an admission by either in any subsequent hearing, if the same becomes necessary.
19. 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 contest the validity of the Order entered into pursuant to this agreement.
20. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that henceforth the Respondent shall strictly comply General Statutes § 9-703 and § 9-706.

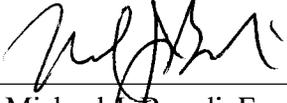
IT IS HEREBY FURTHER ORDERED that Respondent shall pay a civil penalty of one hundred and fifty dollars (\$150.00), in full settlement of this agreement.

The Respondent:

By: _____

Leonard Rich
103 Spring Glen Drive
Meriden, Connecticut

For the State Elections Enforcement Commission:

By:  _____

Michael J. Brandi, Esq.
Executive Director and General Counsel
And Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Adopted this ____th day of _____, 2018 at Hartford, Connecticut.

Anthony J. Castagno, Chairman
By Order of the Commission

ORDER

IT IS HEREBY ORDERED that henceforth the Respondent shall strictly comply General Statutes § 9-703 and § 9-706.

IT IS HEREBY FURTHER ORDERED that Respondent shall pay a civil penalty of one hundred and fifty dollars (\$150.00), in full settlement of this agreement.

The Respondent:

By: Leonard Rich
Leonard Rich
103 Spring Glen Drive
Meriden, Connecticut

For the State Elections Enforcement Commission:

By: Michael J. Brandi
Michael J. Brandi, Esq.
Executive Director and General Counsel
And Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Adopted this 16th day of MAY, 2018 at Hartford, Connecticut.

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

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STATE ELECTIONS

APR 30 2018

ENFORCEMENT COMMISSION