

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

In the Matter of a State Elections Enforcement Commission Initiated Complaint

File No. 2016-083

**FINDINGS AND CONCLUSIONS**

The referring document alleges that the Respondent David E. Cueto, failed to appoint a treasurer for his candidate committee for state representative for the 75<sup>th</sup> District in the City of Waterbury, the Cueto for State Representative 2016 (hereinafter the "Committee"), that someone other than the treasurer signed as treasurer on the Committee's registration statement SEEC Form 1, that the Respondent was acting as his own treasurer, and that the individual acting as treasurer of the Committee failed to file the required financial disclosure statements.

1. On March, 30, 2016, the Respondent filed a SEEC Form 1 and SEEC Form 1A with the Commission, registering as a candidate for State Representative, and forming a candidate committee.
2. On the SEEC Form 1A were what appeared to be the signatures of the Respondent as the candidate and Olga DelaRosa as the Treasurer.
3. Subsequently, Ms. DelaRosa was referred to the Enforcement Unit of the Commission for her failure to file a required financial disclosure statement in her position as treasurer of the Committee.
4. Ms. DelaRosa came to the Commission's offices and provided a sworn statement that she had not agreed to serve as the treasurer of the Committee and that the signature on the SEEC Form 1A was not her own.
5. An independent review of the signature on Ms. DelaRosa's drivers license and the signature on the Committees SEEC Form 1A revealed that the signatures were plainly dissimilar.
6. Based upon the aforementioned evidence, the Commission authorized an investigation into the Committee as detailed herein.

7. In response to inquiries from Commission staff in connection with this matter, Respondent Cueto stated that the SEEC Form 1 and SEEC Form 1A had been filled out in the presence of Ms. DelaRosa at the local library in Waterbury. He further stated that both his and Ms. DelaRosa's signatures were scripts produced by a computer printer.<sup>1</sup>
8. Ms. DelaRosa denies that she was present when the SEEC Form 1A was completed.
9. The investigation further revealed that the Respondent contacted the Commission by email on May 6, 2016, and stated:

I apologize for not being able to give more notice. However, I regret that, due to circumstances beyond my control, I need to resign right away. I (David E. Cueto Jr.) am writing to inform you that I would like to terminate my campaign (Cueto for State Representative 2016), for State Representative of Waterbury's 72nd District.

I would like to thank you for the support that your Agency have provided me.

10. Records of the Commission show that Commission staff attempted to contact Mr. Cueto to advise him that this was not the proper way to terminate the Committee, but those attempts were unsuccessful.
11. The Respondent has also represented to the Commission that the Committee neither raised nor spent any money, and even if it had filed financial disclosure statements, it would have had no transactions to report.
12. Because no money was raised nor spent in support of the Respondent's candidacy, the Respondent was not required to form a candidate committee. Rather, the Respondent could have filed an exemption to forming a candidate committee. Had he done so, he would not have been required to obtain the services of a treasurer, nor would said treasurer have been required to file financial disclosure statements.
13. It appears, based upon the evidence before the Commission that the Respondent, though mistaken, may have, in good faith, believed that all obligations concerning the Cueto for State Representative 2016 candidate committee had been resolved on or about May 6, 2016.
14. While, again, based upon the information before it, the Commission cannot determine the exact circumstances under which said committee was formed, the Respondent has

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<sup>1</sup> The Commission notes that, had the Commission been aware that the "signatures" were computer generated scripts, these documents would not have been accepted.

represented to the Commission staff that the Committee neither spent nor received any funds in support of his campaigning, nor had he gained ballot access.

15. Based upon the unique facts in this case, the Commission orders that staff administratively terminate the Cueto for State Representative 2016 candidate committee. The Commission further directs staff to post this decision and order to the online filing repository. The Commission shall take no further action with regard to any matters internally referred to enforcement concerning the Cueto for State Representative 2016 candidate committee. However, the Commission notes that should it become aware that any party misled the Commission or staff in the course of this investigation, the Commission may reopen the matters and pursue any and all remedies available to it under the law.

ORDER

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

- 1) Commission staff shall administratively terminate the Cueto for State Representative 2016 candidate committee.
- 2) The Commission shall take no further action with regard to any matters internally referred to enforcement concerning the Cueto for State Representative 2016 candidate committee, but reserves the right to reopen any such investigation, should new evidence support a determination that such action is warranted.
- 3) Commission staff shall post a copy of this decision and order to the online filing repository for financial disclosure statements.

That the matter is dismissed.

Adopted this 17<sup>th</sup> day of May, 2017 at Hartford, Connecticut.



~~Anthony J. Castagno, Chairperson~~

By Order of the Commission

Salvatore A. Bramante, Vice Chair