

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Lori Ann Clymas
Town of Chester

File No. 2016-091

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between the Westbrook Republican Town Committee, through its chairman, Harry P. Ruppenicker, of the Town of Westbrook, State of Connecticut, hereinafter referred to as Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. A complaint was filed against the 2016 candidate committee for then-Senator Art Linares, alleging that the Linares candidate committee, *Re-Elect Art Linares*, had received an impermissible in-kind contribution in the form of office space that the candidate committee used for its headquarters.
2. The Commission investigated the allegations in that complaint and determined that the candidate committee had not received an impermissible in-kind contribution because the headquarter space was actually rented by the Westbrook Republican Town Committee and then provided to the candidate committee. A town committee may make organization expenditures on behalf of candidate committee to pay for headquarter space.
3. The Westbrook town committee valued the use of the space, which it characterized as an organization expenditure, at \$1,000 for the time period between August 15, 2016 and November 15, 2016. Utilities and furnishings were included in the organization expenditure.
4. In the 2016 election cycle, a party committee could make organization expenditures of as much as \$10,675 for a candidate running for state senate. *See* General Statutes § 9-718(a); “2016 Guide for General Assembly Candidates Participating in the Citizens’ Election Program” (Rev Feb 2016), pp 78-79.
5. Because the Linares candidate committee was authorized to receive an organization expenditure of this type from the Westbrook Republican Town Committee, the matter against the Linares candidate committee will be dismissed.
6. An outstanding issue, however, is the amount of rent that the Westbrook Republican Town Committee paid to the property owner, Water’s Edge Realty LLC, for use of the headquarters.

7. The Westbrook Republican Town Committee entered into an agreement to rent office space in a facility owned by Water's Edge. The only language in the agreement that addressed rental payment stated: "**Rental** - Five Hundred dollars \$500.00, paid in advance." The committee also agreed to make a deposit of \$500 toward the cost of utilities, which would be reconciled each month and reduced appropriately.
8. Filings that the party committee submitted to the State Elections Enforcement Commission at the time reflect that the Westbrook Republican Town Committee paid \$500 to Water's Edge on or about June 25, 2016. This single \$500 payment is the only payment that the committee made to Water's Edge for the office space.
9. According to the Commission's investigation, the party committee received a potential contribution of space owned by Water's Edge Spa & Resort for use as headquarters. According to the company, the space was being used as storage space and the party committee rented the space for \$500 until a long-term tenant was found for the area. The lessor stated that shortly after the committee moved into the space in September a permanent tenant leased the space and the committee was forced to move to another smaller space.
10. The Commission's calculations estimate that the monthly rental fee for the amount of space that the party committee used was \$959.40. The committee rented the property from July through November 2016 and occupied the space from September through November. The total amount that the Westbrook Republican Town Committee should have paid for the office totaled \$4,317.30 for the entire lease term or \$2,398.50 for the time of occupancy.
11. General Statutes § 9-613(a) prohibits a business entity from making any contribution to a political party. General Statutes § 9-622(7) states that any person who has made, solicited, or received a contribution that is impermissible under any part of Chapter 155 of the General Statutes has engaged in an illegal practice.
12. By accepting the space in the Water's Edge facility without paying fair market value for the rental of that space, the Westbrook Republican Town Committee accepted an impermissible business entity contribution from the property owner.
13. Respondent agrees that this Agreement and Order shall have the same force and effect as a final decision and Order entered into after a full hearing and shall become final when adopted by the Commission.

14. The parties agree that 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.
15. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.
16. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings pertaining to this matter.

ORDER

IT IS HEREBY ORDERED THAT the Westbrook Republican Town Committee violated General Statutes § 9-622 (7) by accepting an impermissible business entity contribution. The committee's chairman, Harry Ruppenicker, has agreed to assume liability for the payment of a civil penalty of ~~\$1,000~~ to resolve this matter.

MSD

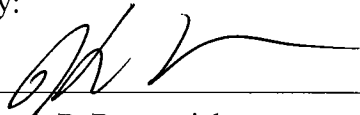
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The Respondent

For the State of Connecticut

By:

By:



Harry P. Ruppenicker
17 Hammock Rd. S
Westbrook, CT 06498

Michael J. Brandi, Esq.
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT 06106

Dated: 5/26/20

Dated: 6/11/2020

Adopted this 3rd day of June 2020 at Hartford, Connecticut by vote of the Commission.



Commissioner
By Order of the Commission