

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Campaign Disclosure and Audit Unit of the State
Elections Enforcement Commission

RESPONDENT:

File No. 2017-016NF

Lamont Finney
240 Adams Street
Bridgeport, CT 06607

Final Decision

This matter was heard as a contested case on July 27, 2017 pursuant to Chapter 54 of the Connecticut General Statutes, § 9-7b of the Connecticut General Statutes and § 9-7b-35 of the Regulations of Connecticut State Agencies, at which time Attorney Ryan M. Burns appeared on behalf of the State of Connecticut and the Respondent, Lamont Finney, did not appear. Documentary and testimonial evidence was presented. The State called two witnesses: Sheri-Lyn Lagueux, (Clerk of the Commission), and Richard Gebo (Elections Officer employed at the Commission).

After careful consideration of the entire record, the following facts are found and conclusions of law are made:

1. Commissioner Stephen Penny was designated as Hearing Officer for the above-captioned matter.
2. Taylor 23 was a candidate committee registered with the State Elections Enforcement Commission for the November 2016 General Assembly election. On October 6, 2016, the Commission received an amended SEEC Form 1 (Registration by Candidate), designating Lamont Finney ("the Respondent") as treasurer. The Respondent served as its treasurer and was the treasurer of record during the time period when the filing which is the subject of this decision was due.
3. General Statutes § 9-608 (a) provides, in relevant part, as follows: "(1) Each campaign treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) on the tenth calendar day in the months of January, April, July and October, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, . . ." (Emphasis added). General Statutes § 9-608 (a) (1) further provides that "the [financial disclosure] statement shall cover a period to begin with the first day not included in the last filed statement."
4. General Statutes § 9-623 (b) provides as follows: "(1) If any campaign treasurer fails to file any statement required by section 9-608, or if any candidate fails to file either (A) a statement for the formation of a candidate committee as required by section 9-604, or (B) a certification pursuant to section 9-603 that the candidate is exempt from forming a candidate committee as required by section 9-604, within the time required,

the campaign treasurer or candidate, as the case may be, shall pay a late filing fee of one hundred dollars. (2) In the case of any such statement or certification that is required to be filed with the State Elections Enforcement Commission, the commission shall, not later than ten days after the filing deadline is, or should be, known to have passed, notify by certified mail, return receipt requested, the person required to file that, if such statement or certification is not filed not later than twenty-one days after such notice, the person is in violation of section 9-603, 9-604 or 9-608.”

5. On October 10, 2016, the Respondent filed an October 10th quarterly statement (the “October 10, 2016 quarterly statement”) on behalf Taylor 23, covering through September 30, 2016. Line 21 of the summary page of the October 10, 2016 quarterly statement disclosed a deficit of \$377.03.
6. On or before January 10, 2017, the Respondent was required to file a financial disclosure statement on behalf of Taylor 23 covering the period beginning October 1, 2016 through December 31, 2016 per General Statutes § 9-608 (a) (1) (A).¹ He did not.
7. On January 20, 2017, Commission staff sent a letter (a “21 day warning letter”) to the Respondent, by certified mail, return receipt requested and via e-mail, stating that the Respondent had failed to file a financial disclosure statement for the period ending on December 31, 2016 that was due on January 10, 2017. The letter imposed a \$100.00 late fee and directed that he file the statement within 21 days. The letter warned that if the Respondent did not submit the filing within 21 days, the Commission may order a public hearing and the Respondent could be subject to a civil penalty of up to \$2,000.00 per violation. The letter was signed for at the Respondent’s address on January 23, 2017.
8. On March 10, 2017, Commission staff sent a proposed settlement letter to the Respondent, by certified mail, return receipt requested, stating that the Respondent had failed to timely file the disclosure statement from him that was due on January 10, 2017, and failed to comply with the prior notice(s) issued by Commission staff regarding this delinquency. The letter explained that the Respondent was subject to a civil penalty between \$200.00 and \$2,000.00 for this delinquent filing but that he could avoid further enforcement of the matter by “FORWARD[ING] THE DELINQUENT REPORT AND A PAYMENT IN THE AMOUNT \$300.00” by March 30, 2017. Because no one signed for the certified letter, it was returned to the Commission. A copy of the letter was also emailed to the Respondent.
9. On June 2, 2017, the Respondent filed a SEEC Form 30 termination report (the “Termination Statement”), covering the period beginning October 19, 2017 through May 31, 2017. The Termination Statement’s summary totals page contained all zeros for all of the columns and the body of the Termination Statement did not contain any itemized entries.

¹ Since the last statement filed by the committee covered the period ending September 30, 2016 the January 10th statement was required to cover the period beginning October 1, 2016. General Statutes § 9-608 (a) (1).

10. The Termination Statement did not account for how, or if, the \$377.03 deficit disclosed in the October 10, 2016 quarterly statement was erased.
11. On June 5, 2017, Ryan M. Burns sent the Respondent an email concerning the Respondent's non-filer issues, which contained a statement that the recent termination filing filed by the Respondent on behalf of Taylor 23 "failed to cover the period October 1, 2016 through October 18, 2016, a period not covered by any report this committee has filed."
12. As of the date of the hearing, the Respondent has not filed any disclosure statement covering the period beginning October 1, 2016 and ending October 18, 2016.
13. On June 14, 2017, Commission staff sent notice of a hearing scheduled for July 27, 2017 at 1:00 p.m. at the SEEC offices on this matter to the Respondent, by first-class mail with delivery confirmation tracking and receipt and by certified mail and regular mail. The notice was signed for at the Respondent's address on June 19, 2017.
14. The Respondent did not attend the July 27, 2017 hearing.
15. It is concluded that the Respondent violated General Statutes § 9-608 (a) (1) (A) by failing to timely file a financial disclosure statement by January 10, 2017.
16. Evidence was presented that Commission staff was persistent in its efforts to contact the Respondent about the delinquent filing.
17. General Statutes § 9-7b (a) (2) provides, in pertinent part, that the Commission shall have the power to levy a civil penalty not to exceed "two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155 or 157." The Commission may levy a civil penalty against any person only after giving the person an opportunity to be heard at a hearing. See General Statutes § 9-7b (a) (2).
18. General Statutes § 9-623 (b) (4) provides, in pertinent part, that "[t]he penalty for any violation of section 9-603, 9-604 or 9-608 shall be a fine of not less than two hundred dollars or more than two thousand dollars or imprisonment for not more than one year, or both."
19. General Statutes § 9-606 (d), as amended by Public Act 13-180, provides: "No person shall act as treasurer or deputy treasurer (1) unless the person is an elector of this state, the person has paid any civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive, and a statement, signed by the chairman in the case of a party committee or political committee or by the candidate in the case of a candidate committee, designating the person as treasurer or deputy treasurer, has been filed in accordance with section 9-603. . . ." (Emphasis added).
20. General Statutes § 9-706 (b), as amended by Public Act 13-180, provides that in order to apply for a grant from the Citizens' Election Program, both the candidate and the

treasurer of the candidate's candidate committee must certify that they have paid any outstanding civil penalties or forfeitures assessed pursuant to chapters 155 to 157.

21. Section 9-7b-48 of the State of Connecticut Regulations provides, "In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances: (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 has shown good faith in attempting to comply with the applicable provisions of the General Statutes."
22. The State did not recommend any mitigating circumstances to be considered.
23. It was recommended that the Commission consider the following as aggravating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) the Respondent did not file its disclosure statement until June 2, 2017 (approximately five months after the January 10th 2017 quarterly filing was due); (2) the disclosure statement filed by the Respondent on June 2, 2017 did not cover the period starting October 1, 2016 through October 18, 2016, and consequently the Respondent remains in violation; (3) the Respondent has not disclosed what happened regarding the \$377.03 deficit reported in October 10th 2016 quarterly filing, and (4) Commission staff made diligent efforts to contact the Respondent about the missed filings.
24. In consideration of the factors listed above, was is recommended that the Commission assess a civil penalty against the Respondent in the amount of \$750 for this violation of General Statutes § 9-608, and order the Respondent to file all outstanding financial disclosure statements, including the period starting October 1, 2016 through October 18, 2016, and disclosing all financial activity not yet reported.

The following Order is adopted on the basis of these findings and conclusions:

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent shall pay a civil penalty in the amount of \$750, payable to the State Elections Enforcement Commission, within 45 days of notice of this decision, for violation of General Statutes § 9-608, pursuant to General Statutes § 9-7b (a) (2); and
2. The Respondent shall file all outstanding financial disclosure statements for the Taylor 23 committee within 45 days of this order, including the period from October 1, 2016 through October 18, 2016, and disclosing all financial activity not yet reported.

A handwritten signature in black ink, appearing to read "Anthony J. Castagno", is written over a horizontal line.

Anthony J. Castagno, Chairman
By Order of the Commission

Adopted this 20th day of September, 2017.