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STATE ELECTIONS

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STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Mary L. Kalencik,  
Brooklyn

File No. 2017-068C

**AGREEMENT CONTAINING CONSENT ORDER**

This Agreement by and between Maurice J. Lapierre, of the Town of Brooklyn, County of Windham, 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. David Fuss and Wayne Jolley were candidates running for First Selectman and Board of Selectman, respectfully, at the November 7, 2017 municipal election in the Town of Brooklyn violated General Statutes § 9-607.
2. On August 9, 2017, David Fuss and Mr. Jolley filed a *Political Committee Registration* (SEEC Form 3) with the Brooklyn Town Clerk's office for the November 7, 2017 municipal election forming "*Fuss and Jolley for Brooklyn*" (hereinafter "Committee").
3. Mr. Fuss and Mr. Jolley registered the Committee as a political slate committee of two or more individuals to fund their candidacies for First Selectman and Board of Selectman. Respondent was designated as Committee treasurer.
4. Complainant alleged that Mr. Fuss and Mr. Jolley placed an advertisement in a weekly publication where they claimed they would use "campaign money" to make a donation to the Brooklyn Board of Education for the purchase of school supplies for Brooklyn school students.
5. The use of candidate committee funds, as alleged, would be an impermissible expenditure pursuant to General Statutes § 9-607. The authorization of such expenditure by the Respondent as Committee treasurer would be a violation of § 9-607.
6. This agreement and order is limited to Respondent. Any additional potential settlements with other individuals pertaining to this matter are treated under separate documents. Respondent has no prior history with the Commission.

7. General Statutes § 9-611, provides in pertinent part:  
(d) ***No individual shall make a contribution to any candidate or committee***, other than a contribution in kind, ***in excess of one hundred dollars except by personal check or credit card of that individual.*** [Emphasis added.]  
[Emphasis added.]
8. General Statutes § 9-622 provides, in pertinent part, that the following shall be guilty of “illegal practices:”  
...  
(10) ***Any person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter;***  
[Emphasis added.]

#### Alleged Impermissible Expenditure of “Campaign Funds”

9. The Commission determined by investigation that Mr. Fuss and Mr. Jolley contributed personal funds to the Brooklyn Public Schools and not campaign or Committee funds as described by the advertisement in the Turnpike Buyer on August 30, 2017.
10. The Commission finds that the alleged impermissible expenditure by the Committee pursuant to General Statutes § 9-607 regarding the use of campaign funds to donate school supplies to Brooklyn Public Schools was not supported by the facts after investigation.

The Commission therefore dismisses the allegation of an impermissible expenditure of slate committee funds pursuant to General Statutes § 9-607.

#### Receipt of Excessive “Cash” Contributions

11. The Commission finds that Respondent reported cash contributions in the following amounts: \$628.26, \$891.74 and \$980.00 on the Committee’s SEEC Form 20 for the 7<sup>th</sup> Day Preceding the November 7, 2017 filing period.
12. Pursuant to General Statutes § 9-611, no individual “...shall make a contribution to any candidate or committee ... in excess of one hundred dollars except by personal check or credit card of that individual.” The limit of cash contributions by individuals therefore is \$100.00; contributions in excess of \$100.00 must be made by personal check or credit card. General Statutes § 9-611.

13. The Commission finds in this instance that the receipt of \$628.26, \$891.74 and \$980.00 in "cash" by the Committee were all excessive cash contributions that were prohibited by General Statutes § 9-611; and, therefore, the Respondent as Committee treasurer received such contributions in violation of § 9-622.
14. The Commission concludes that Respondent violated General Statutes § 9-611 and § 9-622, by receiving three cash contributions in excess of the \$100.00.
15. The Commission in assessing a civil penalty is generally guided by 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.
16. The Commission finds that the imposition of a civil penalty in the amount of \$350.00 for Respondent's violations of General Statutes § 9-611 and § 9-622, and the order that Respondent henceforth strictly comply with those sections, a sufficient deterrent under these narrow and specific circumstances pertaining to Respondent's violations.
17. Respondent admits all jurisdictional facts and agree 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.
18. 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.
19. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her concerning this matter.

20. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if one becomes necessary.

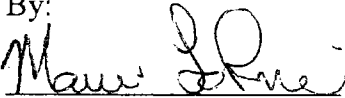
**ORDER**

IT IS HEREBY ORDERED THAT Respondent shall pay a civil penalty in the amount of <sup>Three</sup> ~~five~~ hundred dollars (~~\$350.00~~), for his violations of General Statutes § 9-611 and § 9-622, and in full settlement of this matter. <sup>Fifty</sup>

IT IS FURTHER ORDERED THAT Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-611 and § 9-622.

The Respondent

By:



Maurice J. Lapierre  
534 Wauregan Road  
Brooklyn, Connecticut

For the State of Connecticut

By:

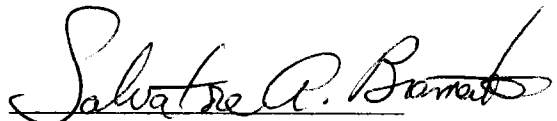


Michael J. Brandi, Esq.  
Executive Director and General Counsel  
and Authorized Representative of the  
Executive Director and General Counsel and  
Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity Street, Suite 101  
Hartford, Connecticut

Dated: 4-29-19

Dated: 4/29/19

Adopted this 15 day of may, 2019 at Hartford, Connecticut by vote of the Commission.



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