

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Ethan Book,
Bridgeport

File No. 2018-007

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint pursuant to Connecticut General Statutes § 9-7b. The Complainant alleges various campaign finance and elections law violations by members of the Bridgeport Republican Town Committee ("BRTC"). Further, Complainant alleged campaign finance and elections law violations by certain individuals in the City of Bridgeport, regarding their activities pertaining to candidate committees and fundraising activities. After an investigation of the complaint, the Commission makes the following findings and conclusions:

1. Complainant submitted an affidavit of complaint, with supporting and supplemental materials, that alleged the following:
 - (1) That Republican City Council candidate Brian Banacowski benefited from a BRTC expenditure in the amount of \$1,750.00 to a restaurant, which resulted in an excessive contribution to that candidate who had filed an exemption from forming a candidate committee.
 - (2) An expenditure in the amount of \$750.00 on November 1, 2014 made by the BRTC to the Jamaican Renaissance Society ("JSR") annual dinner was reported *after* the event and without "full and proper reporting and authorization."
 - (3) An expenditure reported as "party building" in the amount of \$250.00 to Faith and Hope Apostolic Ministries ("FHAM"), a faith based organization, was made by the BRTC to "cover" a pledge by an individual to that organization without "proper disclosure, authorization or correct reporting."
 - (4) At the May 2017 BRTC annual fundraiser held at the Bridgeport Holiday Inn, the number of individuals who attended was greater than the number of \$100 *per* tickets reported by the BRTC, resulting in underreported expenditures by the BRTC pertaining to this fundraiser.

2. Ms. Sara Burns, Mr. Michael Garrett, and Mr. John Slater, all of Bridgeport, submitted a response to this complaint and investigation. All three individuals were former or current members of the BRTC; including Ms. Burns who was BRTC treasurer, at all times relevant to this complaint.

3. Any allegations not specifically addressed herein are hereby dismissed, as such allegations, even if true, would not have amounted to violation of Connecticut's election and campaign finance laws.
4. General Statutes § 9-602, provides in pertinent part:
 - (a) Except with respect to an individual acting alone, or with respect to a group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate, ***no contributions may be made, solicited or received and no expenditures, other than independent expenditures, may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual*** or any party or referendum question, unless (1) the candidate or chairman of the committee has filed a designation of a treasurer and a depository institution situated in this state as the depository for the committee's funds, or (2) the candidate has filed a certification in accordance with the provisions of section 9-604. In the case of a political committee, the filing of the statement of organization by the chairman of such committee, in accordance with the provisions of section 9-605, shall constitute compliance with the provisions of this subsection.
5. General Statutes § 9-604, provides in pertinent part:
 - (a) Each candidate for a particular public office or the position of town committee member shall form a single candidate committee for which he shall designate a treasurer and a depository institution situated in this state as the depository for the committee's funds and shall file a committee statement containing such designations, not later than ten days after becoming a candidate, with the proper authority as required by section 9-603. The candidate may also designate a deputy treasurer on such committee statement. The treasurer and any deputy treasurer so designated shall sign a statement accepting such designation which the candidate shall include as part of, or file with, the committee statement.
 - (b) ***The formation of a candidate committee by a candidate and the filing of statements pursuant to section 9-608 shall not be required if the candidate files a certification with the proper authority required by section 9-603, not later than ten days after becoming a candidate, and any of the following conditions exist for the campaign: ... (3) the candidate does not receive or expend funds in excess of one thousand dollars; or (4) the candidate does***

not receive or expend any funds, including personal funds, for the candidate's campaign. If the candidate no longer qualifies for the exemption under any of these conditions, the candidate shall comply with the provisions of subsection (a) of this section, not later than three business days thereafter and shall provide the candidate's designated treasurer with all information required for completion of the treasurer's statements and filings as required by section 9-608. ... [Emphasis added.]

6. General Statutes § 9-607, provides in pertinent part:

(a) ***No financial obligation shall be incurred by a committee unless authorized by the treasurer***, except that certain expenditures of a candidate's personal funds may be reimbursed as provided in subsection (k) of this section.

...

(g) (1) As used in this subsection, (A) ***“the lawful purposes of the committee” means: ... (iii) for a party committee, the promoting of the party, party building activities***, the candidates of the party and continuing operating costs of the party, and (B) ***“immediate family” means a spouse or dependent child of a candidate who resides in the candidate's household.***

(2) Unless otherwise provided by this chapter, any treasurer, in accomplishing the lawful purposes of the committee, may pay the expenses of: (A) Advertising in electronic and print media; (B) any other form of printed advertising or communications including “thank you” advertising after the election; (C) campaign items, including, but not limited to, brochures, leaflets, flyers, invitations, stationery, envelopes, reply cards, return envelopes, campaign business cards, direct mailings, postcards, palm cards, “thank you” notes, sample ballots and other similar items; ... (N) ***fund raising***; (O) ***reimbursements to candidates and campaign or committee workers*** made in accordance with the provisions of this section ***for campaign-related expenses*** for which a receipt is received by the treasurer; ... (U) ***purchasing tickets or advertising from charities, inaugural committees, or other civic organizations if for a political purpose***, for any candidate, a candidate's spouse, a member of a candidate's campaign staff, or members of committees; (V) the inauguration of an elected candidate by that candidate's candidate committee; (W) ***hiring of halls, rooms,***

music and other entertainment for political meetings and events;
... [Emphasis added.]

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

(a)(1) Each 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, except that in the case of a candidate or exploratory committee established for an office to be elected at a special election, statements pursuant to this subparagraph shall not be required, (B) on the seventh day preceding each regular state election, ... (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date, ...

...
(c)(1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) *An itemized accounting of each contribution*, if any, including the full name and complete address of each contributor and the amount of the contribution; (B) *an itemized accounting of each expenditure*, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; ... (F) for each individual who contributes in excess of one hundred dollars but not more than one thousand dollars, in the aggregate, to the extent known, the principal occupation of such individual and the name of the individual's employer, if any; (G) for each individual who contributes in excess of one thousand dollars in the aggregate, the principal occupation of such individual and the name of the individual's employer, if any; ... [Emphasis added.]

8. General Statutes § Sec. 9-612, provides in pertinent part:

(a) ***No individual shall make a contribution or contributions in any one calendar year in excess of*** ten thousand dollars to the state central committee of any party, or for the benefit of such committee pursuant to its authorization or request; ***or two thousand dollars to a town committee of any political party,*** or for the benefit of such committee pursuant to its authorization or request; or two thousand dollars to a legislative caucus committee or legislative leadership committee, or one thousand dollars to any other political committee other than (1) a political committee formed solely to aid or promote the success or defeat of a referendum question, (2) an exploratory committee, (3) a political committee established by an organization, or for the benefit of such committee pursuant to its authorization or request, or (4) a political committee formed by a slate of candidates in a primary for the office of justice of the peace of the same town.

9. General Statutes § 9-613, provides in pertinent part:

(a) No business entity shall make any contributions or expenditures to, or for the benefit of, any candidate's campaign for election to any public office or position subject to this chapter or for nomination at a primary for any such office or position, or to promote the defeat of any candidate for any such office or position. ***No business entity shall make any other contributions or expenditures to promote the success or defeat of any political party,*** except as provided in subsection (b) of this section. No business entity shall establish more than one political committee. A political committee shall be deemed to have been established by a business entity if the initial disbursement or contribution to the committee is made under subsection (b) of this section or by an officer, director, owner, limited or general partner or holder of stock constituting five per cent or more of the total outstanding stock of any class of the business entity. [Emphasis added.]

10. *Allegation One: Complainant Republican City Council candidate Brian Banacowski benefited from a BRTC expenditure in the amount of \$1,750.00 to a restaurant, which resulted in an excessive contribution to that candidate, who had filed an exemption from forming a candidate committee. See General Statutes § 9-602 and § 9-604.*
11. After investigation, the Commission finds that the BRTC expenditure in the amount of \$1,750.00 made by check dated June 6, 2013 was for the BRTC's annual Lincoln Day Dinner fundraiser. The Commission further finds that candidates for municipal offices in 2013 were endorsed between July 16 and July 23, 2013.
12. Moreover, the Commission finds that Mr. Banacowski filed an exemption from forming a candidate committee with Bridgeport City Clerk's office on July 13, 2013. Finally, the Commission finds a lack of evidence after investigation that the expenditure for the BRTC annual dinner on June 6, 2013 was either (1) connected to any other committee for the promotion of a particular municipal candidate; or, (2) to any other candidate committee fundraiser. Finally, the Commission finds a lack of evidence that the aforementioned expenditures were made other than for purposes of the BRTC annual fundraiser.
13. The Commission finds, as detailed above, that there was a lack of evidence that Brian Banacowski was a candidate at the time of the June 6, 2013 BRTC Lincoln Day dinner, or that the BRTC expenditure in the amount of \$1,750.00 was to benefit his City Council candidacy. Allegation One is therefore dismissed, as it was not supported by the facts or the law after investigation.
14. *Allegation Two: Complainant alleged that an expenditure in the amount of \$750.00 on November 1, 2014 made by the BRTC to the JRS annual dinner was reported after the event and without "full and proper reporting and authorization." See General Statutes § 9-607 and § 9-608.*
15. The Commission finds, after investigation, that the JRS is a social welfare organization and registered Section 501 (c) (3) civic organization in Bridgeport. The Commission further finds that the BRTC expenditure in the amount of \$750.00 was made by committee check and for the purchase of tickets to the JRS annual dinner fundraiser held on November 8, 2014.
16. Pursuant to General Statutes § 9-607 only a designated party committee treasurer can authorize and make contributions or expenditures on the committee's behalf. Further, a purchase of tickets from a civic organization, such as JRS, by a party committee is specifically permitted by § 9-607. Finally, the Commission finds, after investigation, that the November 1, 2014 BRTC purchase of tickets in the amount of \$750.00 was authorized

by Ms. Burns as its treasurer and made by committee check that included the memo "table sponsorship."

17. The Commission finds, as detailed above, that the purchase of tickets to the JRS annual dinner by the BRTC was permissible and authorized by the treasurer as required by General Statutes § 9-607. Therefore, Allegation Two is dismissed, as no violation occurred under these facts and circumstances.
18. *Allegation Three: Complainant alleged that an expenditure reported as "party building" in the amount of \$250.00 to FHAM was made by the BRTC without "proper disclosure, authorization or correct reporting." See General Statutes § 9-607 and § 9-608.*
19. It is not disputed that the June 17, 2013 expenditure in the amount of \$250.00 made to FHAM was reported by the BRTC as being made for the purpose of "party building." The Commission finds after investigation that the FHAM is a charity located in Bridgeport. The Commission finds that the \$250.00 expenditure by BRTC to a charity was approved by BRTC treasurer, Sara Burns.
20. The Commission concludes, for the reasons detailed above, that the contribution to the charity FHAM by BRTC, as a party committee, was consistent with the parameters of General Statutes § 9-607 (g). The Commission further concludes that the expenditure was authorized by BRTC Treasurer Sara Burns as required by § 9-607 (a). Finally, the Commission finds that the June 1, 2015 BRTC expenditure in the amount of \$250.00 to the FHAM was reported on the committee's 2015 July 10th filing as required by § 9-608 (a).
21. Therefore, the Commission concludes that Allegation Three is dismissed, as it was not supported by the facts after investigation.
22. *Allegation Four: Complainant alleged that at the May 2017 BRTC annual fundraiser held at the Bridgeport Holiday Inn the number of individuals who attended was greater than the number of \$100 per tickets reported by the BRTC, resulting in underreported expenditures by the BRTC pertaining to this fundraiser. See General Statutes § 9-608 and § 9-612.*
23. In response to this complaint and investigation, Ms. Burns, Mr. Garrett and Mr. Slater asserted:

Starting with the 2016 Lincoln Day Dinner, we have been selling table sponsorships at \$1,000 per table. The sponsorship includes 8 seats at a sponsored table. It is up to the "Sponsor", the person who actually writes the check or pays for the table online (in other words the contributor), to choose guests they bring

to the dinner to sit at the table they sponsor. They essentially bring 7 guests since the sponsorship is for a table of 8. The ONLY person reported on a treasurer's report is the one who pays for the table as they are the "contributor."

24. Further, they indicated that "...the best way to explain this" was that there were "... paid table sponsorships" at the 2017 Lincoln Day Dinner. The Commission finds that the BRTC reported contributions, consistent with the above assertions, in the amount of \$1,000.00 by individuals for a May 26, 2017 "Dinner Event" on its April 10, 2017 and July 10, 2017 financial statements, as required by General Statutes § 9-608.
25. After investigation, and as detailed above, the Commission determines the explanation which Ms. Burns, Mr. Garrett and Mr. Slater supported documentation, to be plausible. Furthermore, the Commission concludes that the "sponsorship" of tables at committee fundraising dinners by individuals in return for \$1,000.00 contributions is consistent with the parameters for individual contribution limits to party committee pursuant to General Statutes § 9-612.
26. The Commission finds, for the aforementioned reasons, that there was a lack of evidence that the BRTC "underreported" expenditures for its May 2017 Lincoln Day annual fundraiser as alleged, and therefore Allegation Four dismissed.
27. Finally, Complainant raised additional issues, based on supplemental materials submitted to the Commission pertaining to this matter, which alleged an impermissible 2013 BRTC reimbursement to an individual as well as a 2016 prohibited contribution to a business entity by the committee for BRTC campaign flyer. See General Statutes § 9-607.
28. Ms. Burns, Mr. Garrett and Mr. Slater provided invoices and documentation related to the 2013 reimbursement of an individual and the 2016 purchase of campaign mailers in response to these related supplemental allegations by Complainant. Consequently, the Commission finds there is an insufficient basis to conclude *either* of the aforementioned BRTC transactions were in violation of campaign finance laws.
29. Moreover, the Commission finds and concludes that the potential campaign finance violations raised by Complainant in supplemental materials submitted in the course of this complaint and investigation pertaining to the 2013 reimbursement of an individual and a 2016 BRTC expenditure were not supported by the evidence after investigation and therefore are dismissed.

30. After extensive investigation and review of pertinent documentation in this matter, the Commission finds, under these narrow and specific circumstances, that the Complainant's various allegations of potential campaign finance violations by the BRTC, Ms. Burns, Mr. Garrett Mr. Slater, and other individuals were not supported by the facts or the law and therefore the Commission finds no violations regarding such allegations in this matter.
31. This complaint should therefore be dismissed.

ORDER

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

That the complaint be dismissed.

Adopted this 18th day of July, 2018 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission