

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re Audit Report for *Candelaria 2016*

File No. 2018-034

AGREEMENT CONTAINING A CONSENT ORDER

Frank Alvarado, Town of ~~East Haven~~ ^{North Haven}, State of Connecticut, hereinafter referred to as the Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

1. The Commission initiated this investigation into the qualified candidate committee of Juan Candelaria, candidate for the 95th district General Assembly seat in the 2016 election, on May 16, 2018, based on the results of a draft Final Audit Report issued by the Campaign Audit and Disclosure Unit. The audit concluded that the campaign treasurer had used cash payments to satisfy obligations of the committee.
2. Juan Candelaria established this candidate committee on May 25, 2016 to support his candidacy for the 95th district General Assembly seat.¹ The committee opted to participate in the Citizens' Election Program.² The Commission approved a grant from the Citizens Election Fund totaling \$8,445, which was received by the committee on October 24, 2016.³
3. The Commission reviewed expenditures and backup documentation of the *Candelaria 2016* candidate committee after the committee's selection in the random audit lottery conducted following the 2016 election cycle. According to the Commission's audit report, the candidate committee made several expenditures using cash instead of a check drawn upon the committee's bank account, as required by Connecticut's campaign finance statutes.

¹ See SEEC Form 1 – Registration of Candidate Committee (*Candelaria 2016*, May 25, 2016) (reflecting establishment of candidate committee by Juan Candelaria and appointment of Frank Alvarado as treasurer).

² See SEEC Form CEP 10 – Affidavit of Intent to Abide by Expenditure Limits and Other Citizens' Election Program Requirements (*Candelaria 2016*, September 28, 2016) (reflecting intent of candidate and treasurer to participate in Citizens' Election Program and to follow voluntary program rules).

³ See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: Final Weekly Supplemental Filing General Election - Original (*Candelaria 2016*, Nov. 2, 2016) (reporting grant received from Citizens' Election Fund on October 24, 2016).

4. The audit showed that the committee paid committee workers \$300 in a series of cash payments and paid for a fundraising event at the Greek Olive Restaurant through a cash payment of \$825.57.
5. A committee governed by Chapter 155 must make payments to satisfy its obligations via a “check drawn by the treasurer, on the designated depository” or by a credit or debit card.⁴ A candidate committee may use “petty cash” to satisfy small obligations, but such a petty cash fund may never exceed \$100 at any time.⁵ Regulations adopted by the commission that govern expenditures by participating candidate committees limit cash expenditures to \$50.⁶
6. The Commission finds that the respondent treasurer failed to follow the statutory provisions regarding payment of obligations from the committee’s bank account.
7. The 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.
8. 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.
9. Upon the Respondent’s agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against them concerning this matter or the findings that appear in the Final Audit Report for the *Candelaria 2016* candidate committee.
10. 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

⁴ See General Statutes § 9-607 (e) (1) (requiring expenditures to be made using checks or a credit or debit card.)

⁵ See General Statutes § 9-607 (e) (2) (limiting committees’ “petty cash funds” to maximum of \$100 at any time).

⁶ See Regulations, Connecticut State Agencies, § 9-706-2 (b) (5) (placing \$50 cap on individual cash expenditures).

Agreement will be withdrawn and may not be used as an admission by either party in any subsequent hearing, if one becomes necessary.

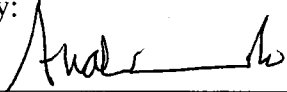
ORDER

IT IS HEREBY ORDERED THAT Respondent Alvarado shall pay a civil penalty of two hundred dollars (\$200.00) to the Commission for violations of General Statutes § 9-607(e) and Regulations of Connecticut State Agencies § 9-706-2(b)(5) and shall henceforth strictly comply with the requirements of General Statutes § 9-607 (e) and Regulations of Connecticut State Agencies § 9-706-2(b)(5).

The Respondent

For the State of Connecticut

By:



Frank Alvarado

~~140 Mill St # 427~~ ~~East Haven, CT 06512~~

51 Lexington Gardens
North Haven CT 06473

By:

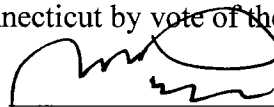


Michael J. Brandi

Executive Director and General Counsel
Authorized Representative
State Elections Enforcement Commission
20 Trinity St.
Hartford, CT 06106

1/16/2020

Adopted this 5th day of Feb 2020 at Hartford, Connecticut by vote of the Commission.



Commissioner

By Order of the Commission