

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Maritza Gant, New Haven

File Nos.: 2018-047

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Inger Kierce (the “Respondent”) and the undersigned authorized representative of the State Elections Enforcement Commission (the “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:

ALLEGATION

1. It is alleged that Respondent falsely certified that she had confirmed the identity of two individuals whose names appeared on primary petitions that she had circulated.

FACTUAL BACKGROUND

COUNT I

2. On or about June 19, 2018, Complainant Maritza Gant, filed the instant complaint with the Commission alleging that “Someone forged my daughter’s name, signature, DOB & address on a petition. She has been out of the country since Sept. 2017.”
3. At all times relevant hereto, Maria Gant is and was the daughter of Complainant Maritza Gant.
4. On or about September 20, 2017, Maria Gant arrived in China and has not returned to the United States since.
5. At all times relevant hereto Respondent Kierce was a resident of the City of New Haven.
6. During the months of May and June of 2018, Respondent Kierce circulated primary petitions on behalf of Joe Ganim, a candidate for Governor of the State of Connecticut.
7. On or about May 15, 2018, Respondent Kierce executed the Circulator’s Statement of Authentication of Signatures on a primary petition page circulated on behalf of Joe Ganim (hereinafter “Petition Page 1”).

8. The Circulator's Statement of Authentication of Signatures on Petition Page 1 contained the following: "Each person whose name appears on this petition signatures page signed the same in person in my presence. I either know each such signer or such signer satisfactorily identified himself or herself to me."
9. Maria Gant's name, purported signature, date of birth and street address appear on line ten of Petition Page 1.
10. Maria Gant denies that she signed Petition Page 1.
11. The purported signature of Maria Gant on Petition Page 1 does not resemble the signature in Maria Gant's passport.

COUNT II

12. At all times relevant hereto Respondent Kierce was a resident of the City of New Haven.
13. During the months of May and June of 2018, Respondent Kierce circulated primary petitions on behalf of Joe Ganim, a candidate for Governor of the State of Connecticut.
14. On or about May 30, 2018, Respondent Kierce executed the Circulator's Statement of Authentication of Signatures on a primary petition page circulated on behalf of Joe Ganim (hereinafter "Petition Page 2").
15. The Circulator's Statement of Authentication of Signatures on Petition Page 2 contained the following: "Each person whose name appears on this petition signatures page signed the same in person in my presence. I either know each such signer or such signer satisfactorily identified himself or herself to me."
16. At all times relevant hereto, John Mikos, Jr. was a resident of the Town of New Haven.
17. John Mikos Jr.'s name, purported signature, date of birth and street address appear on line nine of Petition Page 2.
18. John Mikos denies that he signed Petition Page 2.
19. The purported signature of John Mikos Jr. on Petition Page 2 does not resemble the signature in John Mikos Jr.'s driver license.

LAW

20. General Statutes § 9-410 (c) provides, in pertinent part:

Each circulator of a primary petition page shall be an enrolled party member of a municipality in this state who is entitled to vote. . . . Each separate sheet of such

petition shall contain a statement as to the authenticity of the signatures thereon ...and shall be signed under the penalties of false statement by the person who circulated the same, . . . and attesting that each person whose name appears on such sheet signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified the signer to the circulator[.]

21. The Circulator's Statement of Authentication of Signatures on primary petitions further requires that such statement be signed under the penalty false statement. General Statutes § 9-410 (c).

22. General Statutes § 53a-157b provides:

(a) A person is guilty of false statement when such person (1) intentionally makes a false written statement that such person does not believe to be true with the intent to mislead a public servant in the performance of such public servant's official function, and (2) makes such statement under oath or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

(b) False statement is a class A misdemeanor.

23. The Commission is empowered to levy a civil penalty of up to \$2000 against anyone found to be in violation of General Statutes § 9-140. General Statutes § 9-7b (a) (2).

DISCUSSION

24. General Statutes § 9-410 (c) requires that each individual that circulates a petition must provide an attestation under the penalties of false statement that each person who signed that petition signed in the circulator's presence, and that each signatory was either known to the circulator or satisfactorily identified him or herself to the circulator.

25. An implicit requirement of General Statutes § 9-410 (c) is that the circulator's attestation be true. Accordingly, if the circulator signed a General Statutes § 9-410 (c) petition statement that he or she knew or reasonably should have known was untrue, that circulator will be deemed to have violated General Statutes § 9-410 (c). See *In the Matter of a Complaint by Harry A. Gagliardi, Jr., Hamden*, File No. 2017-042.

26. The evidence collected in this case meets and exceeds the Commission's burden to demonstrate that Respondent executed the Circulator's Statement of Authentication of Signatures without having adequately proven confirmed the identity of the individual signing the names of Maria Gant or John Mikos.

27. Accordingly, it is the recommendation of counsel that the Commission authorize a Consent order in which it finds Respondent Kierce twice was in violation of General Statutes § 9-410.

TERMS OF GENERAL APPLICATION

28. The Respondent admits to all jurisdictional facts and 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.
29. 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 to contest the validity of the Order entered into pursuant to this Agreement.
30. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondents regarding this matter.
31. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum.


ORDER

It is hereby ordered that Respondent Inger Kierce shall henceforth strictly adhere to the requirements of General Statutes § 9-410.

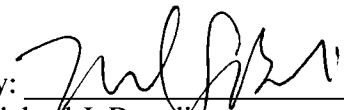
It is further ordered that Respondent Inger Kierce shall pay a civil penalty of four thousand dollars (\$4000).

Due to demonstrated extreme financial hardship, it is further ordered that the collection of the four thousand dollar civil penalty in this matter shall be suspended for a period of ten years, provided that the Respondent not be found in violation of statutes within the jurisdiction of the Commission during that period of time. If the Respondent is found to be in violation of a statute within the jurisdiction of the Commission, the four thousand dollar civil penalty in this matter shall become immediately due and owing. If, after the expiration of ten years, the Respondent has not been found in violation of any statute within the jurisdiction of the Commission, the civil penalty in this matter shall be waived.

Respondent:

By: 
Inger Kierce
304 Howard Ave., #3
New Haven, CT 06519

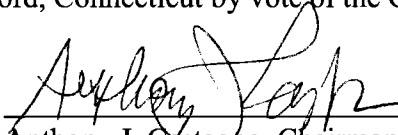
For the State of Connecticut:

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

Dated: 3 27 19

Dated: 4/4/19

Adopted this 17 day of Apr, 2019 at Hartford, Connecticut by vote of the Commission.


Anthony J. Castagno, Chairman
By Order of the Commission