

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re: Commission Initiated Investigation
into "Larry Groh Jr. for 51st District,

File No. 2018-061

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Lee Post, of the Town of Putnam, County of Windham, State of Connecticut and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree as follows:

Background

1. This Commission-initiated investigation concerns the "Larry Groh Jr. for the 51st District" a candidate committee, formed as the funding vehicle for Larry Groh Jr.'s candidacy for state representative in the 51st District during the 2018 General Election.
2. Mr. Groh was the Democratic Party and Working Families Party Nominee. Mr. Groh's candidate committee, through treasurer Lauri Germain, qualified for a full General Election grant from the Citizens' Election Fund ("CEF").
3. During the review and validation process of the candidate committee's application for a grant, the Campaign Finance and Disclosure and Audit Unit flagged fourteen contributions for signature and handwriting anomalies, whereby it appeared that the contribution certification forms may have been created by the same author and forwarded them for validation review by a legal investigator from the Law Enforcement Unit.
4. The validation revealed that all of the flagged contribution cards came from a single authorized solicitor, Respondent Lee Post.
5. All fourteen contributions, including Mr. Post's, were disqualified and did not count toward the grant application thresholds.

6. After review of the validation, the Commission found insufficient evidence to suggest a “center of gravity” with the campaign itself, but the matter was referred to the Law Enforcement Unit for further investigation into Mr. Post.

Law

7. General Statutes § 9-622 reads, in pertinent part:

The following persons shall be guilty of illegal practices:

...

(7) **Any person who, directly** or indirectly, individually or through another person, **makes a payment** or promise of payment **to a treasurer in a name other than the person's own**, and any treasurer who knowingly receives a payment or promise of payment, or enters or causes the same to be entered in the person's accounts in any other name than that of the person by whom such payment or promise of payment is made;

...

(10) **Any person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter**; (Emphasis added.)

Investigation

8. As an initial matter, the Commission notes that the investigation revealed no additional evidence to contradict the Commission’s conclusion during the grant decision that there did not appear to be any specific “center of gravity” with the campaign regarding any potential “straw” contributions submitted by their sole solicitor.
9. The candidate committee, through deputy treasurer Cathy Thomas, confirmed that Mr. Post was an official solicitor for the candidate committee and that all of the flagged cards came from him.
10. She asserted that all of the cards came from “relatives and friends of Mr. Post.” She asserted (and this was later confirmed by Mr. Post), that Mr. Post handed all of the contribution cards and contributions to the candidate, Mr. Groh, who turned them over to the treasurer, Lauri Germain.
11. Of the 14 cards submitted by Mr. Post, one was a contribution of \$25 in his own name. The remaining 13 cards were for \$5 each, in cash, for a total of \$65.

12. The investigation was able to make affirmative contact and obtain oral and/or written statements with four individuals (not including Mr. Post) who appeared as contributors on cards circulated and submitted by Respondent: Lynn Krajewski, Sam Whitehead, Eathan Gould, and Nathan J. Woods. All four individuals confirmed that they knew Mr. Post.
13. The investigation interviewed Ms. Krajewski and she stated that she believed that her late husband David made the contributions on their behalf and used their own funds to pay for their contributions.
14. Ms. Krajewski also stated that the handwriting on the contribution cards appeared to be her late husband's.
15. The investigation interviewed Sam Whitehead a second time following the initial conversation during the validation. He confirmed his prior statement that he could not recall making a contribution.
16. The investigation interviewed Eathan Gould who asserted that he did not recall making a contribution (or agreeing to make a contribution) and that the handwriting and signature on the contribution card was not his own. He averred that he is familiar with Mr. Post, a former neighbor of his.
17. The investigation interviewed Nathan J. Woods who asserted that he could not recall making a contribution and that the handwriting and signature on the contribution card was not his own.
18. The remaining eight contributors allegedly solicited by Mr. Post (Jacob Post, Luke Post, Dorothy Post, Sharlene Martin, Craig Martin, Nathan A. Woods, Spencer Sowas, and Jesse Whitehead) were not reached.

Respondent Reply

19. In his response to the instant investigation, Mr. Post asserted that his recollection was that all of the individuals from whom he solicited contributions were either friends or family.
20. Mr. Post asserted that his recollection is that he contacted those he solicited via the telephone and asked them if they would make a \$5 contribution and asked them if he could complete the contribution card and that each assented.
21. At a later date, Mr. Post also admitted that the money for the contributions came from his own personal funds and was not reimbursed.

Analysis

22. Liability for Mr. Post is straightforward here. Pursuant to the statements of Mr. Gould, Mr. Woods, and Mr. Whitehead as well as by the Respondent's own admission, the evidence is sufficient to conclude that Mr. Post filled out the cards in the name of these individuals and used his personal funds for each of the \$5 contributions.
23. Accordingly, the Commission concludes that pursuant to General Statutes § 9-7b (a) (1) and (2), the Respondent is responsible for (at least) three separate civil violations of General Statutes §§ 9-622.
24. The Respondent knew or should have known that his actions constituted making a prohibited contribution in the name of another person and resulted in the concealing of the true source of the funds. This was an unacceptable circumvention of a fundamental metric for determining whether a candidate, in this case Mr. Groh, qualifies for a substantial public grant from the State of Connecticut.
25. General Statutes § 9-7b (a) (2) (D) states that the Commission has the authority 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.
26. Pursuant to Regulations of Connecticut State Agencies § 9-7b-48, in determining the amount of a civil penalty, the Commission shall consider, among other mitigating and aggravating factors:
 - (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.
27. So-called CEP "straw donor" cases such as this are fortunately uncommon, but those that have occurred generally have broken into two categories of cases.
28. The first category concerns matters that involved either knowing and willful misconduct, large-scale misconduct, and/or additional violative misconduct.
29. The Respondent in *Commission Initiated Investigation of Contributions by Brian Lippey*, File No. 2014-081 provided falsified addresses for his family and extended out-of-state family members and admitted giving 8 contributions in the maximum amount of \$100 for a

CEP participant using his credit card to Tom Foley's 2014 gubernatorial candidate committee. In *Lippey*, the Commission viewed the assessment of a substantial civil penalty totaling twelve thousand dollars (\$12,000.00) under the aforementioned circumstances as a “meaningful deterrent to Respondent and others regarding the seriousness with which the Commission will judge and treat violations concerning the giving contributions in the name of another pursuant to General Statutes § 9-622 (7).”

30. The Commission agreed to a \$6,000 civil penalty with a solicitor in *In re. Contributions to John Scott 2016* File No. 2016-035 who solicited 6 employees to submit online contributions (and fill out online contribution cards) ,but allowed them to pay for the contributions using the business credit card. The Commission found that the respondent violated both § 9-622 for the falsified source of the funding for the 6 contributions as well as 9-613 because the actual source was a business, which is prohibited.
31. The Commission similarly assessed a substantial penalty of \$16,000 in *In re SEEC Initiated Investigation of Steve Obsitnik for Connecticut*, File No. 2018-050A where respondent Robert Grant, a solicitor for gubernatorial candidate Steve Obsitnik, intentionally submitted false contribution cards and \$100 maximum contributions, in cash, in the names of six individuals who had no involvement in the contributions. Mr. Grant was found to have violated both §§ 9-622 (7) and (9) for the false contributions and exceeding the \$100 cash contribution limit.
32. The second category is smaller matters involving less sophisticated actors and/or less egregious activity.
33. File No. 2018-050B involved a separate settlement spawning from the investigation in the *Obsitnik* matter, above, and concerned solicitor who collected eight checks from different contributors, but filled out and signed the cards herself. Given that that matter only involved the falsification of the cards for contributions that were otherwise authorized and paid by the contributors, the Commission agreed to settle the matter for \$200.
34. In *Commission Initiated Investigation of “Committee to Elect Joseph Vollano,”* File No. 2016-079A, the Commission found that the respondent solicitor provided the cash for 4 family members, including two minors, to make contributions for an aggregate total of \$40 in contributions. The Commission settled that matter with the respondent for a civil penalty of \$250.
35. *Commission Initiated Investigation Regarding Possible Straw Contributions to “Thompson-Daniel 2014,”* File No. 2014-166 concerned an individual who submitted two contribution cards, both in his own name, one for \$5 and one for \$95. The investigation found and the respondent admitted that \$90 of that money was collected from multiple unreported

individuals he solicited at a local bar. The Commission settled with the respondent in *Thompson-Daniel 2014*, concluding that:

“[T]he imposition of a \$250.00 civil penalty by the Commission against Respondent, based on a single prohibited contribution that aggregated to less than the maximum qualifying contribution of \$100.00, sufficiently addresses the gravity of Respondent's act and serves to insure his immediate and continued compliance with General Statutes § 9-622”

36. *In the Matter of Complaint by Sarah Hemingway, Sandy Hook*, File No. 2010-104 concerned a volunteer solicitor who provided the cash for 18 individual contributors. The respondent settled with the Commission for a civil penalty of \$2,000 in that matter.
37. Considering all the above matters, the Commission concludes that this matter is more closely aligned with the *Vollano, Thompson-Daniel 2014, Obsitnik B*, and *Hemingway* line of cases than the *Lippey, Scott*, and *Obsitnik A* line.
38. The evidence here supports a conclusion that at least three improper contributions of \$5 each were submitted by Mr. Post. There was not enough evidence to support any such conclusion for the remaining ten questionable contributions.
39. The investigation here revealed that Respondent has no prior history in this area. Mr. Post admitted to the activity and seemed to lack an appreciation for the gravity of his action at the time. He stated that he procured the assent of all of the persons involved, who were all family and acquaintances.
40. Although the total amount of straw contributions was not great, the fact that they were submitted in support of a CEP grant application contributes to the gravity of the offence.
41. The total potential civil penalty here is \$6,000, \$2,000 for each of the false cards submitted in the names of Mr. Gould, Mr. Woods, and Mr. Whitehead.
42. Considering the aggravating and mitigating circumstances, and consistent with prior matters, the Commission concludes that a civil penalty of \$450.00 as a total civil penalty is appropriate here.

Resolution

43. The Respondent admits all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a

copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.

44. 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.
45. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.
46. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings pertaining to this matter.

RECEIVED

RECEIVED

Jan 06 2023

STATE ELECTIONS
ENFORCEMENT COMMISSION

STATE ELECTIONS
ENFORCEMENT COMMISSION

ORDER

IT IS HEREBY FURTHER ORDERED THAT the Respondent will henceforth strictly comply with General Statutes § 9-622; and

IT IS HEREBY FURTHER ORDERED THAT the Respondent shall pay a civil penalty in the amount of four hundred and fifty (\$450.00) to the Commission, in full and final resolution of this matter.

The Respondent:



Lee Post
Putnam, CT

For the State of Connecticut:


BY: 

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

Dated: 12/30/2022

Dated: 1/11/23

Adopted this 18th day of January of 20 23 at Hartford, Connecticut


Stephen T. Penny, Chair
By Order of the Commission