

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Joseph Aresimowicz
Berlin

File No. 2018-104A

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between Salvatore Bordonaro, Town of Berlin, State of Connecticut, hereinafter referred to as Respondent Bordonaro, 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. Respondent Bordonaro was appointed to serve as treasurer of the Berlin Republican Town Committee in 2017.¹ Respondent was also treasurer of the Republican Party candidate for the 30th General Assembly seat. That candidate was initially Steve Baleshiski, but he was replaced on October 16, 2018, by Michael Gagliardi. On October 17, 2018, Gagliardi filed an SEEC Form 14, notifying the Commission of the committee's intention to participate in the Citizens' Election Program as a replacement candidate.² Respondent served as treasurer for both committees.³ This was Respondent's first time serving as treasurer of a candidate committee.
2. On October 19, 2018, the Commission authorized a release from the Citizens' Election Fund to the Gagliardi candidate committee as a replacement candidate committee.⁴ The

¹ See SEEC Form 2 – Party Committee Registration (*Berlin Republican Town Committee*, Sept. 9, 2017) (reflecting appointment of Sal Bordonaro as treasurer of town committee).

² See SEEC Form CEP 14 – Citizens' Election Program Certification by Replacement Participating Candidate (Michael Gagliardi, October 16, 2018)

³ Candidate Steve Baleshiski withdrew from the Connecticut General Assembly race via letter dated October 11, 2018. The notice was received by the Secretary of the State's office on October 12, 2018. On October 16, 2018, Gagliardi was named as the replacement candidate representing the Republican Party in the race for the 30th district General Assembly seat. Gagliardi registered a candidate committee on October 16, 2018, naming Salvatore Bordonaro as treasurer of the committee. See SEEC Form 1 – Registration of Candidate Committee (*Mike Gagliardi for 30th House Rep*, Oct. 16, 2018) (reflecting establishment of candidate committee by Michael Gagliardi and appointment of Salvatore Bordonaro as treasurer). Bordonaro also served as treasurer for the Baleshiski candidate committee. See SEEC Form 1 – Registration of Candidate Committee (*Steve Baleshiski for House Representative*, May 25, 2018) (reflecting establishment of candidate committee by Steven Baleshiski and appointment of Salvatore Bordonaro as treasurer).

⁴ See Minutes, State Elections Enforcement Comm'n., October 19, 2018.

Gagliardi candidate committee received \$11,260 on October 26, 2018 from the Citizens' Election Fund.⁵

3. Complainant Joseph Aresimowicz, the endorsed Democratic Party candidate for the 30th house seat, alleged that an unknown individual had made expenditures in opposition to his candidacy, which, given their content and placement, he believed were likely made in coordination with the Republican Party candidate.⁶
4. Respondent Bordonaro was at all times cooperative with the Commission's investigation into this matter. During the course of the investigation, he identified Berlin Republican Town Committee member Theresa Tonina⁷ as the individual who paid for both the advertisement in the BERLIN CITIZEN newspaper and the posters that were displayed outside the polls.
5. According to documentation received from Respondent Bordonaro, Respondent Tonina purchased an advertisement in the BERLIN CITIZEN newspaper on or about November 1, 2018, for a cost of \$137.50
6. In addition, Respondent Tonina ordered signage from Windsor Marketing Group in Suffield, Connecticut, on or about November 1, 2018, for a cost of \$87.74.
7. General Statutes § 9-601c defines an independent expenditure as an expenditure made without the "consent, coordination, or consultation of, a candidate or agent of the candidate [or] candidate committee . . ." When reviewing independent expenditures the commission may presume that "expenditures made by a person in cooperation, consultation or in concert with, at the request, suggestion or direction of, or pursuant to a general or particular understanding with (A) a candidate, candidate committee, political committee or party committee, or (B) a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee" are not independent.⁸ If an expenditure is not made independent of a candidate or the

⁵ See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: Final Weekly Supplemental Filing General Election (*Mike Gagliardi for 30th House Rep*, Oct. 31, 2018) (reporting grant received from Citizens' Election Fund on Oct. 26, 2018).

⁶ See Complaint by Joseph Aresimowicz, Berlin, SEEC File No. 2018-104 (received November 8, 2018) (alleging that unknown individual, identified only as "Concerned Taxpayer," had made campaign finance violations).

⁷ Ms. Tonina was named as a respondent in this matter as well.

⁸ General Statutes § 9-601c(b)(1) (delineating presumptions for analyzing "independent expenditures").

candidate's committee or a party committee, then it may be a contribution to the candidate committee or the relevant party committee.⁹

8. A candidate committee participating in the Citizens' Election Program is limited in the nature and type of contributions that it may receive. Participating candidate committees may receive only "qualifying contributions" from individuals. They may not receive "in-kind" contributions from individuals.¹⁰
9. An individual may contribute up to \$2,000 per year to a town committee.¹¹ During 2018, Respondent Tonina made contributions totaling \$304 to the Berlin Republican Town Committee.
10. In this instance, Respondent Tonina consulted with Respondent Bordonaro about ordering posters opposing the Complainant's election. Respondent Tonina ordered the advertisement from the newspaper while Respondent Bordonaro coordinated the advertisements that were sent to the newspaper.
11. Respondent Bordonaro served as treasurer of the two committees that would potentially benefit from those expenditures: the candidate committee of Complainant's opponent and the Berlin Republican Town Committee.
12. Under General Statutes § 9-601c, the Commission may presume that expenditures made with the knowledge of Respondent Bordonaro were made in coordination with the candidate committee or party committee for which he served as treasurer. Those non-independent expenditures could be deemed contributions to either committee.
13. The candidate committee of Mike Gagliardi, a qualified candidate committee under General Statutes § 9-700, could not accept contributions after it had received a grant from the Citizens' Election Program, which it did on or about October 26, 2018.
14. By working with Respondent Tonina to make expenditures that she paid for to oppose Complainant, Respondent Bordonaro coordinated with her on making those communications, based on information that he had as treasurer for the Gagliardi candidate committee and the Berlin Republican Town Committee.

⁹ See General Statutes § 9-601a(a)(4) (including within definition of "contribution" "an expenditure that is not an independent expenditure").

¹⁰ See, generally, General Statutes § 9-704.

¹¹ See General Statutes § 9-612(a) (placing limit on individuals' contributions to town party committees).

15. Respondent Bordonaro states that any communications between himself and Respondent Tonina were not designed to thwart the restrictions on contributions to qualified candidate committees or party committees and were inadvertent. He also states that Theresa Tonina submitted a signed affidavit swearing to the creation of the ad in question and that no one influenced her to develop and move forward with the ad or any other campaign initiative. He understands, however, that his actions violated Connecticut's campaign finance statutes and resulted in an impermissible contribution to the Gagliardi candidate committee or the Berlin Republican Town Committee.
16. The Commission notes that there were two options for the town committee to effect these expenditures that would have avoided prosecution under the state's campaign finance statutes. First, the payments made by Respondent Tonina for the newspaper advertisement and the posters could have been considered contributions to the town committee and reported as such. Second, the town committee could have reimbursed Respondent Tonina for the payments for the advertisement and the posters, which had been the practice in the past as she had placed other advertisements on behalf of the town committee. In either instance, the communications should have carried the disclaimer that they were paid for by the town committee.
17. 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 into after a full hearing and shall become final when adopted by the Commission.
18. 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. 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.

ORDER

IT IS HEREBY ORDERED THAT the Respondent Salvatore Bordonaro shall pay a civil penalty of \$300 and shall henceforth comply with all statutes and regulations governing the operation of candidate and party committees in Connecticut.

The Respondent

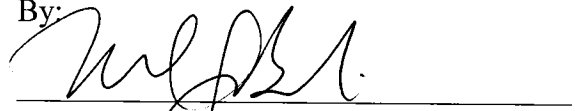
For the State of Connecticut

By:



Salvatore Bordonaro
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By:



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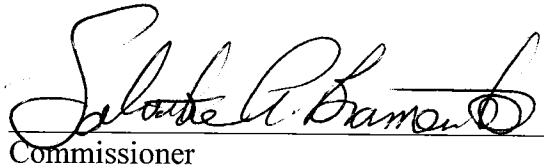
Dated:

12-9-2019

Dated:

12/12/19

Adopted this 13th day of December 2019 at Hartford, Connecticut by vote of the Commission.



Commissioner

By Order of the Commission

Salvatore A. BRAMANTE
Vice Chair