

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Joseph Aresimowicz

File No. 2018-104B

**AGREEMENT CONTAINING A CONSENT ORDER**

This Agreement by and between Theresa Tonina, Town of Berlin, State of Connecticut, hereinafter referred to as Respondent Tonina, 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 Tonina was named as a respondent in this matter after she was identified as the individual who placed an advertisement in the BERLIN CITIZEN newspaper and who paid for several posters placed outside the polling place that advocated against complainant's election.
2. Salvatore Bordonaro, who was also a respondent in this matter, was appointed to serve as treasurer of the Berlin Republican Town Committee in 2017.<sup>1</sup> Respondent Bordonaro was also treasurer of the Republican Party candidate for the 30<sup>th</sup> General Assembly seat.
3. Complainant Joseph Aresimowicz, the endorsed Democratic Party candidate for the 30<sup>th</sup> 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.<sup>2</sup>
4. Respondent Bordonaro identified Berlin Republican Town Committee member Theresa Tonina 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.

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

<sup>2</sup> 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. 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.<sup>3</sup> If an expenditure is not made independent of a candidate or the candidate’s committee or a party committee, then it may be a contribution to the candidate committee or the relevant party committee.<sup>4</sup>
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.<sup>5</sup>
9. An individual may contribute up to \$2,000 per year to a town committee.<sup>6</sup> 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. 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 and party committee for which he served as treasurer. Those non-independent expenditures could be deemed contributions to either committee.
12. 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.

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<sup>3</sup> General Statutes § 9-601c(b)(1) (delineating presumptions for analyzing “independent expenditures”).

<sup>4</sup> See General Statutes § 9-601a(a)(4) (including within definition of “contribution” “an expenditure that is not an independent expenditure”).

<sup>5</sup> See, generally, General Statutes § 9-704.

<sup>6</sup> See General Statutes § 9-612(a) (placing limit on individuals’ contributions to town party committees).

13. By communicating with Respondent Bordonaro about expenditures that she planned to make to oppose Complainant's candidacy, Respondent Tonina coordinated with him based on information that he had as treasurer for the Gagliardi candidate committee and the Berlin Republican Town Committee.
14. Respondent Tonina has acknowledged paying for advertisements placed in the Berlin Citizen that opposed the candidacy of Complainant Aresimowicz as well as posters that opposed his candidacy. The advertisements and posters were valued in total at \$215.24.
15. Respondent Tonina states that any communications between her and Respondent Bordonaro were not designed to thwart the restrictions on contributions to qualified candidate committees or party committees and were inadvertent. She understands, however, that her 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. General Statutes § 9-704 limits contributions from an individual to a candidate running as a participating candidate for state representative to \$250, which can only be received by the candidate committee before the committee has received a grant from the Citizens' Election Fund. A candidate committee seeking to qualify for a grant from the Citizens' Election Fund could accept only "qualifying contributions" of between \$5 and \$250.<sup>7</sup> Upon applying for grant from the Citizens' Election Fund, the candidate and treasurer must certify that any contributions that did not meet the definition for "qualifying contribution" had been returned or that the excess funds had been transferred to the Citizens' Election Fund.<sup>8</sup>
17. A candidate committee may not accept a contribution of more than \$5 where the contributor does not include the contributor's name and address nor may the candidate committee accept contributions of more than \$50 that do not include the information required under General Statutes § 9-608 (c) (3).<sup>9</sup> General Statutes § 9-622 (10) makes any person who ". . . makes

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<sup>7</sup> See General Statutes § 9-704 (defining "qualifying contribution" as contributions from individuals of no less than \$5 and no more than \$100).

<sup>8</sup> See General Statutes § 9-706 (b) (laying out written certifications required from candidates and treasurers upon application for grant from Citizens' Election Fund).

<sup>9</sup> See General Statutes §§ 9-704 (c) (2) (requiring contributions of more than \$5 to include contributor's name and address); 9-704 (b) (requiring contribution certification to accompany contributions of more than \$50). General Statutes § 9-608 (c) (3) requires the following information to accompany any contribution that exceeds \$50: "(A) The name of the contributor's employer, if any; (B) the contributor's status as a communicator lobbyist, as defined in section 1-91, a member of the immediate family of a communicator lobbyist, a state contractor, a prospective state contractor or a principal of a state contractor or prospective state contractor, as defined in section 9-612; and (C) a certification that the contributor is not prohibited from making a contribution to such candidate or committee." The statute also imposes deadlines on treasurers to get this information in order to accept a contribution that does not arrive

or receives a contribution that is otherwise prohibited by any provision of this chapter” guilty of an illegal practice.

18. If an individual makes or incurs an “expenditure with the consent of, in coordination with or in consultation with any candidate or candidate committee or candidate’s agent” then any resulting communication from that expenditure must carry a disclaimer with the name and address of the individual as well as the statement that the message was approved by the candidate.<sup>10</sup>
19. 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.
20. 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.
21. 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.
22. 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

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with a certification form. “If a treasurer receives such a contribution and the contributor has not provided such certification, the treasurer shall: (i) Not later than three business days after receiving the contribution, send a request for the certification to the contributor by certified mail, return receipt requested; (ii) not deposit the contribution until the treasurer obtains the certification from the contributor, notwithstanding the provisions of section 9-606; and (iii) return the contribution to the contributor if the contributor does not provide the certification not later than fourteen days after the treasurer’s written request or at the end of the reporting period in which the contribution was received, whichever is later.” *Id.*

<sup>10</sup> See General Statutes § 9-621(a).

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 Theresa Tonina shall pay a civil penalty of \$200 for violations of General Statutes §§ 9-621, 9-622, and 9-704.

The Respondent

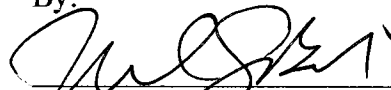
For the State of Connecticut

By:



Theresa Tonina  
11 Harris Street  
Kensington, CT 06037

By:



Michael J. Brandi, Esq.  
Executive Director and General Counsel and  
Authorized Representative of the  
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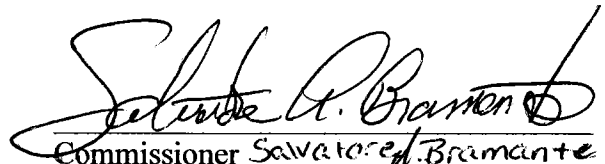
Dated:

12/3 ~~2018~~  
2019

Dated:

12/7/15

Adopted this 4<sup>th</sup> day of Dec., 2019 at Hartford, Connecticut by vote of the Commission.



Commissioner Salvatore A. Bramante  
By Order of the Commission