

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Kevin Reynolds,
Hartford

File No. 2019-029

FINDINGS AND CONCLUSIONS

This Complainant was filed by Attorney Kevin Reynolds on behalf of the Sherman Democratic Town Committee pursuant to Connecticut General Statutes § 9-7b. The Complainant alleged potential violations of campaign finance laws by Mr. Thomas G. Conley (hereinafter "Respondent"), as the former Treasurer of the Sherman Democratic Town Committee ("SDTC"). Further, Complainant alleged that Respondent misappropriated funds from the SDTC. After an investigation of the complaint, the Commission makes the following findings and conclusions:

1. This matter was reported by Attorney Reynolds at the request of SDTC leadership. At the time of this complaint, David S. Silvey was Chairman of the SDTC and Mr. Robert G. Gamper was the Treasurer of the SDTC.
2. Complainant submitted this complaint, with supporting materials, that included the following:

After a preliminary review of its bank account and other documents, the leaders of the Sherman Democratic Town Committee ("Sherman DTC") has reason to believe that funds from its account may have been misappropriated by its former treasurer.

From a period beginning in May 2014 to present, it appears that \$9,650 dollars were improperly withdrawn by the Sherman DTC's treasurer. Throughout this period of time, Thomas Conley of Sherman was the Sherman DTC's treasurer and the sole person to withdraw funds. The methods of improper withdrawal include withdrawing cash at the local bank, payment of personal bills such as cable bills, cell phone bills and utility bills.

The Sherman DTC hereby self-reports this matter and requests that your agency begin an investigation this matter. It will fully cooperate. In addition, the Sherman DTC expects that its reports submitted to your agency during this time period will not be accurate and would like to work with your agency to address that as well.

3. Respondent was SDTC treasurer from May 15, 2014 through March 12, 2019.¹ On March 21, 2019, after the filing of this complaint, Respondent died. Further, Mr. Silvay and Mr. Gamper cooperated fully with this investigation and provided documentation and worked with Commission staff in furtherance of its resolution.
4. As of February 1, 2019 the SDTC registration was amended to designate Mr. Silvay Chair and Mr. Gamper Deputy Treasurer, while Respondent remained the committee's treasurer.²
5. General Statutes § 9-607, provides in pertinent part:

...

(g) (4) As used in this subdivision, expenditures for "personal use" include expenditures to defray normal living expenses for the candidate, the immediate family of the candidate or any other individual and expenditures for the personal benefit of the candidate or any other individual having no direct connection with, or effect upon, the campaign of the candidate or the lawful purposes of the committee, as defined in subdivision (2) of this section. *No goods, services, funds and contributions received by any committee under this chapter shall be used or be made available for the personal use of any candidate or any other individual.* No candidate, committee, or any other individual shall use such goods, services, funds or contributions for any purpose other than campaign purposes permitted by this chapter. [Emphasis added.]
6. On or about February 16, 2019, Mr. Silvay and Mr. Gamper executed and amended the SDTC's registration statement, pursuant to General Statutes § 9-602, and designated themselves the SDTC Chairman and Treasurer, respectively. On the same day they presented this amended registration, as well as minutes from an SDTC meeting affirming Mr. Silvay as Chairman and Mr. Gamper as Treasurer of the committee, at Webster Bank in Middlebury, Connecticut. At the time Mr. Gamper was made custodian of the SDTC checking account.

¹ See Sherman Democratic Town Committee, *Party Committee Registration (SEEC Form 2)*, received May 15, 2014.

² See Sherman Democratic Town Committee, *Party Committee Registration (SEEC Form 2)*, received February 1, 2019.

7. After investigation, the Commission finds that Mr. Silvay and Mr. Gamper made repeated requests of Respondent by email and telephone, during the period of December 2018 through January 2019, to inspect and review the SDTC records and materials in Respondent's possession. Each represents that Respondent was non-responsive to their multiple requests. The Commission finds Mr. Silvay and Mr. Gamper credible, as well as a lack of evidence to contradict these assertions.
8. Upon investigation, the Commission finds, that Respondent, as evidenced by cash withdrawal receipts and records of electronic transfers made expenditures using the SDTC bank account for the payment of personal utilities, credit cards and other personal bills. The Commission finds that Respondent between May 2014 and February 2019 made approximately \$9,500 in expenditures and withdrawals for personal use from the SDTC bank account that were not connected to the committee's activities and were impermissible pursuant to General Statutes § 9-607.
9. Upon investigation, the Commission finds no evidence that Mr. Silvay and Mr. Gamper were aware of Respondent's use of SDTC funds for impermissible purposes at the time the withdrawals and expenditures occurred. Further, the Commission finds that they took the following steps to mitigate Respondent's actions: (1) caused this complaint to be filed with the Commission; (2) took possession of the SDTC bank account and records that they were able to recover from the bank; (3) worked with Commission staff to identify the total of funds impermissibly withdrawn and spent by Respondent, as well as those returned by Respondent in his efforts at restitution to the SDTC; and, (4) filed the SDTC April 10, 2019 quarterly filing with the assistance and at the direction of Commission staff.
10. Moreover, pursuant to this complaint and investigation Commission staff advised Mr. Gamper, as SDTC treasurer, to file their itemized campaign finance statement for the period of April 10, 2019.³ The Commission finds that Mr. Gamper filed this statement consistent with Commission staff advice on April 9, 2019.⁴

³ See Sherman Democratic Town Committee, *Itemized Campaign Finance Disclosure Statement* (SEEC Form 20), received April 9, 2019.

⁴ Additionally, Mr. Gamper filed a statement identified as "Other" with the Commission, which indicated that information in the SDTC April Quarterly 2019 for the period January 1, 2019 and February 6, 2019 was "subject to amendment" and referenced File No. 2019-029 (received April 9, 2019 and available on eCris).


11. The Commission finds that the SDTC April 10, 2019 quarterly filing, in light of Respondent's conduct as detailed herein, reported the following miscellaneous transfers: (1) *transfer of funds from old acct. to new acct. in connection with file 2019-029*, in the amount of \$2,724.41; and, (2) *attempt at restitution [by Respondent] in connection with file # 2019-029*, in the amount of \$9,528.39.⁵
12. After extensive investigation and review of pertinent documentation in this matter, the Commission determines, based on the steps taken by Mr. Silvay and Mr. Gamper on behalf of the SDTC, as detailed herein, as well as the superseding death of Respondent in the course of this complaint and investigation, that it will take no further action in this matter.
13. This matter, for the reasons detailed herein, is therefore dismissed.

ORDER

The following Order is recommended on the basis of the aforementioned findings:

This matter is dismissed.

Adopted this 16 th day of October, 2019 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission

⁵ On or about March 5, 2019, Respondent provided a check in his name and payable to the SDTC to Mr. Silvay in the amount of \$9,528.29. According to Mr. Silvay and Mr. Gamper, this was an attempt by Respondent to make restitution to the SDTC by replacing the amount of funds that he withdrew and misspent in the period of May 2014 through February 2019.