



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Campaign Disclosure and Audit Unit of the State Elections Enforcement Commission

File No. 2019-076SF

RESPONDENT:

Paula L. Smith
62 Hauer Street
Milford, CT 06460

September 15, 2021

Transmittal of Final Decision

Dear Ms. Smith:

Enclosed is the final decision issued by the State Elections Enforcement Commission in the above-captioned file for which you are the Respondent. Please note that pursuant to General Statutes § 9-606 (d), as amended by Public Act 13-180, an individual may not act as treasurer or deputy treasurer of any committee unless she has paid any civil penalties or forfeitures assessed against her pursuant to Chapter 155 or 157 of the General Statutes.

Accordingly, if you do not submit payment for the civil penalty assessed against you in the enclosed order within forty-five days of this notice of the decision, you must promptly resign from any committee for which you are currently treasurer or deputy treasurer.

Sincerely,

Sheri-Lyn Lagueux
Clerk of the Commission

Encl.

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Campaign Disclosure and Audit Unit of the State
Elections Enforcement Commission

RESPONDENT:

File No. 2019-076SF

Paula L. Smith
62 Hauer Street
Milford, CT 06460

Final Decision

This matter was heard as a contested case on June 30, 2021, pursuant to Chapter 54 of the Connecticut General Statutes, § 9-7b of the Connecticut General Statutes, and § 9-7b-35 of the Regulations of Connecticut State Agencies, at which time Attorney Ryan M. Burns (the “State”) appeared on behalf of the State of Connecticut and the Respondent, Paula L. Smith (the “Respondent”), did not appear. Documentary and testimonial evidence was presented.

After careful consideration of the entire record, the following facts are found and conclusions of law are made:

1. Commissioner Michael J. Ajello was designated as Hearing Officer for the hearing, which was originally scheduled for May 18, 2021, and continued to June 30, 2021.
2. *Connie 2018* was a candidate committee (the “Committee”) registered with the State Elections Enforcement Commission for the November 6, 2018, general election. The candidate who formed the committee was seeking the office of State Representative in the 118th District. The Respondent served as its treasurer and was the treasurer of record during the time period when the filing for which this matter was brought was due.
3. Publicly available documents indicate that on July 23, 2018, the candidate filed a *SEEC Form CEP 10 (Affidavit of Intent to Abide by Expenditure Limits and Other Citizens’ Election Program Requirements)*, http://seec.ct.gov/eCrisReporting/Data/Attachment/Unassigned/CEP10_188999_1.pdf. By filing the SEEC Form CEP 10, the candidate became, by operation of law, a candidate participating in in the Citizens’ Election Program (a “participating candidate”). General Statutes § 9-703 (a) & (b).
4. On August 8, 2018, the Commission approved the Committee’s application to receive a Citizens’ Election Program grant.
5. General Statutes § 9-712 provides, in relevant part, as follows:

(a)(1) The treasurer of each candidate committee in a primary campaign or a ***general election campaign in which there is at least one participating candidate***

shall file weekly supplemental campaign finance statements with the commission in accordance with the provisions of subdivision (2) of this subsection. Such weekly statements shall be in lieu of the campaign finance statements due pursuant to subparagraphs (B) and (C) of subdivision (1) of subsection (a) of section 9-608.

(2) Each such treasurer shall file weekly supplemental campaign finance statements with the commission pursuant to the following schedule: (A) In the case of a primary campaign, on the second Thursday following the date in July on which treasurers are required to file campaign finance statements pursuant to subparagraph (A) of subdivision (1) of subsection (a) of section 9-608 and each Thursday thereafter up to and including the Thursday before the day of the primary, and (B) ***in the case of a general election campaign, on the second Thursday following the date in October on which candidates are required to file campaign finance statements*** pursuant to subparagraph (A) of subdivision (1) of subsection (a) of section 9-608 ***and each Thursday thereafter up to and including the Thursday before the day of the election.*** The statement shall be complete as of eleven fifty-nine o'clock p.m. of the second day immediately preceding the required filing day. The statement shall cover the period beginning with the first day not included in the last filed statement.

(Emphasis added).

6. The Notice of Hearing alleged that the Respondent violated General Statutes §§ 9-712 and 9-608 by failing to timely file a campaign finance disclosure statement by October 18, 2018, for the period ending October 16, 2018.
7. The general election for which the candidate was registered occurred on November 6, 2018. Pursuant to General Statutes § 9-712 (a) (2), participating candidate committees on the general election ballot were required to file a statement by October 18, 2018, the first Thursday following the quarterly filing that was due on October 10, 2018, per General Statutes § 9-608, covering the period through 11:59 p.m. on October 16, 2018.
8. The Respondent did not file a statement by October 18, 2018. A statement was filed covering the period through October 16, 2018 on October 20, 2018, two days after the October 18, 2018, deadline.
9. On April 2, 2019, Elections Officer Richard Gebo referred the Respondent's failure to file a weekly supplemental filing by the required date to Attorney Burns.
10. On March 29, 2021, Commission staff sent notice of a May 18, 2021, hearing on the matter to the Respondent, by first-class mail with delivery confirmation tracking and receipt and by certified mail and regular mail. The notice was delivered and left with an individual at the Respondent's address.
11. On May 6, 2021, Commission staff sent notice that the May 18, 2021, hearing was continued until June 30, 2021, to the Respondent, by first-class mail with delivery

confirmation tracking and receipt and by certified mail and regular mail. The notice was delivered and left with an individual at the Respondent's address.

12. The Respondent did not attend the June 30, 2021, hearing.
13. It is concluded that the Respondent violated General Statutes § 9-712 by failing to timely file a financial disclosure statement by October 18, 2018, for the period ending October 16, 2018.
14. General Statutes § 9-7b (a) (2) provides, in pertinent part, that the Commission shall have the power 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." The Commission may levy a civil penalty against any person only after giving the person an opportunity to be heard at a hearing. *See* General Statutes § 9-7b (a) (2).
15. General Statutes § 9-712 (c) provides that:

If a treasurer fails to file any statement or declaration required by this section [9-712] within the time required, said treasurer shall be subject to a civil penalty, imposed by the commission, of not more than one thousand dollars for the first failure to file the statement within the time required and not more than five thousand dollars for any subsequent such failure.

16. General Statutes § 9-606 (d) provides:

No person shall act as treasurer or deputy treasurer (1) unless the person is an elector of this state, the person has paid any civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive, and a statement, signed by the chairman in the case of a party committee or political committee or by the candidate in the case of a candidate committee, designating the person as treasurer or deputy treasurer, has been filed in accordance with section 9-603, . . .

(Emphasis added).

17. General Statutes § 9-706 (b) provides that an application for a grant from the Citizens' Election Program must include a written certification that, *inter alia*:

(9) All outstanding civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive, against the current or any former committee of the candidate have been paid, provided (A) in the case of any candidate seeking nomination for or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, any such penalty or forfeiture was assessed not later than twenty-four months prior to the submission of an application pursuant to this section; or (B) in the case of any candidate seeking nomination for or election to the office of state senator or

state representative, any such penalty or forfeiture was assessed not later than twelve months prior to the submission of an application pursuant to this section;

(10) The treasurer has paid any civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive, and has not been convicted of or pled guilty or nolo contendere to, in a court of competent jurisdiction, any (A) felony involving fraud, forgery, larceny, embezzlement or bribery, or (B) criminal offense under this title, unless at least eight years have elapsed from the date of the conviction or plea or the completion of any sentence, whichever date is later, without a subsequent conviction of or plea to another such felony or offense; . . .

(Emphasis added).

18. Section 9-7b-48 of the State of Connecticut Regulations provides, “In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances: (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.”
19. It was recommended that the Commission consider the following as mitigating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) the delinquent filing was ultimately submitted, two days late, showing good faith in attempting to comply; and (2) no evidence was presented that the Respondent had a previous history of similar acts or omissions.
20. It was recommended that the Commission consider the following as aggravating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) the Respondent had ample opportunity to resolve this matter prior to the hearing; and (2) Commission staff made efforts to inform her about the delinquent filing.
21. In consideration of the factors listed above, it was recommended that the Commission assess a civil penalty against the Respondent in the amount of \$500.00 for this violation of General Statutes § 9-712.


The following Order is adopted on the basis of these findings and conclusions:

Order

It is hereby ordered that:

1. The Respondent shall pay a civil penalty in the amount of \$500.00, payable to the State Elections Enforcement Commission, within 30 days of notice of this decision, for violation of General Statutes § 9-712, pursuant to General Statutes § 9-7b (a) (2).

Adopted this 15th day of September, 2021 at Hartford, Connecticut.



Stephen T. Penny, Chairperson
By Order of the Commission