

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Tracy Morrissey
West Haven,

File No. 2019-102

AGREEMENT CONTAINING A CONSENT ORDER

This agreement by and between Rosemary McDonnell of the City of West Haven, State of Connecticut (hereinafter "Respondent") and the authorized representative of the State Elections Enforcement (the "Commission"), is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

1. Complainant alleged that Rosemary McDonnell (hereinafter "Respondent") failed to properly itemize receipts, and received excessive cash contributions, as the treasurer of the candidate committee "Nancy Rossi for Mayor 2019" (hereinafter "Committee").
2. The Committee was registered by Nancy Rossi for her mayoral campaign in West Haven at the November 5, 2019 municipal election. Respondent, at all times relevant to this complaint and investigation, was the designated Committee treasurer.
3. A failure to itemize campaign finance statements is a violation of General Statutes § 9-608. Receiving excessive cash contributions is a violation of § 9-622 (9).
4. General Statutes § 9-608 (a) requires that each treasurer of a committee file periodic financial disclosure statements concerning the financial activities of such committee.
5. General Statutes § 9-608 (c) (1) (A) specifically states that such financial disclosure statements shall include "[a]n itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution."
6. General Statutes § 9-608, provides in pertinent part:
 - (a) (1) Each treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, ... The statement shall cover a period to begin with the first day not included in the last filed statement. In the case of a candidate committee, the statement required to be filed in January shall be in lieu of the statement formerly required to be filed within forty-five days following an election.

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...

(c) (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) *An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution;* ... (G) for each individual who contributes in excess of one thousand dollars in the aggregate, *the principal occupation of such individual and the name of the individual's employer, if any,* ... (I) *for each individual who contributes in excess of four hundred dollars in the aggregate to or for the benefit of any candidate's campaign for nomination at a primary or election to the office of chief executive officer* or a slate or town committee financing the nomination or election or a candidate for chief executive officer of a town, city or borough, *a statement indicating whether the individual or a business with which he is associated has a contract with said municipality that is valued at more than five thousand dollars.*

[Emphasis added.]

7. General Statutes § 9-622, provides that the following persons shall be guilty of illegal practices:

...

(9) *Any person who* offers or *receives* a cash contribution *in excess of one hundred dollars* to promote the success or defeat of any political party, candidate or referendum question;

[Emphasis added.]

8. In giving advice to treasurers, the Commission has been clear that an “aggregate amount of \$100 or less may be accepted if made by cash.”¹ Further, the Commission advises that:

¹ See Understanding the Connecticut Campaign Finance Laws: A Guide for Municipal Candidates (Connecticut State Elections Enforcement Commission, Hartford, Connecticut), January 2019.

If a monetary receipt is deposited by the treasurer into the committee's account but is later determined to be impermissible, the treasurer must report it on the financial disclosure statement (SEEC Form 20) and refund the contribution without delay by returning the amount to the donor on a check drawn on the committee's checking account.²

9. Accordingly, when a treasurer of a municipal candidate committee receives and deposits a cash contribution in excess of \$100.00, and later determines that it is impermissible, they should return the entire amount to the donor from the committee's designated checking account. Nothing would then preclude them from re-soliciting the individual refunded for a permissible contribution.
10. After investigation, the Commission finds that Respondent received thirteen excessive cash contributions from different individuals. Each cash contribution was in excess of \$100 and ranged in the amounts of \$150 to \$1,000.
11. The Commission further finds that Respondent failed to include occupation and employer for multiple contributors as reported on the Committee's financial disclosure statements. The Commission finds that Respondent omitted information regarding contributors and municipal contracts where necessary. Therefore, the Commission finds that Respondent did not fully itemize each contribution as reported by the Committee.
12. The Commission notes that Respondent attempted to refund the excessive cash contributions in question. However, Respondent incorrectly refunded that portion of each cash contribution in excess of \$100, rather than correctly refunding the entire amount. The Commission finds that these partial refunds were inconsistent with Commission advice.³

² *Id.*

³ As detailed in paragraph 8 herein, the Commission specified in its published guidelines at the time of the contributions in question, that refunds should be made in the amount of "impermissible" contributions. It follows that the entire amount of an excessive cash contribution should be refunded.

13. Respondent should have returned the entire amount of each of the excessive cash contributions, and resolicited the contributions, if she so chose. However, the Commission finds that Respondent did mitigate the situation somewhat in that she reported the refunds on the Committee's itemized campaign finance statement prior to the filing of this complaint. The Commission further finds that there was no attempt to hide these errors and conduct.
14. The Commission concludes that Respondent violated General Statutes § 9-608 by failing to fully itemize contributor information including occupation and employer as well as the status of municipal contracts held by each contributor where appropriate.
15. Further, the Commission concludes that Respondent violated General Statutes § 9-622 (9) by receiving thirteen cash contributions in excess of the \$100 aggregate limit for such contributions.
16. The Respondent admits to 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.
17. Respondent claims to have followed all guidance and guidelines to the best of her ability in exercising her duties and responsibilities in this instance and agrees to this settlement for the sole purpose of avoiding any future costs of a hearing or litigation.
18. 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 to contest the validity of the Order entered into pursuant to this Agreement.
19. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent regarding this matter.

20. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum.

ORDER

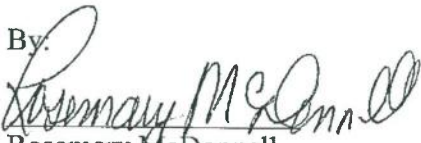
IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-608 and § 9-622.

IT IS HEREBY FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of two hundred and fifty dollars (\$250.00), in full settlement of this matter.


For the Respondent:

For the State of Connecticut:

By:


Rosemary McDonnell
392 Elm Street, Unit J3
West Haven, Connecticut

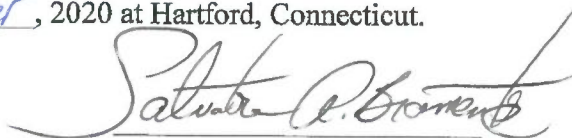
By:


Michael J. Brandi, Esq.
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street
Hartford, Connecticut

Dated: 10.22.2020

Dated: 10/29/20

Adopted this 4th day of November, 2020 at Hartford, Connecticut.


~~Anthony J. Castagno, Chair~~
By Order of the Commission
Salvatore Bramante, Vice Chair

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