

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Dawn Wicks-Wilkes,
Goshen

File No. 2019-111

FINDINGS AND CONCLUSIONS

The Complainant here alleges that the Thomas P. Carey (hereinafter "Respondent"), made expenditures to promote his candidacy that did not have an attribution as required by General Statutes § 9-621 (a).

After an investigation of the Complaint, the Commission makes the following findings and conclusions:

1. At all times relevant to the instant Complaint, Respondent was a petitioning candidate to appear on the ballot at the May 7, 2019, Republican primary in the Town of Goshen.

2. The Complainant here alleges that¹:

During the course of my volunteer work with incumbent candidate Robert Valentine, it has come to my attention that Mr. Thomas P. Carey, the petitioning candidate for First Selectman, Town of Goshen, is utilizing advertising media such as print fliers and Facebook pages without any attributions as required in GS 9-621, 9-621[a] and [i]. I have enclosed photocopies of the print material handed out at the recent Republican Party Caucus, July 18, 2019, and excerpts from the Facebook page, same date, for your review. Also attached is the Republican-American article reporting Mr. Carey's announcement as a Republican candidate, dated June 25, 2019.

In addition, there may be a violation with regard to candidacy registration filings by Mr. Carey. Exploratory meetings were conducted in advance of the caucus (July 18, 2019) from which a

¹ See *In the Matter of a Complaint by Dawn E. Wilkes, Wicks, Goshen*, File No. 2019-111 (Received August 21, 2019).

formal nomination was made at said caucus, where the attached flier was distributed by Mr. Carey to further interest in his campaign. Although he withdrew the nomination for candidacy that evening, Mr. Carey's Facebook post remains intact and he has completed campaign financing documents as of August 5, 2019, outside of the compliance requirements set forth by the State of Connecticut.

3. The Commission notes that in the course of this investigation Respondent cooperated fully and made himself available to an interview at Commission offices. Respondent exhibited a genuine contrition for his failure to fully follow the rules and credibly asserted that he was unaware of the details of attributions prior to disseminating the materials that are subject of this complaint.
4. Respondent represented that he regretted his errors in this instance but was thankful to better understand the campaign finance rules for attributions and campaign communications and committed to following General Statutes § 9-621 and its disclaimer requirements moving forward.
5. General Statutes § 9-621 (a) reads:
 - (a) No individual shall make or incur any expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, no group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee shall make or incur any expenditure, and no candidate or committee shall make or incur any ... for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or promotes or opposes any political party or solicits funds to benefit any political party or committee unless such communication bears upon its face as a disclaimer (1) the words "paid for by" and the following: (A) In the case of such an individual, the name and address of such individual; ... and (2) the words "approved by" and the following: (A) In the case of an individual, group or committee other than a candidate committee making or incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, the name of the candidate; or (B) in the case of a candidate committee, the name of the candidate.

6. The Respondent here does not dispute that he failed to include the appropriate attribution on any of the copies of this particular mailer and apologizes for the oversight. He asserts that his inclusion of his name included in the header “Thomas Carey” for the 1st Selectman – Town of Goshen” was sufficient to identify himself as the source of his campaign literature.
7. The Commission finds after investigation that Respondent individually paid for printed literature that is subject of this complaint. Further, the Commission finds that Respondent was aware that individuals were going to support him by establishing a page regarding his candidate biography and mission statement for Goshen on social media. He fully cooperated with them by providing his permission and the content of his campaign communications.
8. The Commission finds that the printed materials and materials posted to social media pertaining to Respondent and his interest in running for Goshen First Selectman plainly identified him by name, identified the office that he was seeking, and provided great detail in the first person of his own plans for Goshen as a candidate for First Selectman.
9. The Commission finds that based on the information provided in the electioneering communication in this instance, which plainly identified the individual and candidate, there was little risk as to the source of this communication or that its origin was obscured.
10. The Commission concludes that pursuant to General Statutes § 9-621 (a), the campaign literature should have included the words: “Paid for by” and “approved by.” This attribution was missing from the mailer.
11. In prior matters, where the author of the communication is clear to the reasonable observer and there is no evidence of any attempt to deceive the public for a first time alleged violator, the commission has declined to take further action against the respondent who paid for the mailer. See, e.g., *In the Matter of a Complaint by Curtis W. Dowling, Andover*, File No. 2015-028 *In the Matter of a Complaint by Pete Bass, New Milford*, File No. 2012-158 & 162; *In the Matter of a Complaint by Michael Gongler and Victor I. Harpley, Cromwell*, File No. 2009-126; *In the Matter of a Complaint by John D. Norris, Southbury*, File No. 2011-108, *In the Matter of a Complaint by Arthur Scialabba, Norwalk*, File No. 2011-125, *In the Matter of a Complaint by Robert W Prentice, Wallingford*, File No 2011-134; *In the Matter of a Complaint by Arthur Scialabba, Norwalk*, File No. 2012-011.
12. Here, the Commission finds that Respondent, as the individual issuing this communication was clear to the reasonable observer. Moreover, the Respondent lacks any prior history of violations in this area.

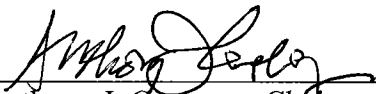
13. Considering the aforesaid, including but not limited to the absence of any evidence of any intent to deceive or mislead the public, the Commission declines to take any further action with regard to this allegation.

ORDER

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

That no further action is taken.

Adopted this 20 day of NOV, 2019 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission