

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

In the Matter of a Complaint by Darrin Q. McGuire,  
Ridgefield

File No. 2019-114

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between Sean McEvoy, Ridgefield, State of Connecticut, hereinafter referred to as Respondent, 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. Complainant alleged that Respondent impermissibly used his candidate committee to promote four other candidates for Board of Education (“BoE”) at the September 10, 2019 Republican primary in the Town of Ridgefield; and failed to use a correct disclaimer on the related Facebook advertisement in violation of General Statutes § 9-621.
2. Respondent filed an exemption from forming a candidate committee with the Ridgefield Town Clerk on July 30, 2019. He indicated that he would not receive or expend funds in excess of \$1,000.00. The investigation revealed that Respondent did not exceed the limits for qualifying for such exemption related to himself.
3. Respondent does not have a prior history with the Commission.
4. General Statutes § 9-621, provides in pertinent part:
  - (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, ... 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; (B) in the case of a committee other than a party committee, the name of the committee and its treasurer; (C) in the case of a party committee, the name of the committee; or (D) in the case of a group of two or more individuals that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee, the name of the group and the name and address of its***

agent, 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. [Emphasis added.]

5. General Statutes § 9-610, provide in pertinent part:

...  
(b) A candidate committee may pay or reimburse another candidate committee for its pro rata share of the expenses of operating a campaign headquarters and of preparing, printing and disseminating any political communication on behalf of that candidate and any other candidate or candidates, including any shared expenses for which only the committee being paid or reimbursed was under a contractual obligation to pay. Notwithstanding the provisions of subdivision (1) of subsection (a) of section 9-616, a candidate committee may reimburse a party committee for any expenditure such party committee has incurred for the benefit of such candidate committee.

6. By way of background, the Facebook advertising that was subject of this complaint promoted Respondent and four additional candidates for BoE at the September 10, 2019 Ridgefield Republican primary.<sup>1</sup>
7. The advertisement originally started running on August 19, 2019 and contained the following attribution: *Paid for by Sean McEvoy for BoE*. There is no dispute that Respondent posted the advertisement on Facebook.
8. The total costs for the advertising was \$73.82 and in the course of the investigation it was determined that the individual candidates were aware that the advertisements were being posted by Respondent. Further, after investigation, it was determined that each of the candidates paid a portion for the Facebook posts, equally splitting the costs between them.
9. The Commission finds that Respondent amended and incorporated the four additional candidates in the disclaimer in the third advertisement after this complaint was filed. Further, Respondent took full responsibility for the advertisements and coordinating with four BoE candidates who were included.

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<sup>1</sup> The advertisements included Respondent as well as the following candidates for Board of Education at the September 10, 2019 Ridgefield Republican primary: Robert Ceccarini, Elizabeth Floegel, Rachel Ruggeri and Bryan Ward.

### Failure to Provide Complete Attribution

10. Pursuant to General Statutes § 9-621, requires that printed materials paid for by a candidate as an individual must include the language “paid for by” and “approved by” and the name and address of the candidate as an individual.
11. After investigation, it was determined that Respondent failed to include a complete attribution on three Facebook advertisements for himself and four additional candidates for the BoE at the September 10, 2019 Republican primary in Ridgefield.
12. More specifically, because the advertisement was promoted five candidates that self-funded their campaigns, as individuals, the advertisement should have included the names and address of Respondent and the four individuals, as well as the language “approved by” followed by each of the candidates’ names that were the subject of the advertisement.
13. The Commission concludes that pursuant to General Statutes § 9-621, Respondent should have included his address as well as the names and addresses of each of the four additional candidates as having approved and paid for the shared advertising on Facebook prior to the Ridgefield Republican primary on September 10, 2019.
14. The Commission concludes that Respondent violated General Statutes § 9-621, by failing to provide a complete attribution that benefited his candidacy and that of four other individuals for the BoE at the September 20, 2019 Ridgefield Republican primary.
15. The Respondent admits all jurisdictional facts and concurs that this Agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
16. 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 contest the validity of the Order entered into pursuant to this Agreement.

17. 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 withdrawn and may not be used as an admission by either of the parties in any subsequent hearing, if the same becomes necessary.

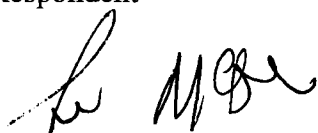
**ORDER**

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with General Statutes § 9-621.

The Respondent

For the State of Connecticut

By:



Sean McEvoy  
120 Peaceable Street  
Ridgefield, Connecticut

Dated:

6/11/2020

By:




Michael J. Brandi, Esq.  
Executive Director and General Counsel  
And Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity Street, Suite 101  
Hartford, Connecticut

Dated:

6/15/2020

Adopted this 17<sup>th</sup> day of June, 2020 at Hartford, Connecticut by vote of the Commission.

  
Vice Anthony J. Castagnò, Chairman

By Order of the Commission

