

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

Complaint by Katherine A. Goulart,  
New London

File No. 2019-153

**AGREEMENT CONTAINING CONSENT ORDER**

This agreement by and between Dianna Kulmacz (hereinafter "Respondent"), of the Town of Higganum, State of Connecticut and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-1 77(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Complainant alleged that Respondent as treasurer of the mayoral candidate committee "Passero for New London," failed to disclose the municipal contracts of contributors and satisfy various other disclosure requirements in violation of General Statutes § 9-608.
2. At all times relevant to this complaint, Respondent was treasurer of "Passero for New London" (hereinafter "Committee"); the 2019 mayoral candidate committee of Michael Passero. Mr. Passero was the Democratic nominee for mayor in New London.
3. Complainant alleged various violations of General Statutes § 9-608 based on the financial statements filed by the committee with the New London Town Clerk's office. More specifically, Complainant alleged the following:  
*On the SEEC Form 20 dated 4/10/19, several individuals made contributions greater than \$400 and are associated with a business that has a contract with the City of New London, The "no" box is checked on the form. ...*
4. Additionally, Complainant included a compilation of what he characterized as "copious [mathematical] and clerical errors and missing information" in the three itemized campaign disclosure statements that formed the basis for alleged violations by Respondent.
5. A failure to itemize campaign finance statements is a violation of General Statutes § 9-608.
6. General Statutes § 9-608 (a) requires that each treasurer of a committee file periodic financial disclosure statements concerning the financial activities of such committee.
7. 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."

8. 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, (A) on the tenth calendar day in the months of January, April, July and October, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, except that in the case of a candidate or exploratory committee established for an office to be elected at a special election, statements pursuant to this subparagraph shall not be required, (B) on the seventh day preceding each regular state election, except that (i) in the case of a candidate or exploratory committee established for an office to be elected at a municipal election, the statement shall be filed on the seventh day preceding a regular municipal election in lieu of such date, except if the candidate's name is not eligible to appear on the ballot, in which case such statement shall not be required, (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date, ... 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.

...

(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; (B) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; ..... (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.]

9. The Commission notes that Respondent in this instance made substantial corrections and submitted detailed information regarding this complaint and errors discovered in the course of this complaint and investigation.
10. More specifically, the Commission finds that Respondent, in this instance, made substantial corrections to the Committee's filings, was fully cooperative in the course of this investigation and submitted detailed and substantial information regarding her work as treasurer of a mayoral candidate committee.
11. After investigation the Commission finds that Respondent filed incomplete campaign finance disclosure statements for the Committee as alleged. The Commission notes that the substantive information for contributors were largely based on certification cards for each contribution provided to the Respondent as treasurer of the Committee. Nevertheless, the Commission finds that there were incorrect aggregates for total contributions in certain circumstances, which Respondent corrected in the course of this investigation.
12. The Commission concludes therefore that Respondent failed to satisfy the requirements to fully disclose and itemize on the Committee's campaign finance disclosure statements pursuant to General Statutes § 9-608.
13. The Commission finds that allegations pertaining to a failure to disclose occupation and employer of respective contributors, as well as any potential municipal contracts held by contributors where necessary, were not supported by the evidence after investigation and therefore dismisses these allegations.
14. Respondent admits all jurisdictional facts and agrees 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. Respondents shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.



15. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used by either party as an admission in any subsequent hearing, if the same becomes necessary.

16. 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. Upon Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent pertaining to this matter.

### ORDER

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

The Respondent:

By: 

Diana Kulmacz  
134 Brault Hill  
Higganum, Connecticut

For the State Elections Enforcement Commission:

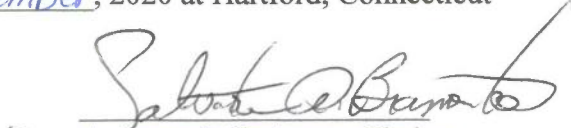
By: 

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: 10/30/20

Dated: 11/2/2020

Adopted this 4<sup>th</sup> day of November, 2020 at Hartford, Connecticut



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

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