

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re. Audit of Andre Baker for State Representative

File No. 2019-171A

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between Robyn J. Melvin-Waller of the City of Bridgeport, County of Fairfield, State of Connecticut (hereinafter "Respondent") and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. The Commission performed an in-depth review of the expenditures of the candidate committee *Andre Baker for State Representative* (hereinafter "Committee") after its selection in the random audit lottery conducted following the 2016 election cycle. Andre Baker formed a candidate committee to finance his candidacy for election to the 124th General Assembly seat in the 2016 election cycle. Robyn J. Melvin-Waller was designated treasurer, with no deputy treasurer being appointed.
2. The post-audit investigation was originally initiated by the Commission in December 2019. Soon after the investigation began the Covid pandemic created enormous disruptions and delays with SEEC investigations, including this file. The file has continued to be active since its original inception, with a full investigation undertaken and completed.
 1. This agreement is limited to Respondent, Robyn J. Melvin-Waller. Any treatment of, or agreement with, another individual will be treated under a separate disposition if required.
 - 2.
3. After Audit and investigation, the Commission made the following findings: (1) there were instances in which the candidate committee paid wages, but the backup records did not contain contemporaneous records to substantiate the actual work or what services were provided as required by § 9-706-1, Regs., Conn. State Agencies. (2) there were instances in which the use of campaign funds for expenses were not used to directly further the candidate's campaign as required by General Statutes § 9-706-1 and § 9-706-1. (3) there were instances where committee checks were signed by someone other than the committee treasurer or deputy treasurer, as appointed by the candidate and designated on the registration statement, as required by General Statutes § 9-606.

Failure to provide contemporaneous records

4. The Commission found that the Committee failed to provide contemporaneous records to substantiate the actual work or what services were provided for wages paid. More specifically, the Committee reported 111 payments to in excess of \$100.00 to 14 individuals, but failed to provide contemporaneous records for the work done or services provided pertaining to each payment.
5. Treasurers may expend committee funds to pay for campaign personnel and professional services for campaign-related work or services as provided by Regs., Conn. State Agencies § 9-706-2 (a) (4). Further, "contemporaneous records" are required "which set forth the nature and detail of the work performed, or services rendered." *See* Regs., Conn. State Agencies § 9-607-1.
6. The Commission finds that Respondent Melvin-Waller violated General Statutes § 9-607 and § 9-607-1, Regs., Conn State Agencies, by making payments to individuals for work and services provided in excess of \$100.00 without written agreements with 14 individuals prior to performance of such work or services.

Impermissible post-election expenditures

7. The Commission found that the Committee failed to provide documentation on how a post-election expenditure paid to the New Paradigm Theatre by check dated 6/10/16 in the amount of \$175.00 related to furthering the candidate's campaign. In an email response to an inquiry regarding the expenditure, Respondent Waller stated that "we sent phone bankers who were senior citizens and volunteered at the campaign to the theatre in exchange for all their work on the campaign."
8. While a campaign may pay workers to man phone banks, compensation for such expenditures must be paid to the workers by check. §9-607(e). CEP funds may be used used to pay admission fees up to \$100.00, but only for any event attended by the candidate for campaign purposes. 9-706-2(b)(12), Regs., Conn. State Agencies). Tickets may not be used as an in-kind payment or gift to volunteers.
9. The Commission finds that the post-election purchase of theatre tickets for campaign workers violated § 9-607 (g) (1) by failing to expend public funds only "for campaign-

related expenditures” and by failing to make such expenditures only “to directly further the participating candidate’s nomination for election or election.” Regs., Conn. State Agencies § 9-706-1 and 9-706-2(b)(12). *See also* Declaratory Ruling 2011-03 and Advisory Opinion 2014-04.

Checks signed by an individual other than the Treasurer

10. Finally, the Commission finds that there were 22 instances where Committee checks were not signed by the Respondent Melvin-Waller as the Committee’s designated Treasurer. The checks were signed with the Respondent’s name by Rishawna Snow based on the Respondent’s authorization. At all times relevant to the issuance of these 22 checks the Committee had not designated a Deputy Treasurer. Review of the checks in question indicates that all expenses paid for with the checks were for permissible campaign expenses.
11. The treasurer of each committee is responsible for the financial activity and reporting requirements pertaining to that committee. General Statutes § 9-606 prescribes that “the campaign treasurer of each committee shall be responsible for . . . making and reporting expenditures.” Moreover, General Statutes § 9-607 (d) provides that “no payment . . . shall be made by or accepted from any person other than the campaign treasurer.”
12. In response to the allegations, the Respondent detailed two tragic events occurred that left her unable to perform her duties as treasurer. Notwithstanding the explanations provided by the Respondent, the Commission finds that the Respondent violated General Statutes § 9-607, § 9-710 and § 9-706-2, Regs., Conn. State Agencies by allowing 22 unauthorized checks to issue from the Committee checking account without her actual signature or that of a deputy treasurer as detailed herein.

Penalties

13. As enumerated in § 9-7b-48 of the Regulations of Connecticut State Agencies:
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.

14. The Commission possesses the authority to set the punishment it metes out to individuals who violate the statutes under its authority. While the maximum penalty available under the enabling statute is \$2,000 per offense or twice the amount of any improper expenditure, the Commission also has the authority to set a lesser penalty where circumstances call for such leniency.
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 or against the Company in any proceeding, 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.

Conclusions

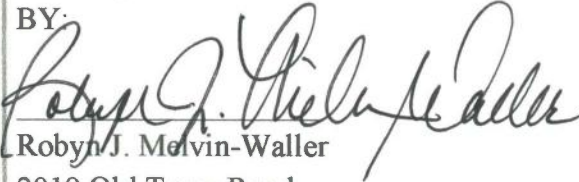
17. The Commission finds that (1) there were instances in which the candidate committee paid wages, but the backup records did not contain contemporaneous records to substantiate the actual work or what services were provided as required by § 9-706-1, Regs., Conn. State Agencies. (2) there were instances in which the use of campaign funds for expenses were not used to directly further the candidate's campaign as required by General Statutes § 9-706-1 and § 9-706-1. *See also* Advisory Opinion 2014-04, and, (3) there were instances where committee checks were signed by someone other than the committee treasurer or deputy treasurer, as appointed by the candidate and designated on the registration statement, as required by General Statutes § 9-606.
18. Given the Respondents personal circumstances during the campaign, the monetary amount at issue in this case, and the significant delay in bringing forward this matter where the questioned events and actions took place over 6 years ago the Commission will not impose a civil monetary penalty, but will direct that Respondent Melvin-Waller be ordered to henceforth strictly comply with General Statutes § 9-606, § 9-607, § 9-608, and § 9-607-1 and § 9-706-1 and § 9-706-2, Regs., Conn State Agencies.

ORDER

IT IS HEREBY ORDERED THAT the Respondent, Robyn J. Melvin-Waller, shall henceforth strictly comply with the requirements of General Statutes § 9-606, § 9-607, § 9-608, and § 9-607-1 and § 9-706-1 and § 9-706-2, Regs., Conn State Agencies

The Respondent:

BY:

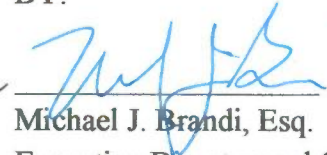


Robyn J. Melvin-Waller
2019 Old Town Road
Bridgeport, Connecticut

Dated: 9/13/2023

For the State of Connecticut:

BY:



Michael J. Brandi, Esq.
Executive Director and General Counsel
and Authorized Representative of the
State Elections Enforcement Commission
55 Farmington Ave., 8th Floor
Hartford, Connecticut

Dated: 9/25/23

Adopted this _____ day of _____, 2023, at Hartford, Connecticut

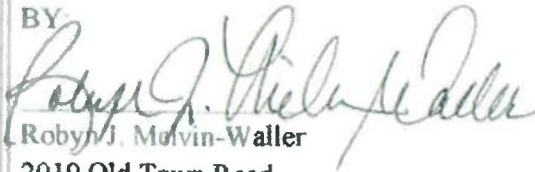
Commissioner
By Order of the Commission

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The Respondent:

BY:

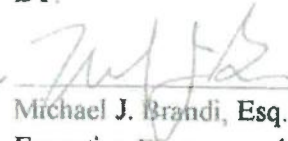


Robyn J. Melvin-Waller
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Dated: 9/13/2023

For the State of Connecticut:

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Michael J. Brandi, Esq.
Executive Director and General Counsel
and Authorized Representative of the
State Elections Enforcement Commission
55 Farmington Ave., 8th Floor
Hartford, Connecticut

Dated: 9/25/23

Adopted this 20th day of September, 2023, at Hartford, Connecticut



Commissioner Stefano E. Mancini
By Order of the Commission