

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Danbury Town Clerk

File No. 2020-034

FINDINGS AND CONCLUSIONS

The Referring Official referred this matter to the Commission pursuant to Connecticut General Statutes § 9-7b. The Referring Official alleged that that Gene F. Eriquez, treasurer of the Perkins & O'Laughlin Ward 1 committee failed to file a financial disclosure statement with the Danbury Town Clerk as required by General Statutes § 9-608. The following are the Commission's findings of fact and conclusions of law:

1. At all times relevant hereto, the Referring Official was the Town Clerk in the City of Danbury.
2. At all times relevant hereto Respondent Gene F. Eriquez was the treasurer of the *Perkins & O'Loughlin Ward 1* political committee.
3. General Statutes § 9-608 requires:
 - (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,
4. On or about March 13, 2020, the Referring Official referred this instant matter to the Commission.
5. In the referral of this matter, the Referring Official alleged that Respondent failed to file a financial disclosure statement for the *Perkins & O'Loughlin Ward 1* political committee by January 10, 2020 for the period covering October 28, 2019 through December 31, 2019.
6. The Referring Official provided supporting documentation regarding this referral.
7. General Statutes § 9-623 (b) (3) requires that:

In the case of any such statement or certification that is required to be filed with a town clerk, the town clerk shall forthwith after the filing deadline is, or should

be, known to have passed, notify by certified mail, return receipt requested, the person required to file that, if such statement or certification is not filed not later than seven days after the town clerk mails such notice, the town clerk shall notify the State Elections Enforcement Commission that the person is in violation of section 9-603, 9-604 or 9-608.

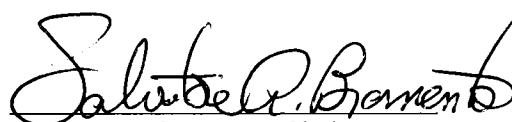
8. In its review of this matter, Commission staff contacted the Referring Official to request evidence that the notification of Respondent's failure to file was sent to Respondent via certified mail.
9. The Referring Official was unable to provide proof that the notice of Respondent's failure to file the financial disclosure statement at issue in this matter was sent via certified mail.
10. Accordingly, as the repository official, in this case the Town Clerk, must, pursuant to General Statutes § 9-623, send a certified notice to a treasurer before the Commission may assess a civil penalty for a treasurer's failure to file a financial disclosure statement, it is the determination of the Commission that this matter should be dismissed without prejudice.
11. The Commission notes that this determination does not absolve Respondent of his obligations to properly file all financial disclosure statements on behalf of the *Perkins & O'Loughlin Ward 1* political committee, including the one at issue in this matter. If Respondent has not already filed the financial disclosure statement at issue in this matter, the Referring Official may issue a proper notice via certified mail of Respondent's failure pursuant to General Statutes § 9-623. Should Respondent still not have filed the relevant financial disclosure statement in the time period detailed in General Statutes § 9-623, the Referring Official may refer the matter to the Commission again for a determination and possible penalty.

ORDER

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

That this matter be dismissed without prejudice.

Adopted this 16th day of September, 2020 at Hartford, Connecticut.



~~Anthony J. Castagno, Chairperson~~

By Order of the Commission

Salvatore Bramante, Vice Chair