

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Joseph Angland
Greenwich

File No. 2020-068

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between Joseph Romano of the Town of Riverside, 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. Complainant Joseph Angland alleged that the candidate committee for Ryan Fazio, a candidate for the 36th district senate seat in the 2020 election cycle, had failed to pay for the use of an electronic sign that was used to promote Fazio’s election.
2. The *Fazio for Connecticut* candidate committee¹ participated in the Citizens’ Election Program² and qualified for a grant from the Citizens’ Election Fund.³ The candidate committee received a grant from the Citizens’ Election Fund totaling \$103,670.⁴ The committee was not selected for post-election audit.
3. According to Angland’s complaint, “on several . . . days . . . a large (perhaps 3’ by 5’) portable sign, like one that might be used on a highway to provide alerts of traffic delays or Amber warnings, was used at rallies called by the Fazio campaign, flashing messages such as ‘Vote 4 Fazio.’”⁵ The complainant stated that the sign was owned by an individual

¹ See SEEC Form 1 – Registration by Candidate (*Fazio for Connecticut*, March 5, 2020) (establishing candidate committee for Ryan Fazio of Riverside seeking 36th district senate seat). See also SEEC Form 1 – Registration by Candidate (*Fazio for Connecticut*, April 24, 2020) (naming Joseph Romano of Riverside as treasurer of Fazio candidate committee).

² See SEEC Form CEP 10 – Affidavit of Intent to Abide by Expenditure Limits and Other Citizens’ Election Program Requirements (*Fazio for Connecticut*, June 26, 2020) (evincing candidate’s, treasurer’s, and deputy treasurer’s acceptance of voluntary limitations as participants in Citizens’ Election Program).

³ See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: October 10 Filing (*Fazio for Connecticut*, October 12, 2020) (reflecting receipt of \$103,670 grant from Citizens’ Election Fund on July 30, 2020).

⁴ See General Statutes § 9-702 (c) (imposing "expenditure limit" on participating candidates equal to any qualifying contributions received, any personal funds contributed by the candidate, and amount of grant issued by Commission).

⁵ Affidavit of Complaint (Joseph Angland, Oct. 27, 2020) (describing potential violations of Connecticut’s campaign finance laws by Fazio candidate committee.)

named Patrick Sasser, who was present when the sign was being displayed at the Fazio events.

4. In a statement to the Commission's investigator, Sasser, a professional firefighter from Stamford, acknowledged that he owned the electronic road sign and that he had set it up to support Fazio's candidacy. Sasser said that he purchased the sign personally to use in support of his "No Tolls" movement. Sasser said he has only used this sign for his personal endeavors. He has never rented it out nor has he used this sign to promote his excavating business, which he operates as a side business.
5. Respondent Romano acknowledged that Sasser had brought the electronic road sign to Fazio committee events on several occasions. Romano stated that the sign was owned by Sasser and that the committee did not pay for the use of the sign. Because Sasser owned the sign personally, the committee considered use of the sign as use of his "personal electronic devices" and did not believe that it needed to be reported as an in-kind contribution.
6. Connecticut's campaign finance statutes address use of personal property to promote a candidate, as long as the value of the personal property given to the candidate committee does not exceed \$100 in the aggregate. General Statutes § 9-601a (b) (18) allows for *de minimus* use of personal property owned by an individual to promote a candidate. Specifically, the statute exempts from the definition of contribution:

The value associated with the *de minimis* activity on behalf of a party committee, political committee, slate committee or candidate committee, including for activities including, but not limited to, (A) the creation of electronic or written communications or digital photos or video as part of an electronic file created on a voluntary basis without compensation, including, but not limited to, the creation and ongoing content development and delivery of social media on the Internet or telephone, including, but not limited to, the sending or receiving of electronic mail or messages, (B) the posting or display of a candidate's name or group of candidates' names at a town fair, county fair, local festival or similar mass gathering by a party committee, (C) the use of personal property or a service that is customarily attendant to the occupancy of a residential dwelling, or the donation of an item or items of personal property that are customarily used for campaign purposes, by an individual, to a candidate committee, provided the cumulative fair market value of such use of personal property or service or items of personal property does not exceed one hundred dollars in the aggregate for any single election or calendar year, as the case may be;

7. In this instance, the value of the use of the road sign would have exceeded this \$100 limit. A comparable price for renting a road sign such as the one owned by Sasser was difficult to determine. Sasser could not recall the purchase price of the sign that he bought used. A search for similar signs for sale on the Internet returned values in excess of \$10,000. In addition, the one-day rental price for a newer, similar sign in Stamford was \$245 through an online resource. According to the complainant, Sasser's sign was used to promote Fazio's candidacy on at least three occasions. If the committee were required to pay for the rental of a similar but newer and professionally-owned sign, it would have paid at least \$735 in total for the three occasions.
8. Connecticut's campaign finance statutes also allow individuals to volunteer their time to committees, including candidate committees. General Statutes § 9-601a (b)(4) allows individuals to volunteer their time to a committee without making a "contribution" to that committee. Drawing on this volunteer exemption, the commission, in published guidance, has advised committees that individuals who volunteer for the committee may use their "personal electronic devices" as part of that volunteer effort. In the 2020 participating candidate committee guide, commission staff advised:

Important Note: The prohibition against in-kind contributions does not include the provision of volunteer time and services by individuals or the use of personal electronics by such volunteers. Volunteers, treasurers and candidates are permitted to use their own electronic devices they already own, such as computers and cell phones. This use is not considered to be an in-kind contribution, nor does it need to be reimbursed. Otherwise, the Commission recommends payment for all goods not described above. Please call your Elections Officer with any questions.⁶

The Fazio candidate committee stated that it relied on this guidance when it determined that it did not need to pay for the use of the electronic road sign personally owned by Sasser.

9. General Statutes § 9-607 requires a candidate committee to pay for expenditures related to the promotion of the candidate. General Statutes § 9-608 requires a candidate committee to report all expenditures made by the candidate committee. General Statutes § 9-702 limits a qualified candidate committee to receipt of "qualifying contributions" and imposes strict expenditure limits.

⁶ Understanding Connecticut Campaign Finance Laws: A Guide for 2020 General Assembly Candidates Participating in the Citizens' Election Program (Connecticut State Elections Enforcement Commission. Hartford, Connecticut) February 2020, 39.

10. As stated previously, the respondent stated that the candidate committee relied on the advice in the 2020 participating candidate committee’s guide, which stated that committees could use “personal electronic devices” owned by campaign workers without paying for the use of those devices. The Commission will further clarify what the Commission considers “personal electronic devices.”
11. The Commission has provided advice regarding the use of electronic devices that were owned by individuals and that could be used to promote a candidate. Generally, those electronic devices included those commonly owned by individuals in their household,⁷ such as mobile telephones, computers, tablet devices, cameras, or personal printers.
12. The fee that the candidate committee should have paid to Sasser for the use of his sign should have been based on the fair market value for the use of a sign of that type and reported as part of the candidate committee’s regular campaign finance disclosure statements pursuant to General Statutes § 9-608.
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 imposes on 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

⁷ See General Statutes § 9-601a (b) (18) (C) (exempting from definition of contribution “the use of personal property or a service that is customarily attendant to the occupancy of a residential dwelling” when that use does not exceed \$100 in aggregate value).

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.

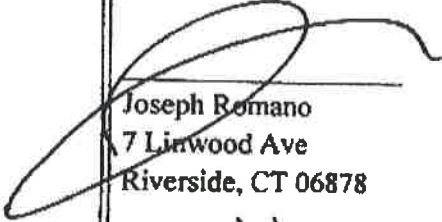
16. Respondent waives:

- 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.

ORDER

IT IS HEREBY ORDERED THAT the Respondent shall henceforth comply with the Commission's guidance regarding the use of "personal electronic devices" and, when necessary, shall pay for use of electronic devices that do not meet these guidelines definitions according to the requirements of General Statutes §§ 9-607 and 9-608.

The Respondent:
BY:


Joseph Romano
7 Linwood Ave
Riverside, CT 06878

Dated: 1/11/21

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: 1/24/2022

Adopted this 19th day of January, 2022 at Hartford, Connecticut



Commissioner STEPHEN T. PANDOLFI
By Order of the Commission