

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Elaine M. Dove
Hamden

File No. 2021-003

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between David Huston of the Town of Hamden, County of New Haven, 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 Elaine M. Dove alleged that the Curtis Leng candidate committee in the 2019 mayoral race in Hamden had amassed a deficit that had yet to be resolved when the complaint was filed. The complainant also alleged that the children of the treasurer of the candidate committee had given cash contributions that exceeded the amount permitted under Connecticut’s campaign finance statutes. The Commission investigated the allegations raised in the complaint.

2. Curtis B. Leng created a candidate committee to run for the office of mayor in Hamden on or about November 14, 2018.¹ The candidate committee was for the mayoral office in Hamden, that town’s chief executive officer, the election for which occurred on November 5, 2019. The candidate committee filed its first campaign finance disclosure statement on January 8, 2019, showing that the committee had received a \$100 cash contribution from the treasurer, David Huston.² In the committee’s July 10 filing, it reported the receipt of another \$100 in cash from Huston.³

¹ See SEEC Form 1 – Registration by Candidate (*Leng for Hamden*, executed on Nov. 14, 2018) (registering candidate committee of Curt B. Leng for mayor of Hamden and appointing David Huston as treasurer).

² See SEEC Form 20– Itemized Campaign Finance Disclosure Statement: January 10 filing (*Leng for Hamden*, Jan. 8, 2019) (reflecting receipt of \$100 cash contribution from David Huston on Nov. 19, 2018).

³ See SEEC Form 20– Itemized Campaign Finance Disclosure Statement: January 10 filing (*Leng for Hamden*, July 5, 2019) (reflecting receipt of \$100 cash contribution from David Huston on June 18, 2019).

3. After a thorough review of the candidate committee filings, there were several problems that emerged related to the committee's campaign finance filings. Among other problems, respondent's apparent failure to track the aggregate amounts of money that individuals had contributed over the life of the campaign committee resulted in several violations of Connecticut's campaign finance statutes, including:
 - Receipt of cash contributions in excess of the \$100 limit – In addition to the \$200 in cash received from the treasurer, the committee received aggregate cash contributions in excess of the \$100 limit from seven other individuals;⁴
 - Receipt of contributions in excess of \$1,000 – the committee received contributions from two individuals that exceeded the \$1,000 limit on contributions to candidate committees for a municipal chief executive, and;⁵
 - Failure to report municipal contractor status for contributions that exceeded \$400 – the campaign treasurer failed to obtain municipal contractor status for at least 7 individuals who made contributions that exceeded \$400, either via a single contribution or in the aggregate.⁶
4. The candidate committee also failed to include information with its campaign finance reports to disclose expenditures made by the committee. In a Jan. 8, 2020 filing submitted to the Hamden Town Clerk, the committee reported that it had incurred but not yet paid an expenditure valued at \$44,581.15. The details related to that expenditure were not included with the January 2020 filing.
5. General Statutes § 9-608 lays out several requirements that treasurers must meet when filing their campaign finance disclosure reports. Specifically, the statute requires:

(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; . . . **(C) an itemized accounting of each expense incurred but**

⁴ Individuals in addition to the treasurer who gave more than \$100 in cash to the candidate committee included: Daniel Leng; Ellen Rosenthal; André J. Huston; Brandee L. Huston; Kevin Samperi; Joseph McDonough; and Robert Daniello.

⁵ Daniel Bush and John Milone contributed more than \$1,000 to the candidate committee in the aggregate in violation of the limits imposed by General Statutes § 9-610.

⁶ Individuals who contributed more than \$400 to the Leng candidate committee for whom no municipal contractor status was reported included: Suzanne Donofrio; Andrew S. White; Noelle Ioime; Daniel Leng; Donald D. Buecheld; John Milone; and Kyle Delucia.

not paid, provided if the expense is incurred by use of a credit card, the accounting shall include secondary payees, and the amount owed to each such payee; . . . (F) for each individual who contributes in excess of one hundred dollars but not more than one thousand dollars, in the aggregate, to the extent known, the principal occupation of such individual and the name of the individual's employer, if any; (G) for each individual who contributes in excess of one thousand dollars in the aggregate, the principal occupation of such individual and the name of the individual's employer, if any; . . . and (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).

6. As cited above, General Statutes § 9-608 (c)(1)(C) requires an “itemized accounting” of each expense incurred but not paid. In this case, the candidate committee incurred an expenditure that totaled \$44,581.15 and did not provide the details related to that expenditure in the January 2020 filing. Since the initiation and investigation of this complaint, the treasurer has amended the filings to include the detailed information required under General Statutes § 9-608 (c)(1)(C).⁷
7. If a contributor gives more than \$400 to the candidate committee of a candidate for municipal chief executive, the contributor must disclose whether the contributor is a municipal contractor with the municipality with contracts valued at more than \$5,000.⁸
8. In addition, General Statutes § 9-611 (d) provides in pertinent part: (d) No individual shall make a contribution to any candidate or committee, other than a contribution in kind, in excess of one hundred dollars except by personal check or credit card of that individual.
9. General Statutes § 9-622 provides in pertinent part: The following persons shall be guilty of illegal practices. . . (9) Any person who offers or receives a cash contribution in excess of

⁷ See SEEC Form 20– Itemized Campaign Finance Disclosure Statement: January 10 filing: Amended (*Leng for Hamden*, June 7, 2021) (reflecting amendments to campaign finance disclosure report to show that \$43, 777.81 in expenses that were incurred but not paid in reporting period were owed to Blue Edge Strategies).

⁸ See General Statutes § 9-608 (c)(1)(I).

one hundred dollars to promote the success or defeat of any political party, candidate or referendum question;

10. General Statutes § 9-608 also requires certain additional reporting from committees that are in deficit at the end of the campaign cycle. General Statutes § 9-608 (e)(1)(H)(4) requires that committees continue to report any change in their deficits, specifically:

(4) In the event of a deficit, the treasurer shall file a supplemental statement ninety days after an election, primary or referendum not held in November or on the seventh calendar day in February, or the next business day if such day is a Saturday, Sunday or legal holiday, after an election or referendum held in November, with the proper authority and, thereafter, on the seventh day of each month following if on the last day of the previous month there was an increase or decrease in the deficit in excess of five hundred dollars from that reported on the last statement filed. The treasurer shall file such supplemental statements as required until the deficit is eliminated. If any such committee does not have a surplus or a deficit, the statement required to be filed not later than forty-five days following any election or referendum not held in November or on the seventh calendar day in January, or the next business day if such day is a Saturday, Sunday or legal holiday, following an election or referendum held in November, or not later than thirty days following any primary shall be the last required statement.

11. The candidate committee here has continued to file reports after the election anytime the balance changes by \$500.
12. The campaign finance statutes do not prohibit privately financed candidate committees from incurring a deficit, but they require the committees to remain open and report any changes in the status of the deficit.
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.

17. The Commission imposes a civil penalty on Respondent Huston for \$800, which represents \$200 civil penalties for each of four statutory violations: receipt of excess cash contributions in violation of General Statutes § 9-611 (d), leading to an illegal practice under § 9-622 (9); receipt of excess contribution in violation of General Statutes § 9-611 (a)(3), leading to an illegal practice under § 9-622 (10); failure to report municipal contractor status for individuals contributing more than \$400 to municipal chief executive officer's candidate committee in violation of § 9-608 (c)(1)(I); and, failure to provide detailed reporting on expense incurred but not paid in violation of General Statutes § 9-608 (c)(1)(C)

18. The candidate committee has continued to report changes to its deficit status, and there is no violation related to that aspect of this matter other than the failure to report the expenditure that was incurred but not paid, which led to the deficit.

ORDER

IT IS HEREBY ORDERED THAT the Respondent shall pay a civil penalty of \$800 and shall henceforth strictly comply with the requirements of General Statutes §§ 9-608 and 9-611.

The Respondent:

BY:

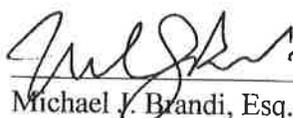


David Huston
51 Benton St.
Hamden, Connecticut

Dated: 3.18.2022

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: 3/30/22

Adopted this 6th day of April, 2022, at Hartford, Connecticut



Commissioner STEPHEN T. PRIDDY
By Order of the Commission