



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Campaign Disclosure and Audit Unit of the State Elections Enforcement Commission

File Nos. 2021-023 & 2021-037

Certified Article Number

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SENDER'S RECORD

RESPONDENT:

Alan Shaw
25 Second St.
Unit B-5
Stamford, CT 06905

January 21, 2022

Transmittal of Final Decision

Dear Mr. Shaw:

Enclosed is the final decision issued by the State Elections Enforcement Commission in the above-captioned file for which you are the Respondent. Please note that pursuant to General Statutes § 9-606 (d), as amended by Public Act 13-180, an individual may not act as treasurer or deputy treasurer of any committee unless she has paid any civil penalties or forfeitures assessed against her pursuant to Chapter 155 or 157 of the General Statutes.

Accordingly, if you do not submit payment for the civil penalty assessed against you in the enclosed order within forty-five days of this notice of the decision, you must promptly resign from any committee for which you are currently treasurer or deputy treasurer.

Sincerely,

Sheri-Lyn Lagueux
Clerk of the Commission

Encl.

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Campaign Disclosure and Audit Unit of the State
Elections Enforcement Commission

RESPONDENT:

File Nos. 2021-023 & 2021-037

Alan Shaw
25 Second St.
Unit B-5
Stamford, CT 06905

December 15, 2021

Proposed Final Decision

This matter was heard as a contested case on October 13, 2021, pursuant to Chapter 54 of the Connecticut General Statutes, § 9-7b of the Connecticut General Statutes, and § 9-7b-35 of the Regulations of Connecticut State Agencies, at which time Attorney Ryan M. Burns (the “State”) appeared on behalf of the State of Connecticut and the Respondent, Alan Shaw (the “Respondent”), did not appear. Documentary and testimonial evidence was presented.

After careful consideration of the entire record, the following Report of the Hearing Officer was prepared and is hereby submitted to the State Elections Enforcement Commission for its consideration:

1. Michael J. Ajello was designated as Hearing Officer for the hearing. ***State’s Exhibit 1.***
2. *wilm 4 rep* was a candidate committee (the “Committee”) registered with the State Elections Enforcement Commission for the November 2020 general election. ***State’s Exhibits 3 and 4.*** The candidate who formed the committee, Wilm Donath, was seeking the office of State Representative in the 148th District. ***State’s Exhibits 3 and 4.*** The Respondent served as its treasurer and was the treasurer of record during the time period when the filing for which this matter was brought was due. ***State’s Exhibits 3 and 4.***
3. Publicly available documents indicate that Donath was opposed by Daniel J. Fox in the general election. *See 2020 Statement of the Vote*, prepared by the Secretary of the State, https://authoring.ct.gov/-/media/SOTS/ElectionServices/StatementOfVote_PDFs/2020-SOV.pdf.
4. Publicly available documents indicate that on August 25, 2020, Fox filed a *SEEC Form CEP 10 (Affidavit of Intent to Abide by Expenditure Limits and Other Citizens’ Election Program Requirements)*, http://seec.ct.gov/eCrisReporting/Data/Attachment/Unassigned/CEP10_200727_1.pdf. By filing the SEEC Form CEP 10, Fox was considered a candidate participating in the Citizens’ Election Program (a “participating candidate”). General Statutes § 9-703 (a) & (b). Fox received a grant from the Citizens’ Election Fund on September 22, 2020. ***State’s Exhibit 5.***

5. General Statutes § 9-608 (a) provides, in relevant part, as follows: “(1) *Each campaign 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, . . .” (Emphasis added). General Statutes § 9-608 (a) (1) further provides that “the [financial disclosure] statement shall cover a period to begin with the first day not included in the last filed statement.”

6. General Statutes § 9-712 provides, in relevant part, as follows:

(a)(1) *The treasurer of each candidate committee in a primary campaign or a general election campaign in which there is at least one participating candidate shall file weekly supplemental campaign finance statements with the commission* in accordance with the provisions of subdivision (2) of this subsection. Such weekly statements shall be in lieu of the campaign finance statements due pursuant to subparagraphs (B) and (C) of subdivision (1) of subsection (a) of section 9-608.

(2) Each such treasurer shall file weekly supplemental campaign finance statements with the commission pursuant to the following schedule: (A) In the case of a primary campaign, on the second Thursday following the date in July on which treasurers are required to file campaign finance statements pursuant to subparagraph (A) of subdivision (1) of subsection (a) of section 9-608 and each Thursday thereafter up to and including the Thursday before the day of the primary, and (B) *in the case of a general election campaign, on the second Thursday following the date in October on which candidates are required to file campaign finance statements* pursuant to subparagraph (A) of subdivision (1) of subsection (a) of section 9-608 *and each Thursday thereafter up to and including the Thursday before the day of the election*. The statement shall be complete as of eleven fifty-nine o'clock p.m. of the second day immediately preceding the required filing day. The statement shall cover the period beginning with the first day not included in the last filed statement.

(Emphasis added).

7. The Notice of Hearing alleged that the Respondent violated General Statutes §§ 9-608 and 9-712 by failing to timely file a campaign finance disclosure statement by October 22, 2020, for the period ending October 20, 2020, October 29, 2020, for the period ending October 27, 2020, and by January 11, 2021, for the period ending December 31, 2020. *State's Exhibit 1*.

8. Pursuant to General Statutes § 9-712 (a) (2), candidate committees of candidates in a general election race in which there was at least one participating candidate were required to file a statement (1) by October 22, 2020, the first Thursday following the quarterly filing that was due on October 13, 2020, per General Statutes § 9-608, covering the period through 11:59 p.m. on October 20, 2020; and (2) by October 29,

2020, the Thursday before the day of the election, covering the period through 11:59 p.m. on October 27, 2020. Because the Respondent was opposed by a participating candidate, he was required to file these two reports. The Respondent did not file either. ***State's Exhibit 7.***

9. Pursuant to General § 9-608 (a) (1) (A), the Respondent was required to file on or before January 11, 2021, a financial disclosure statement covering the period through December 31, 2020. He did not. ***State's Exhibit 7.***
10. On January 5, 2021, Elections Officer Richard Gebo referred the Respondent's failure to file the weekly supplemental filings by the required dates to Attorney Burns. ***State's Exhibit 8.***
11. On February, 22, 2021, Elections Officer Richard Gebo referred the Respondent's failure to file the report due January 11, 2021 to Attorney Burns. ***State's Exhibit 9.***
12. On September 25, 2021, Commission staff sent notice of the October 13, 2021 hearing on the matters to the Respondent, by first-class mail with delivery confirmation tracking and receipt and by certified mail and regular mail. ***State's Exhibits 1 and 2; Testimony of Clerk of Commission and Elections Officer Sheri-Lyn Lagueux.*** The notice was delivered and signed by an individual at the Respondent's address. ***State's Exhibit 2; Testimony of Clerk of Commission and Elections Officer Sheri-Lyn Lagueux.***
13. The Respondent did not attend the October 13, 2021 hearing.
14. It is concluded that the Respondent violated General Statutes § 9-712 by failing to timely file financial disclosure statements by October 22, 2020, for the period ending October 20, 2020, and by October 29, 2020, for the period ending October 27, 2020.
15. It is concluded that the Respondent violated General Statutes § 9-608 by failing to timely file a financial disclosure statement by January 11, 2021, for the period ending December 31, 2020.
16. General Statutes § 9-7b (a) (2) provides, in pertinent part, that the Commission shall have the power to levy a civil penalty not to exceed "two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155 or 157." The Commission may levy a civil penalty against any person only after giving the person an opportunity to be heard at a hearing. *See* General Statutes § 9-7b (a) (2).
17. General Statutes § 9-712 (c) provides that:

If a treasurer fails to file any statement or declaration required by this section [9-712] within the time required, said treasurer shall be subject to a civil penalty, imposed by the commission, of not more than one thousand dollars for the first failure to file the

statement within the time required and not more than five thousand dollars for any subsequent such failure.

18. General Statutes § 9-606 (d) provides:

No person shall act as treasurer or deputy treasurer (1) unless the person is an elector of this state, the person has paid any civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive, and a statement, signed by the chairman in the case of a party committee or political committee or by the candidate in the case of a candidate committee, designating the person as treasurer or deputy treasurer, has been filed in accordance with section 9-603, . . .

(Emphasis added).

19. General Statutes § 9-706 (b) provides that an application for a grant from the Citizens' Election Program must include a written certification that, *inter alia*:

(9) All outstanding civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive, against the current or any former committee of the candidate have been paid, provided (A) in the case of any candidate seeking nomination for or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, any such penalty or forfeiture was assessed not later than twenty-four months prior to the submission of an application pursuant to this section; or (B) in the case of any candidate seeking nomination for or election to the office of state senator or state representative, any such penalty or forfeiture was assessed not later than twelve months prior to the submission of an application pursuant to this section;

(10) The treasurer has paid any civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive, and has not been convicted of or pled guilty or nolo contendere to, in a court of competent jurisdiction, any (A) felony involving fraud, forgery, larceny, embezzlement or bribery, or (B) criminal offense under this title, unless at least eight years have elapsed from the date of the conviction or plea or the completion of any sentence, whichever date is later, without a subsequent conviction of or plea to another such felony or offense; . . .

(Emphasis added).

20. Section 9-7b-48 of the State of Connecticut Regulations provides, "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."

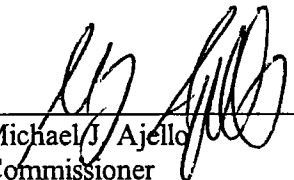
21. It is recommended that the Commission consider the following as mitigating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) no evidence was presented that the Respondent had a previous history of similar acts or omissions.

22. It is recommended that the Commission consider the following as aggravating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) the Respondent failed to file three separate filings; (2) the Respondent had still not submitted any of the filings as of the date of the hearing, over one year after they were due; (3) the Respondent had ample opportunity to resolve this matter prior to the hearing; and (4) Commission staff made efforts to inform him about the delinquent filings.
23. In consideration of the factors listed above, it is recommended that the Commission assess a civil penalty against the Respondent in the amount of \$2,000.00 for violations of General Statutes §§ 9-608 and 9-712.

RECOMMENDED ORDER

The following Order is recommended on the basis of the record of the above captioned matter:

1. The Respondent shall pay a civil penalty in the amount of \$2,000.00, payable to the State Elections Enforcement Commission, within 30 days of notice of this decision, for violations of General Statutes §§ 9-608 and 9-712, pursuant to General Statutes § 9-7b (a) (2).



Michael J. Ajello
Commissioner
As Hearing Officer