

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Thomas J. McNally,  
Oakdale (Montville)

File No. 2021-029

**FINDINGS AND CONCLUSIONS**

Complainant alleged that Timothy S. Shanahan (hereinafter "Respondent") and Montville Democratic Town Committee ("MDTC") failed to pay and report expenditures for a party committee headquarters. After an investigation of the complaint, the Commission makes the following findings and conclusions:

1. Complainant alleged that the MDTC failed to report expenditures for office space for use as headquarters regarding the November 3, 2020.

2. More specifically, Complainant here alleges that<sup>1</sup>:

*The Montville Democratic Town Committee established a Headquarters at the corner of Route 32 and Route 163 in the town of Montville, CT ... a. This headquarters was used during the past State and Federal election cycle. This Headquarters was identified by two banners hanging over the storefront windows.*

...  
*Upon review of the Montville Democratic Town Committee January 10th, 2021 filing, it does not reflect any expenditure to cover the cost of the store front space nor does it include any expenditure to cover the cost of the electricity. ...*

3. At all times relevant to this complaint Respondent was the Treasurer of the MDTC and Mr. Timothy May was its chairman.

4. General Statutes § 9-608, provides in pertinent part:

(a) (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

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<sup>1</sup> See *In the Matter of a Complaint by Thomas J. McNally*, Oakdale, File No. 2021-029 (Received by the Commission on January 26, 2021).

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, (B) ***on the seventh day preceding each regular state election***, except that (i) in the case of a candidate or exploratory committee established for an office to be elected at a municipal election, the statement shall be filed on the seventh day preceding a regular municipal election in lieu of such date, except if the candidate's name is not eligible to appear on the ballot, in which case such statement shall not be required, (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date, ... ***The statement shall cover a period to begin with the first day not included in the last filed statement.*** In the case of a candidate committee, the statement required to be filed in January shall be in lieu of the statement formerly required to be filed within forty-five days following an election.

...

***(c) (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; (B) ***an itemized accounting of each expenditure***, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; (C) ***an itemized accounting of each expense incurred but 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; ...

[Emphasis added.]

5. After investigation, the Commission finds that Timothy May, Chairman of the Montville DTC, entered into a lease agreement with the landlord of “358 Norwich New London Turnpike (Corner Store)” (hereinafter “358 Norwich”), Montville, on or about August 13, 2020. The term of the lease was from August 4, 2021 to November 4, 2021.
6. The Commission finds the rental agreement stipulated the term of the lease as August 4, 2020 through November 4, 2020 to be used as a “Campaign Office” at the cost of \$1500.00 total; for a monthly rate of \$500.00. Utilities, including electric and heat, were included in the terms of the rental agreement. The Commission finds that Mr. May paid \$150.00 as a down payment for the lease of 358 Norwich. Further, the Commission finds that the 358 Norwich landlord provided Mr. May with a receipt for this deposit dated August 13, 2021.
7. The Commission finds that the following four individuals, along with their respective registered committees, were candidates for General Assembly at the November 3, 2020 election. They included: Matt Geren/“Matt Geren 2020”; Martha Marx/“Martha 2020”; Baird Welch-Collins/“Baird for 38”; and, Kevin Ryan “Reelect Ryan.” The Commission finds that these candidates, along with the Sprague Democratic Town Committee (“SDTC”), used 358 Norwich as campaign headquarters for the 2020 election.
8. In response to this complaint and investigation, Mr. May asserted that he and the four candidates running in the November 2020 election had discussed renting the space as it was, geographically, centrally located for the respective candidates. Mr. May asserted that he had an existing relationship with the landlord of 358 Norwich.
9. The Commission finds that Mr. May paid a deposit of \$150.00, on a personal checking account, and was subsequently reimbursed by the committees. Further, the Commission finds that the rent was directly paid by the five committees, \$300.00 each, on committee checks, made payable to the 358 Norwich landlord.
10. In the course of this investigation, Mr. May asserted that he offered to serve as a contact for the lease of 358 Norwich in Montville as campaign headquarters and he knew the landlord because the MDTC had rented it for the 2019 election. He also asserted that he believed that the MDTC could not be reimbursed for providing a deposit for the building and therefore he paid the deposit directly and that the five committees paid their portion of the expenses for use of the facility. He did not view it as appropriate for the committees to pay the MDTC directly because, according to Mr. May, it was to be used by those candidates and committees, and not the MDTC, as 2020 headquarters.<sup>2</sup>

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<sup>2</sup> The Commission notes that pursuant to General Statutes § 9-610, party and candidate committees can share expenses on a pro rata basis for rental of office space for headquarters.

11. Respondent, in response to this complaint and investigation, admitted that 358 Norwich had been used in 2019 MDTC campaign headquarters. The Commission finds that the banners<sup>3</sup> identified by Complainant were hung by the MDTC at the time of that use.<sup>4</sup>
12. Additionally, Respondent asserted that in 2020, 358 Norwich was used by General Assembly candidates as a central location and headquarters for their respective candidacies at the state election, and not by the MDTC. Further, Respondent asserted that the reason the MDTC banners were still on the exterior of the building when it was used as the 2020 headquarters by the five committees was because the screws used to hang them “were stripped,” and therefore they could not remove them.
13. The Commission finds the assertions of Mr. May and Respondent to be credible and are largely consistent with documents and records received and reviewed in the course of this investigation. Further, the Commission finds a lack of evidence contrary to these assertions.
14. The Commission finds that itemized campaign finance disclosure statements of the Committees for the requisite October 10<sup>th</sup> filing periods indicate that (1) each committee discloses expenditures of their share of the \$150 deposit for campaign headquarters in the amount of \$30.00 to the recipient Timothy May; and, (2) each committee discloses payments in the amount of \$300.00 to the recipient 358 Norwich landlord; reflecting a total amount of \$1,500.00 for rental of that property for the three months prior to the November 3, 2020 election.
15. The Commission finds that each of the 5 Committees had checks or receipts in the amount of \$30.00 made to Timothy May as disclosed on their respective itemized campaign finance disclosure statements.
16. The Commission further finds that the Committees reported these \$30.00 expenditures as reimbursements or miscellaneous with descriptions as “rental deposit fee,” “process paperwork for campaign office,” rent “application fee” or the like.
17. The Commission finds that each of the 5 Committees had checks or receipts in the amount of \$150.00 made payable to the 358 Norwich landlord as disclosed on their respective itemized campaign finance disclosure statements.

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<sup>3</sup> The banners that remained on the building from the MDTC read: “Vote Team Montville – Democratic Headquarters” and appeared on two faces of the corner building at 358 Norwich.

<sup>4</sup> See <https://www.facebook.com/MontvilleCTDems/> (November 23, 2021)

18. The Commission further finds that the Committees reported the purpose of these \$300.00 expenditures as overhead or with descriptions as “portion of rent,” “shared” headquarters, “office rent” or the like.
19. After investigation, the Commission finds no direct payments or disclosures regarding expenditures from or by the 5 Committees to the MDTC. Further, the Commission finds that the MDTC for the requisite lease term of 358 Norwich reported no events or fundraisers on their itemized campaign finance statements indicating the use of that or any other facilities for campaign activities.
20. The Commission finds based on the expenditures by the five committees to Mr. May totaling \$150.00, and their direct payments to the 358 Norwich landlord totaling \$1,500.00, that the premises were used by the five Committees as campaign headquarters. This finding is further supported by the itemized campaign finance disclosure statements filed by those committees for the requisite time period covering the length of the lease.
21. The Commission notes that this complaint may have been avoided had the MDTC removed the MDTC signs from 358 Norwich after its use of the premises as a campaign headquarters in 2019.
22. Further, to the extent the MDTC banners remained on the building at no cost to the party committee, the Commission cautions Respondent and Mr. May that in the future all signs and banners should be removed to avoid the potential of the MDTC receiving a prohibited in-kind contribution from a business entity pursuant to General Statutes § 9-613. In this instance, the Commission deems this disposition to serve as actual notice to Respondent and Mr. May of the prohibitions against a party committee receiving a prohibited contribution as provided by § 9-613. The Commission declines to take further action under these narrow and limited circumstances.
23. The Commission finds the facts after investigation did not support the conclusion that the MDTC failed to disclose expenditures regarding the lease of office space regarding the November 2, 2020 election in violation of General Statutes § 9-608 occurred, as alleged. This matter should therefore be dismissed.

**ORDER**

The following Order is recommended based on the aforementioned findings:

That this matter is dismissed.

Adopted this 1<sup>ST</sup> day of December, 2021 at Hartford, Connecticut.



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Stephen T. Penny, Chairman  
By Order of the Commission