

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

In the Matter of a Complaint by Brian Merlen,  
Stamford

File No. 2021-119

**FINDINGS & CONCLUSIONS**

Complainant Brian Merlen, of the City of Stamford, State of Connecticut, brought this complaint per Connecticut General Statutes § 9-7b, alleging that a delegate was coerced to vote for a certain candidate for Attorney General at the May 19, 2018 State Democratic Convention. After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. Complainant alleged that Nina Sherwood, a delegate at the May 19, 2018, State Democratic Convention, was improperly influenced into supporting William Tong for Attorney General.
2. Specifically, Complainant alleged that Stamford Democratic Town Committee chair Josh Fedeli (hereinafter “Respondent”) had “physically put his hands” on a delegate and “coerced her on who to vote for as Attorney General in the Democratic Party’s convention.”<sup>1</sup>
3. Complainant indicated that he did not witness this incident but provided the names of several individuals who could corroborate or confirm this incident.
4. General Statutes § 9-364a, provides:  
*Any person who influences or attempts to influence by force or threat the vote, or by force, threat, bribery or corrupt means, the speech, of any person in a primary, caucus, referendum, convention or election; or wilfully and fraudulently suppresses or destroys any vote or ballot properly given or cast or, in counting such votes or ballots, wilfully miscounts or misrepresents the number thereof; and any presiding or other officer of a primary, caucus or convention who wilfully announces the result of a ballot or vote of such primary, caucus or convention, untruly and wrongfully, shall be guilty of a class C felony.*  
[Emphasis added.]

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<sup>1</sup> See *Complaint by Brian Merlen*, Stamford, File No. 2021-119 (received by the Commission April 21, 2021).

5. Pursuant to General Statutes § 9-7b, for potential violations of General Statutes § 9-364a, the Commission has investigative authority and the ability to refer matters to the Chief State's Attorney.
6. The Commission has had ample opportunities to apply General Statutes § 9-364a<sup>2</sup>, and has determined:

*9. The Commission had applied the following dictionary definition of "threat" for purposes of § 9-364a: "1. any expression of an intention to inflict pain, injury, evil, or punishment. An indication of impending danger or harm."*

*10. The Commission has applied the following dictionary definition of "corrupt" for purpose of "corrupt means" under § 9-364a. "[I]mmoral and/or depraved" or "contrary to accepted moral principles."*

*11. "In order to conclude that General Statutes § 9-364a was violated, the Commission must decide that, given the evidence, it is more likely than not that: 1) the Respondent voluntarily committed an act that influenced [any person's] speech and/or voluntarily committed an act that was intended to influence [any person's] speech regardless of whether [any person's] speech was actually influenced; and 2) that the Respondent did so by using force, threat, bribery or corrupt means."*

7. Respondent, through counsel, provided a response to this complaint and investigation and denies the allegations against him. More specifically, Respondent asserts:
  - Respondent categorically denies any claim of impropriety. The complaint Mr. Merlen filed seems to be long on pejorative terms but fairly cryptic on actual facts, remarkably characterizing his own knowledge of any claims made as "gossip."
  - There was no assault, extortion or other wrongdoing whatsoever, at any time.
  - Respondent has never been contacted by the FBI at any time regarding these frivolous claims.

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<sup>2</sup> See *Complaint of George Mills*, Winsted, File No. 2014-115 (internal citations omitted). See also: *Complaint by Michael Banziruk*, Torrington, File No. 2012-013; *Complaint by Ramon Espinosa*, Hartford, File No. 2018; *Complaint by Mary Ann Rivera*, East Haven, File No. 2019-021; and *Complaint by Ernestine Holloway*, Meriden, File No. 2019-105.

- Working to convince someone to support a candidate is part of the process. However, no coercion or extortion was used by Respondent or anyone else from the Stamford delegation in support of any candidates and at the end of the day each delegate voted how they wanted to with no repercussions.
8. The Commission finds after a thorough investigation that the individuals identified by Complainant as potential witnesses could not corroborate or confirm the facts of the incident as alleged. The Commission notes that these individuals voluntarily cooperated with this investigation.
  9. Specifically, the Commission finds that one witness indicated that they "... did not attend the Connecticut State Democratic Convention of 2018," and therefore had "... no firsthand knowledge of the events in question." A second witness also indicated that they did not witness the alleged event and did not or "...even hear of [the incident] until [it was] brought up by [Complainant]."
  10. The Commission confirmed with the Federal Bureau of Investigation (FBI), that it conducted an assessment into the incident as referenced in this complaint. An FBI Special Agent informed Commission staff that he had interviewed Ms. Sherwood regarding the incident at the 2018 convention. Specifically, the Special Agent indicated that Ms. Sherwood explained to him that the town committee chair "walked her to the back of the room and she stood with her back against a pillar," and that he was in close proximity to the delegate and was yelling.
  11. Further, according to the FBI, Ms. Sherwood asserted that she had a February 2021 conversation with Respondent in which they discussed the incident and "talked about" how Respondent, the Democratic party chair, had "grabbed" Ms. Sherwood's arm when she was a delegate at the 2018 convention.
  12. The Commission finds that the Special Agent did not otherwise provide details of the incident between Respondent and Ms. Sherwood. Further, the Commission finds that an intention to inflict harm or that he otherwise exhibited deranged or immoral conduct to the delegate<sup>3</sup> cannot be reasonably derived from the Special Agent's characterization of his interview with the delegate.
  13. The Commission finds a lack of evidence to determine that it was more likely than not that there was, by threat or force, influence or attempted influence of the delegate by the town committee chair.

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<sup>3</sup> See General Statutes § 9-364a and the Commission's prior application of that statute; at paragraph 6 and footnote 2, *infra*.

14. Upon investigation, the Commission finds insufficient evidence to corroborate or confirm that coercion of a delegate occurred at the May 19, 2018 State Democratic Committee convention.
15. The Commission does not make a finding as to the character of any conduct surrounding the incident between the delegate and town committee chair, as described herein, at the May 19, 2018 State Democratic Convention to weigh the applicability of General Statutes § 9-364a; except that which it weighs in this instance to form its findings and conclusions.
16. The Commission stresses that the use of any excessive language, either in tone or volume, or unwelcome physically demonstrative conduct or closeness in the course of political conversation between individuals is strongly discouraged. Such language, as it pertains to cases of speech and voting at a primary, caucus, referendum, convention or election, in the context of complaints pertaining to potential violations of General Statutes § 9-364a, necessitate a careful and thorough review by the Commission of any such allegations; as in this instance.
17. After investigation, the Commission determines that the facts, under these specific and narrow circumstances, remain insufficient to conclude that any person by threat or force influenced or attempted to influence the vote of an individual at a convention in violation of General Statutes § 9-364a, as alleged. Complainant's allegation is therefore dismissed.
18. The Commission therefore finds and concludes that this matter should be dismissed.

#### ORDER

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

That this matter is dismissed.

Adopted this 19<sup>th</sup> day of January, 2022 at Hartford, Connecticut.



Stephen T. Penny, Chair  
By Order of the Commission