

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Daniel Dunn
Hamden

File No. 2021-164

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between Joshua A. Sprague Oliveira 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 Daniel Dunn filed this complaint alleging that the 2021 municipal candidate committee of Curt Leng sent out a mailer that failed to satisfy the requirements for attribution under General Statutes § 9-621. The complainant alleged that the disclaimer was too small and in light print, which made it difficult to read. The commission investigated this matter and found that the disclaimer did not meet minimum standards included in the statutes.
2. Respondent Joshua Sprague Oliveira was appointed as the treasurer for the *Leng for Hamden 21* candidate committee.¹
3. During the 2021 municipal campaign cycle, the *Leng for Hamden 21* candidate committee sent out a mailer opposing the candidacy of Lauren Garrett, his opponent in the 2021 Democratic Party primary. As the complainant described, the “paid-for disclaimer was printed very small in dark grey ink on a black background so that it could not be seen except in certain light.” The disclaimer did include the proper “paid-for-by” and “approved-by” statements.

¹ See SEEC Form 1 – Registration of Candidate Committee (*Leng for Hamden 21*, August 17, 2021) (reflecting establishment of candidate committee by Curt Leng and appointment of Joshua A. Sprague Oliveira as treasurer).

4. General Statutes § 9-621 (a) requires a candidate committee to include with each written communication a statement with the words “paid for by” and the name of the committee and its treasurer and the words “approved by” and the name of the candidate. In addition, General Statutes § 9-621 (k) states:

(k) **Any disclaimer** required to be on the face of a written, typed or other printed communication pursuant to the provisions of this section **shall be printed in no smaller than eight-point type of uniform font** when such disclaimer is on a communication contained in a flyer or leaflet, newspaper, magazine or similar literature, or that is delivered by mail. (Emphasis added).

The disclaimer size requirements are specific to printed communications.

5. As stated previously, the disclaimer at issue in this matter included all of the necessary components regarding content. But the typeface was very difficult to read. The disclaimer was printed at a 90-degree angle on the side of the mailer, in the dark edge of a picture of Ms. Garrett. The typeface color did not contrast with the dark picture, which would have made it more legible. Instead, it was a dark gray, which blended in with the photograph upon which it was superimposed.
6. As part of the investigation, Commission staff identified and contacted the print house that created the mailer for Leng. Heidi Buckley, CEO of Marketing Solutions Unlimited, LLC, in West Hartford, confirmed that her company had created the mailer. Buckley stated that the typeface used on the attribution was “7.5pt Helvetica Neue Light Compressed, 75% Black.”
7. General Statutes § 9-621 (k) clearly states that the typeface for an attribution must be at least 8 point, which this typeface is not.
8. Here, the respondent candidate committee did not place an attribution on its mailer that satisfied the minimum size requirements for mailers, as defined in General Statutes § 9-621 (k).

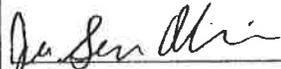
9. As enumerated in § 9-7b-48 of the Regulations of Connecticut State Agencies:
In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances:
 - (1) the gravity of the act or omission;
 - (2) the amount necessary 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.
10. 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.
11. 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.
12. 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.
13. Upon Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent

ORDER

IT IS HEREBY ORDERED THAT the Respondent shall pay a civil penalty of \$200 and shall strictly comply with the requirements of General Statutes § 9-621 (k).

The Respondent:

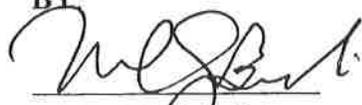
BY:


Joshua A. Sprague Oliveira
40 Neal Street
Walpole, MA

Dated: 7/24/2022

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: 7/28/22

Adopted this 20th day of July, 2022, at Hartford, Connecticut



Commissioner STEPHEN T. PENNY
By Order of the Commission