

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by John F. Malsbenden
Colchester

File No. 2021-178

FINDINGS AND CONCLUSIONS

Complainant John F. Malsbenden of Colchester filed this complaint pursuant to General Statutes § 9-7b, alleging that individuals associated with the Connecticut Conservative Foundation had violated Connecticut’s campaign finance laws. After its investigation, the Commission makes the following findings and conclusions:

1. Complainant Malsbenden alleged that the Connecticut Conservative Foundation had made “impermissible coordinated expenditures” that opposed the candidacy of Mary Bylone in the 2021 municipal election. Complainant also alleged that the political committee had paid for the publication of a website and a postcard that failed to include attributions. In addition, complainant alleged that political committee had used a copyrighted symbol without permission and without paying for the use of the symbol.
2. The Connecticut Conservative Foundation was established on February 3, 2021. The chairman of the political committee is Donald M. Brown, who named Ihor Rudko as treasurer. The political committee was established as an ongoing committee to support both state and municipal candidates. The committee received two large contributions to support their work. On April 27, 2021, Andreas Bisbikos gave the committee \$1,000. On April 30, 2021, Taras Rudko gave the committee \$975.¹
3. Complainant Malsbenden named Brown, Ihor Rudko, Bisbikos, and Taras Rudko as respondents in this matter.
4. Bisbikos ran for first selectman in Colchester and ultimately defeated Mary Bylone in the November election. Taras Rudko ran for the Board of Selectmen in Colchester, but he was not elected to that board.
5. On June 10, 2021 the Connecticut Conservative Foundation paid \$965.74 to send out a postcard. The postcard urged recipients to vote no on the July budget referendum, which it said reflected a 4.742% increase on the prior year’s budget. The postcard mentioned the “First Selectman” twice but never stated the officeholder’s name, which was Mary Bylone. Instead the postcard asked if recipients knew that the First Selectman was “pushing for a

¹ In testimony to the Commission in response to a subpoena, Ihor Rudko stated that his son, Taras, had also given the committee the initial \$25 that was used to start the bank accounts but was reported in the small donations section of the committee’s initial Form 20 filed on April 8, 2021.

second consecutive salary increase while community members are struggling?” It also stated that the “First Selectman and Chairman of the Police Commission misrepresented data to justify additional town employees at [residents’] expense.” The postcard featured the Monopoly game mascot “Rich Uncle Pennybags,” who was running across the card carrying a bag of coins. The postcard had an attribution stating that it was “Paid for by the Connecticut Conservative Foundation.” The attribution did not include the name of the committee’s treasurer, Ihor Rudko.

6. The political committee’s postcard did not identify any candidates by name. It did not specifically oppose or promote the candidacy of any individuals. The postcard focused on opposing the budget referendum and was a proper expenditure for the political committee. The postcard was sent more than 90 days before the November election, when the election for first selectman in Colchester occurred. In addition, Mary Bylone, the incumbent first selectman referenced in the postcard, formed a candidate committee to run for re-election on or about June 21, 2021, which was after the Connecticut Conservative Foundation had ordered the postcards in opposition to the referendum, which occurred on or about June 10, 2021.
7. As to the alleged misuse of the “Mr. Monopoly” character, who is also called “Rich Uncle Pennybags,” by the committee, which did not include a copyright symbol or presumably pay for the use of those materials, the Commission’s jurisdiction does not extend to laws that govern those purported violation. Copyright infringements do not fall within the parameters of state election law and, therefore, the Commission lacks jurisdiction over those allegations. Accordingly, those allegations are also dismissed.
8. The Complainant alleged that the committee had failed to include the proper attributions on the postcard that it sent.
9. General Statutes § 9-621 (c) states, in relevant part:

(c) No . . . committee . . . shall make or incur any expenditure . . . for any written, typed or other printed communication which promotes the success or defeat of any referendum question unless such communication bears upon its face, as a disclaimer, the words “paid for by” and the following: . . . (2) in the case of a political committee, the name of the committee and the name of its treasurer . . .
10. Based on the above, the Commission concludes that the communications should have stated “paid for by” the political committee as well as the name of the committee’s treasurer. The disclaimer stated instead, simply, “Paid for by the Connecticut Conservative Foundation” omitting the name of the committee’s treasurer, Ihor Rudko, which did not satisfy the requirements of General Statutes § 9-621 (c).

11. Nevertheless, the Commission declines to take further action based on the Commission's finding that the source of the communications was clear to the reasonable observer, the absence of any prior violations by the respondent, and the lack of any evidence of any intent to deceive or mislead the public. *See, e.g.*, Complaint by Michael Gongler and Victor L. Hapley, Cromwell, File No. 2009-126; Complaint of Robert W. Prentice, Wallingford, File No 2011-134; Complaint by John D. Norris, Southbury, File No. 2011-108; Complaint of Arthur Scialabba, Norwalk, File No. 2012-011, Complaint of Arthur Scialabba, Norwalk, File No. 2012-0125; Complaint of Keith G. Golnik, Terryville, File No. 2013-154; Complaint of Catherine F. Abercrombie, Meriden, File No. 2018-101; and Complaint of Andrew J. Daniels, Chaplin, File No. 2021-160.
12. Finally, Complainant Malsbenden alleged that the Connecticut Conservative Foundation had obtained a domain name, which it utilized to campaign against Bylone, a candidate for first selectman in Colchester.
13. The Commission issued a subpoena to respondent Ihor Rudko, treasurer for Connecticut Conservative Foundation, to provide documentation related to all expenditures made by the political committee.
14. Rudko appeared in the Commission's offices on October 11, 2022, to satisfy the subpoena.
15. Rudko brought invoices and receipts related to the committee's expenditures, including an invoice reflecting that the committee had paid \$17.18 to EasyDNS for the domain "conservativect.org." Rudko stated under oath that he had no knowledge of who had paid for the "www.maryforcolchester.com" and that the only domain name for which the Connecticut Conservative Foundation has paid was "conservativect.org."
16. A website has not been established for the "conservativect.org" domain name, Rudko said. The domain name has been used since its purchase, Rudko said, to provide e-mail addresses.
17. Because there is insufficient evidence to support the allegations raised by the complaint regarding the alleged payment by Connecticut Conservative Foundation for the "maryforcolchester.com" domain name, the commission shall dismiss this allegation.

ORDER

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

That the Commission shall dismiss this matter.

Adopted this 16th day of Nov. 2022, at Hartford, Connecticut.



Stephen Penny, Chairman
By Order of the Commission