

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

Complaint of Lisa Carver,
New Britain

File No. 2008-032

**AGREEMENT CONTAINING CONSENT ORDER
AND PAYMENT OF A CIVIL PENALTY FOR VIOLATIONS OF
GENERAL STATUTES §§ 9-606, 9-607, 9-608 & 9-622(10)**

This agreement, by and between Olga Jiantonio of the City of New Britain, County of Hartford, State of Connecticut (hereinafter referred to as the 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 filed the instant complaint with the Commission alleging that the Wyskiewicz for Mayor candidate committee: 1) received an impermissible business entity contribution in the form of free rent; 2) reported an aggregate in kind contribution from four individuals in the amount of \$1,185.31 without itemizing their individual contributions; and 3) failed to properly disclose contributor information.
2. James Wyskiewicz was the Democratic candidate for Mayor in the November 6, 2007 City of New Britain municipal election, and designated the Wyskiewicz for Mayor candidate committee (hereinafter "Wyskiewicz for Mayor") as the funding vehicle for his campaign.
3. Respondent was appointed and served as the duly designated treasurer of Wyskiewicz for Mayor.
4. Complainant's allegations with respect to other Respondents are addressed in separate disposition documents.
5. In early October 2007, the Respondent approached Victor Basile, the President of Lafayette Square, LLC to see if Wyskiewicz for Mayor could use vacant space located on the second floor of the office building at 450 Main Street in New Britain for campaign headquarters.
6. Respondent is employed by one of the law firms in the building and believed that rental checks for the office space were made payable personally to Mr. Basile.
7. Lafayette Square, LLC is the owner of record of 450 Main Street in New Britain, which is a 23,788 square foot office building. Lafayette Square, LLC is a business entity as that term is defined in General Statutes § 9-601(8).
8. Mr. Basile allowed Wyskiewicz for Mayor to use the vacant space on the second floor as campaign headquarters from early October 2007 to shortly after the November 6, 2007 City of New Britain municipal election.

9. Respondent disclosed the use of the office space as an in-kind contribution from Mr. Basile on the October 30, 2007 Wyskiewicz for Mayor itemized campaign finance disclosure statement (SEEC Form 20). Respondent was not aware that Mr. Basile was not the legal owner of the building or that Lafayette Square, LLC, a business entity, was the actual owner of the building.

10. General Statutes § 9-601a provides in pertinent part:

(a) As used in this chapter and sections 9-700 to 9-716, inclusive, "contribution" means:

(1) Any gift, subscription, loan, advance, payment or deposit of money or **anything of value**, made for the purpose of influencing the, nomination or **election, of any person** or for the purpose of aiding or promoting the success or defeat of any referendum question or on behalf of any political party; [Emphasis added.]

11. General Statutes § 9-613, provides in pertinent part:

(a) **No business entity shall make any contributions or expenditures to, or for the benefit of, any candidate's campaign for election to any public office** or position subject to this chapter or for nomination at a primary for any such office or position, or to promote the defeat of any candidate for any such office or position... [Emphasis added.]

12. General Statutes § 9-622(10) makes it an "illegal practice" for:

(10) **Any person who solicits, makes or receives a contribution** that is otherwise prohibited by any provision of this chapter; [Emphasis added.]

13. The Commission concludes that the Respondent received a prohibited business entity contribution on behalf of Wyskiewicz for Mayor in the form of the use of vacant space located at 450 Main Street, free of charge. By receiving a prohibited business entity contribution, the Respondent violated General Statutes § 9-622(10).

14. It is further concluded that Respondent's violation of General Statutes § 9-622(10) was not intentional, as she was not aware of the legal status of the building's ownership.

15. General Statutes § 9-608(c) provides in pertinent part:

(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) in the case of anonymous contributions, the total amount received and the denomination of the bills; (C) **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; ... (G) **for each individual who contributes in excess of one hundred dollars but not more than one thousand dollars, in the aggregate, to the extent known, the principal occupation of such individual and the name of the individual's employer, if any;** ...[Emphasis added.]

16. Respondent filed itemized campaign finance disclosure statements (SEEC Form 20) on October 10, 2007 and October 23, 2007 that failed to include occupation and employer information for nine separate contributors that contributed in excess of \$100.00. Respondent also failed to provide a contributor's complete address on the July 10, 2007 statement.
17. The Commission has construed the "*to the extent known*" language in General Statutes § 9-608(c)(1)(G) to impose a due diligence requirement on each committee to request principal occupation and name of employer information from each contributor contemporaneously with the solicitation and or receipt of a contribution that exceeds \$100.00 in the aggregate. (See Complaint of Ken Moales, Bridgeport State Elections Enforcement Commission File No. 2007-275).
18. In the instant case, the Respondent did not exercise due diligence in obtaining the principal occupation and name of employer information from each contributor contemporaneously with the solicitation and or receipt of a contribution. Accordingly, the Respondent violated General Statutes § 9-608(c) by failing to including the full name and complete address of each contributor and by failing to provide, to the extent known, the principal occupation of such individual and the name of the individual's employer.
19. On the October 10, 2007 Wyskiewicz for Mayor itemized campaign finance disclosure statement (SEEC 20), the Respondent reported an in-kind contribution of food, wine and supplies in the amount of \$1,185.31. The \$1,185.31 in-kind contribution was reported by the Respondent as being related to an August 12, 2007 pasta dinner fundraiser. The Respondent aggregated and attributed the purported in-kind contribution to four individuals: Edward Preece, Mike Maloney, Don Martin and Bob Scarlett, without reporting an itemized contribution from each.
20. Based on information obtained during the course of the investigation into the allegations in the complaint, the Commission voted to expand the investigation into whether the four individuals, who reportedly organized the fundraiser for Wyskiewicz for Mayor on behalf of New Britain firefighters, had properly conducted fundraising on behalf of the committee.
21. The expanded investigation revealed that Mike Maloney, Don Martin and Bob Scarlett were in part responsible for the reported in-kind contribution in the amount of

\$1,185.31 to Wyskiewicz for Mayor. The expanded investigation also revealed that the \$1,185.31 was not attributable to Edward Preece.

22. Messrs. Maloney, Martin and Scarlett sold \$10.00 tickets to a pasta dinner fundraiser held for the Wyskiewicz for Mayor committee by New Britain firefighters on August 12, 2007. The three individuals used the proceeds from the ticket sales to purchase supplies, including food and drinks for the fundraiser, without providing the proceeds from the fundraiser to the Wyskiewicz for Mayor treasurer for deposit directly into the committee's depository account.
23. Messrs. Maloney, Martin and Scarlett did not provide any contributor information regarding the individuals that purchased tickets to the fundraising event to the Respondent and are unable to reconstruct who they sold tickets to for the event.
24. The Respondent attended the August 12, 2007 committee fundraiser and had an opportunity to obtain the required contributor information from the individuals attending the fundraiser, yet failed to do so.
25. General Statutes § 9-606 provides in pertinent part:

(a) **The campaign treasurer of each committee shall be responsible for (1) depositing, receiving and reporting all contributions** and other funds in the manner specified in section 9-608, (2) **making and reporting expenditures**, (3) reporting expenses incurred but not yet paid, (4) filing the statements required under section 9-608, and (5) **keeping internal records of each entry made on such statements**. The campaign treasurer of each committee shall deposit contributions in the committee's designated depository within fourteen days after receiving them. . . .

(c) The campaign treasurer of each committee, other than a political committee established by an organization which receives its funds from the organization's treasury, may appoint solicitors. **If solicitors are appointed**, the campaign treasurer shall receive and report all contributions made or promised to each solicitor. Each solicitor shall submit to the campaign treasurer a list of all contributions made or promised to him. The list shall be complete as of seventy-two hours immediately preceding midnight of the day preceding the dates on which the campaign treasurer is required to file a sworn statement as provided in section 9-608. Lists shall be received by the campaign treasurer not later than twenty-four hours immediately preceding each required filing date. Each solicitor shall deposit all contributions with the campaign treasurer, within seven days after receipt. No solicitor shall expend any contributions received by him or disburse such contributions to any person other than the campaign treasurer. [Emphasis added.]

26. General Statutes § 9-601 provides, in relevant part:

. . . (14) "Solicitor" means an individual appointed by a campaign treasurer of a committee to receive, but not to disburse, funds on behalf of the committee.

26. General Statutes § 9-607 provides in pertinent part:

(a) **No financial obligation shall be incurred by a committee unless authorized by the campaign treasurer**, except that certain expenditures of a candidate's personal funds may be reimbursed as provided in subsection (k) of this section. . . .

(d) Except as provided in subsections (j) and (k) of this section, **no payment in satisfaction of any financial obligation incurred by a committee shall be made by or accepted from any person other than the campaign treasurer** and then only according to the tenor of an authorization issued pursuant to subsection (a) of this section. . . .

(e)(1) **Any such payment shall be by check drawn by the campaign treasurer, on the designated depository.** Any payment in satisfaction of any financial obligation incurred by a committee may also be made by debit card or credit card. . . .

(f) **The campaign treasurer shall preserve all internal records of transactions required to be entered in reports filed pursuant to section 9-608** for four years from the date of the report in which the transactions were entered. **Internal records required to be maintained in order for any permissible expenditure to be paid from committee funds include, but are not limited to, contemporaneous invoices, receipts, bills, statements, itineraries, or other written or documentary evidence showing the campaign or other lawful purpose of the expenditure.** If a committee incurs expenses by credit card, the campaign treasurer shall preserve all credit card statements and receipts for four years from the date of the report in which the transaction was required to be entered. If any checks are issued pursuant to subsection (e) of this section, the campaign treasurer who issues them shall preserve all cancelled checks and bank statements for four years from the date on which they are issued. If debit card payments are made pursuant to subsection (e) of this section, the campaign treasurer who makes said payments shall preserve all debit card slips and bank statements for four years from the date on which the payments are made. In the case of a candidate committee, the campaign treasurer or the candidate, if the candidate so requests, shall preserve all internal records, cancelled checks, debit cards slips and bank statements for four years from the date of the last report required to be filed under subsection (a) of section 9-608. [Emphasis added.]

27. The Respondent did not formally appoint Messrs. Maloney, Martin and Scarlett as solicitors, yet Respondent essentially allowed them to function in that capacity without appropriate accountability. The Respondent knew, or should have known, since she was present at the committee's fundraiser, that Messrs. Maloney, Martin and Scarlett were collecting funds for the committee, yet failed to appoint them as solicitors, in accordance with § 9-606(c).

28. The Respondent failed to maintain any internal records of the source of contributions made in connection with the fundraiser, or proper invoices, receipts or other documentary evidence supporting expenditures associated with the fundraiser, in violation of Conn. Gen. Stat. §§ 9-606(a) and 9-607(f).

29. Consequently, the Respondent was unable to accurately report the source of contributions in connection with the event, in violation of General Statutes §§ 9-608(c) and 9-606(a), and such apparently erroneous reporting invited this portion of the instant complaint.
30. Respondent failed to ensure that all contributions were deposited in the Wyskiewicz for Mayor Committee account in the manner proscribed in General Statutes § 9-606.
31. The Respondent did not authorize Messrs. Maloney, Martin and Scarlett to incur financial obligations on behalf of Wyskiewicz for Mayor in connection with the August 12, 2007 fundraiser, yet failed to prevent them from incurring obligations or making expenditures with committee funds that had not been deposited in the committee account. Accordingly, the Commission concludes that the Respondent failed to maintain control or authorization over the committee expenditures for the fundraiser, in violation of General Statutes §§ 9-606(a), 9-607(d) and 9-607(e).
32. As a consequence, committee expenditures for the fundraiser were not reported at all by the Respondent, in violation of General Statutes § 9-608(c) and 9-606(a).
33. The Respondent admits all jurisdictional facts and agrees that this agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in § 9-7b-56 of the Regulations of Connecticut State Agencies.
34. 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 as an admission in any subsequent hearing, if the same becomes necessary.
35. The 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.
36. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall pay a civil penalty of eight hundred dollars (\$800) to the Commission in three installments, \$250 due on or before January 31, 2010, \$250 due on or before February 28, 2010 and \$300 due on or before March 31, 2010;

IT IS HEREBY FURTHER ORDERED that the Respondent shall henceforth comply with General Statutes §§ 9-606, 9-607, 9-608 & 9-622.

For the State of Connecticut:

BY: Joan Andrews
Joan M. Andrews, Esq.
Director of Legal Affairs and Enforcement
& Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: 1/4/10

The Respondent:

Olga M. Jantonio
Olga Jantonio
New Britain, CT

Dated: 12-22-09

Adopted this 20th day of January 2010
~~December~~ 2009 at Hartford, Connecticut

Stephen F. Cashman
Stephen F. Cashman, Chairman
By Order of the Commission