

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

Commission Initiated Complaint,
Hartford

File No. 2008-118NF

**AGREEMENT CONTAINING CONSENT ORDER
FOR VIOLATION OF GENERAL STATUTES § 9-703**

This agreement, by and between Terrance Tierney, of the City of Danbury, County of Fairfield, 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. On August 28, 2008, the Commission authorized an investigation into whether the Respondent failed to timely file an Affidavit of Intent to Abide by Expenditure Limits and Other Citizen Election Program Requirements (CEP Form 10) or, in the alternative, an Affidavit of Intent Not to Abide by the Expenditure Limits (CEP Form 11) in accordance with the requirements set forth in General Statutes § 9-703.
2. On May 14, 2008, the Respondent filed a Registration by Candidate (SEEC Form 1), and indicated that he was forming a candidate committee and that he was required to file a Candidate Committee Registration Statement. Additionally, Respondent filed a Candidate Committee Registration Statement (SEEC Form 1A), and indicated that "Tierney for Senate" would be the financing vehicle for his campaign.
3. On August 12, 2008, Mr. Tierney was a candidate in the Democratic Party 24th Senatorial District primary for State Senator.
4. General Statutes § 9-7b, as amended by as amended by No. 08-2 of the 2008 Public Acts, provides the following in relevant part:
 - (a) The State Elections Enforcement Commission shall have the following duties and powers:
 - (2) To levy a civil penalty not to exceed (D) two thousand dollars per offense . . . against any person the commission finds to be in violation of any provision of chapter . . . 157.
5. General Statutes § 9-703 provides the following in relevant part:
 - (a) **Each candidate for nomination or election to the office of state senator. . . in 2008, . . . shall file an affidavit with the State Elections Enforcement Commission. The affidavit shall include a written certification that the candidate either intends to abide by the expenditure limits under the Citizens' Election Program set forth in subsection (c) of section 9-702, or does not intend to abide by said limits. . . . A candidate for nomination or election to any such office shall file**

such affidavit not later than four o'clock p.m. on the twenty-fifth day before the day of a primary, if applicable, or on the fortieth day before the day of the election for such office, except that in the case of a special election for the office of state senator or state representative, the candidate shall file such affidavit not later than four o'clock p.m. on the twenty-fifth day before the day of such special election. [Emphasis added.]

6. The Respondent was required to file one of the aforementioned Citizens Election Program (hereinafter CEP) affidavits with the Commission by July 18, 2008.
7. On July 17, 2008, a Commission staff member spoke to the Respondent and reminded him of the affidavit and application deadlines and the Respondent stated that his CEP Form 10 would be time stamped by the deadline.
8. Respondent did not apply for a CEP grant for the primary.
9. The Respondent failed to file one of the aforementioned CEP affidavits on or before July 18, 2008. Accordingly, on July 29, 2007, an Elections Officer in the Campaign Disclosure and Audit Unit sent the Respondent a letter informing him that he had missed the statutory filing deadline. In addition, the Elections Officer provided him with the form that would allow him to comply with his statutory obligation.
10. The Respondent did not respond to the Election Officer's letter nor did he file either of the required CEP affidavits. The Commission initiated an investigation to determine whether the Respondent violated General Statutes § 9-703 by failing to file one of the required CEP affidavits on or before July 18, 2008.
11. The Commission investigation revealed that the Respondent failed to timely file an Affidavit of Intent to Abide by Expenditure Limits and Other Citizen Election Program Requirements (CEP Form 10) or, in the alternative, an Affidavit Not to Abide by the Expenditure Limits (CEP Form 11) in accordance with the requirements set forth in General Statutes § 9-703.
12. The Commission concludes that the Respondent violated General Statutes § 9-703 by failing to timely file one of the aforementioned CEP affidavits on or before July 18, 2008. To date, neither CEP affidavit has been filed by the Respondent.
13. 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.
14. 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.

15. 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.

16. 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 remit a civil penalty of two hundred dollars (\$200.00) made payable to the State of Connecticut to the Commission on or before May 28, 2009;

IT IS HEREBY FURTHER ORDERED that the Respondent shall immediately file one of the aforementioned CEP affidavits and henceforth strictly comply with the requirements of General Statutes § 9-703.

For the State of Connecticut:

BY: Joan M. 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: 5/29/09

The Respondent:

Terrance Tierney
Terrance Tierney
Danbury, CT

Dated: _____

Adopted this 7th day of June of 2009 at Hartford, Connecticut

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