

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by  
John F. Kirschbaum, Wolcott

File No. 2008-121

**FINDINGS AND CONCLUSIONS**

Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that the Connecticut Citizen Action Group (hereinafter "CCAG") made a coordinated expenditure for the campaign of Karen Houghtaling for State Representative, by virtue of CCAG's Deputy Director, Phil Sherwood, who is a registered lobbyist, also serving as campaign manager for the Houghtaling campaign. Complainant further alleges that \$82 in qualifying contributions were from people, roads, or addresses that do not exist, which, if discounted, would bring her campaign below the qualifying threshold and that accordingly, Ms. Houghtaling should not have received a grant from the Citizens Election Fund.

1. Karen Houghtaling was a candidate in the August 12, 2008 Democratic primary for State Representative for the 80<sup>th</sup> House District.
2. Phil Sherwood is the Deputy Director of CCAG, and is a registered in house lobbyist for CCAG. He also served for a period of time on the Houghtaling campaign.
3. Complainant appears to suggest that CCAG made a contribution to the Houghtaling campaign by virtue of Mr. Sherwood working on the campaign while allegedly being paid by CCAG.
4. In that regard, General Statutes § 9-601a provides, in relevant part, that, as used in this chapter and sections 9-700 and 9-716, inclusive, "contribution" means:
  - (3) the payment by any person, other than a candidate or campaign treasurer, of compensation for the personal services of any other person which are rendered without charge to a committee or candidate for any such purpose.
5. Mr. Sherwood claims that he was not paid by CCAG for the time he worked for the Houghtaling campaign, but rather that he took approximately 50 hours of vacation time to work for the campaign. It was verified, through payroll records, that Respondent Sherwood used 66 hours of vacation time from CCAG between July 16 and August 12, 2008. Most of that time was spent volunteering for the Houghtaling campaign.
6. The investigation revealed that Mr. Sherwood was not paid by CCAG for working on the Houghtaling campaign. CCAG's Director issued public statements supportive of Houghtaling's campaign but claims that no expenditures were made by CCAG, and the Commission, after investigating, has not found any evidence to the contrary.

7. The Complainant also appears to suggest that Mr. Sherwood violated the lobbyist solicitation ban by virtue of his association with the campaign. General Statutes § 9-610 provides, in relevant part:

(h) *No communicator lobbyist*, immediate family member of a communicator lobbyist, agent of a communicator lobbyist, or political committee established or controlled by a communicator lobbyist or any such immediate family member or agent *shall solicit (1) a contribution on behalf of a candidate committee or an exploratory committee established by a candidate for the office of* Governor, Lieutenant Governor, Attorney General, State Comptroller, State Treasurer, Secretary of the State, state senator or *state representative*, a political committee established or controlled by any such candidate, a legislative caucus committee, a legislative leadership committee or a party committee, or (2) the purchase of advertising space in a program for a fund-raising affair sponsored by a town committee, as described in subparagraph (B) of subdivision (10) of section 9-601a. [Emphasis added.]

8. Conn. Gen. Stat. § 9-601(26) provides that as used in this chapter and sections 9-700 and 9-716, inclusive, "solicit" means:

(A) requesting that a contribution be made, (B) *participating in any fund-raising activities for a candidate committee*, exploratory committee, political committee or party committee, including, but not limited to, forwarding tickets to potential contributors, receiving contributions for transmission to any such committee or bundling contributions, (C) serving as chairperson, treasurer or deputy treasurer of any such committee, or (D) establishing a political committee for the sole purpose of soliciting or receiving contributions for any committee. "Solicit" does not include (i) making a contribution that is otherwise permitted under this chapter, (ii) informing any person of a position taken by a candidate for public office or a public official, (iii) notifying the person of any activities of, or contact information for, any candidate for public office, or (iv) serving as a member in any party committee or as an officer of such committee that is not otherwise prohibited in this subdivision. [Emphasis added.]

9. Phil Sherwood maintains that he did not become involved in the campaign until after most of the qualifying contributions had been collected, and that he had no involvement in fundraising for the Houghtaling campaign. The Commission has not uncovered any evidence to the contrary. The activities he performed for the campaign were get out the vote efforts, writing direct mail pieces and press releases, coordinating the phone bank and briefing the candidate for media appearances.
10. Shortly before the ban took effect, the Commission issued Declaratory Ruling 2006-1 to clarify what activities were, and were not, covered by the lobbyist solicitation ban and provide guidance to the regulated community. Declaratory Ruling 2006-1 provides that a lobbyist may still volunteer for a campaign and function in non fundraising roles without violating the lobbyist solicitation ban in General Statutes § 9-610(h). The evidence reveals that Mr. Sherwood successfully navigated that line and did not just step over it, but steered far clear of it.

11. Accordingly, the allegations with respect to CCAG and Phil Sherwood are dismissed.
12. Turning to the issue concerning qualifying contributions, the Complainant alleged that a series of contributions did not have the correct address, name or were from people or roads that do not exist. Specifically, complainant alleged with respect to the following contributions:

*“Mark Macary 54 Madwood Ave, Wolcott - no such road \$20  
Domanic Tafuto, 41 Woodward Dr, Wolcott - does not reside there \$14  
Annie Scranton, 18 Maple Lane, Wolcott - does not reside there \$5  
Raymond Gertil, 57 Lakewood Dr. Wolcott - no such road \$20  
Lorrie Mineral, 61 Islan Dr. Wolcott - no such road \$8  
Alan Ladd, 34 Tosun Road, Wolcott - no such address. \$5  
William and Terri Skurkis, 361 Spindle Hill Road - both have stated  
they did not make any contributions to "Karen Houghtaling State Rep  
80<sup>th</sup> District" \$5 each.”*

13. The investigation revealed that the allegedly fictional Qualifying Contributions (hereinafter “QC”) were clerical errors committed by campaign workers (solicitors) completing portions of the QC Certification Forms by hand after collecting the individual contributions and signatures. Additional errors were committed by the treasurer in transcribing QC data onto the *Itemized Campaign Finance Disclosure Statement* (hereinafter “SEEC Form 30”.) The actual names and addresses for the contributors identified in paragraph 12, above, are as follows:

**Martin Macary, 54 Midwood Avenue, Wolcott, CT**

The QC certification form contained accurate information but the first name and the street name were transcribed erroneously onto the SEEC Form 30.

**Dominic Tafuto, 44 Woodward Road, Wolcott, CT**

The QC certification form showed an “i” written over an “o” or an “a” on the first “i” in Dominic, misspelling the contributor’s first name; however, the rest of the name and the street address was correct and were properly reflected on SEEC Form 30. The “Dr” and number “41” were incorrectly listed by the Complainant.

**Annie Scranton**

She owns 18 Maple Lane in Wolcott but lives and vote in Waterbury. QC certification information was inputted correctly on the SEEC Form 30. Commission Declaratory Ruling 2007-04 addressed residence for the purpose of qualifying contributions (not the same as bona fide residence for voting) and ownership qualifies as residence for in-district qualifying contribution.

**Raymond Gentile (not Gertili)**

The contributor’s last name and his street address were erroneously entered on the QC form and on the SEEC Form 30. The correct street address for this contributor is **57 Lake Street** and not “Lakewood” as it appears on the QC form and Street not “Dr” as listed on SEEC Form 30. Additionally, upon

close inspection a "2" appeared to be written over a "1" on the QC certification form. Contributor indicated he only gave \$10 and his girlfriend also gave \$10. The solicitor apparently failed to obtain a QC certification form from the girlfriend, and credited both \$10 cash contributions (\$20 total) to Mr. Gentile, in possible violation of General Statutes § 9-622(7). However, the solicitor could not be identified, so no further action is possible at this time.

**Lorrie Minervini**

Although the signature of the contributor was on the QC certification form, the solicitor misspelled her last name on line 3, writing "Mineral" instead of "Minervini." Due to the solicitor's peculiar handwriting style, the person transcribing the personal data onto the SEEC Form 30 mistakenly wrote the street name as "Islon" instead of "Klan," which was the correct spelling and street address in Wolcott for this contribution.

**Alan Ladd**

The QC certification form had Mr. Ladd residing at 34 Tosun Road, although he actually lives at 93 *Tosun Road* in Wolcott. On the QC form, a number appeared to have been covered with white out and "34" written over it. The other information was correctly recorded.

**William Skurkis**

The personal data on the QC certification form and on the SEEC Form 30 were correctly recorded. Contributor confirmed contributing to the campaign of Karen Houghtaling. He believed his wife, Teresa Skurkis, also contributed.

**Teresa Skurkis**

A \$5 contribution attributed to a Teresa "Skurkis" on the QC certification form was listed as **Teresa "Skurlas"** on the SEEC Form 30. Ms. Skurkis' last name was erroneously transcribed on the SEEC Form 30. Multiple attempts to contact Ms. Skurkis directly were unavailing.

**Pat Ladd**

Although not listed by the Complainant, the investigation revealed that the \$5 contribution attributed to a **Pat Ladd** on the QC certification form was listed as **Peter Ladd** on the SEEC Form 30. Pat Ladd acknowledged making the contribution.

14. Complainant further alleged:

*As you can see, subtraction of these donations would place her committee under the \$5000 threshold to receive public financing. I ask that SEEC issue a ruling on the question of the Houghtaling committee's qualification for public funding."*

15. When an application for a grant from the Citizens Election Fund is submitted to the Commission, the Commission has only 4 days to review the grant application, at a time when dozens of applications are pending simultaneously, and make a

determination of whether a candidate is qualified, pursuant to Connecticut General Statutes § 9-706.

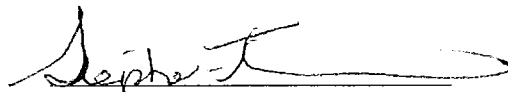
16. The Commission does not accept and count as qualifying contributions towards an application for a grant from the Citizens Election Fund where the identity of the contributor on the QC certification form clearly does not match the name on the check or the SEEC Form 30 entry. In this instance, however, the slight variations are a product of scribbled handwritten entries on QC forms beginning with the same capital letter that could subjectively be read in different ways, and with the exception of the Gentile girlfriend contribution, described in paragraph 13, above, do not go to the identity of the contributor.
17. Other contributions not complained of were disqualified by the Commission as qualifying contributions from the Houghtaling campaign during the application process, such as where a QC form completed by "Mark" but turned in with a check signed by "Robin" of the same last name, and a QC form completed for "William" but signed by "Elizabeth" of the same last name. Such discrepancies represent clear and material identity issues with respect to a proposed qualifying contribution such that they were not counted as qualifying contributions. The minor clerical and transcription errors with respect to the complained of contributions do not rise to the same level, with the exception of the Gentile girlfriend contribution.
18. Accordingly, the Houghtaling campaign qualified for a public grant from the Citizens' Election Fund for the 2008 election. The Houghtaling campaign ultimately had 185 qualifying in-district contributions (150 required) and \$5,075 in qualifying contributions (\$5,000 required). The campaign remitted a buffer of \$195 in QCs to the CEF at the time of application. Even discounting the Gentile girlfriend contribution (\$10), the campaign still had sufficient qualifying contributions to be eligible for a grant from the Citizens' Election Fund.
19. Considering the aforementioned, the Complainant's allegations cannot be substantiated. However, in the future, given the transcription errors identified above, the treasurer should be more careful in transcribing contributor data and stressing the importance to solicitors of gathering accurate and legible information.

### ORDER

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

That the Complaint be dismissed.

Adopted this 26<sup>th</sup> day of May of 20 10 at Hartford, Connecticut

  
Stephen F. Cashman, Chairman  
By Order of the Commission