

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Anthony D'Angelo and
John Moise, Southington

File No. 2022-007

AGREEMENT CONTAINING CONSENT ORDER

This agreement, by and between James Sinclair of the Town of Southington, County of Hartford, State of Connecticut, and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Complainant filed this complaint against James Sinclair (hereinafter "Respondent") regarding alleged violations as treasurer of the Southington Democratic Town Committee ("SDTC") for the time period of January 1, 2018 through December 7, 2021.
2. Complainants reviewed documentation for the SDTC and campaign finance statements and alleged that they found "many discrepancies from missing checks, invoices not paid, missing cash not deposited, [and] many errors in the SEEC reports etc."
3. General Statutes § 9-606 provides in part:
 - (a) The 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 treasurer of each committee shall deposit contributions in the committee's designated depository not later than twenty days after receiving them.
4. General Statutes § 9-607 provides in part:
 - (f) Preservation of internal records, credit card statements and receipts, checks and bank statements. The 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 any checks are issued pursuant to subsection (e) of this section, the treasurer who issues them shall preserve all cancelled checks and bank statements for four years from the date on which they are issued. ...

5. General Statutes § 9-608 provides in part:

(a)(1) Each treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) on the tenth calendar day in the months of January, April, July and October, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, except that in the case of a candidate or exploratory committee established for an office to be elected at a special election, statements pursuant to this subparagraph shall not be required, (B) on the seventh day preceding each regular state election, except that ... (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date, ... and (C) if the committee has made or received a contribution or expenditure in connection with any other election, a primary or a referendum, on the seventh day preceding the election, primary or referendum, ... The statement shall be complete as of eleven fifty-nine o'clock p.m. of the last day of the month preceding the month in which the statement is required to be filed, except that for the statement required to be filed on the seventh day preceding the election, primary or referendum, the statement shall be complete as of eleven fifty-nine o'clock p.m. of the second day immediately preceding the required filing day. The statement shall cover a period to begin with the first day not included in the last filed statement. In the

case of a candidate committee, the statement required to be filed in January shall be in lieu of the statement formerly required to be filed within forty-five days following an election.

Background

6. Respondent was represented by Attorney Diane Chace in this matter. Attorney Chace provide several detailed responses to this complaint and staff enquires. Records have been provided by Respondent's counsel in connection with Respondent's duties as SDTC treasurer.
7. Counsel for Respondent provided detailed explanations regarding personal circumstances, which indicate that Respondent was in the midst of a series of personal crises during the time period when such events occurred. Counsel represented that such personal circumstances included a divorce and the deterioration of his physical and mental health which has subsequently lead to medical diagnosis and treatment. Respondent through counsel showed contrition and remorse for his conduct relating to his tenure as treasurer of the SDTC and a failure to meet his duties and obligations during that period.
8. While not excusing the conduct, the Commission recognizes the personal situation of Respondent, which provides some context for his actions as detailed herein.

Facts After Investigation

9. In the course of this investigation, Detective Seargent of the Southington Police Department provided a detailed report of his investigation delineating various potential criminal violations by Respondent James Sinclair pertaining to the same timeline and alleged violations by Complainants regarding his conduct as SDTC treasurer. That report, which referenced supporting documents, bank statements and witness testimony, provides evidence and information that Respondent may have committed criminal violations regarding his handling of SDTC funds as well as various campaign finance violations pursuant to General Statutes, Title 9, as detailed herein.
10. On March 31, 2022 Respondent was arrested and subsequently tried in connection with embezzling approximately \$400.00 from the SDTC while he served as treasurer based on the Detective Sergeant's report. The judge in the subsequent trial ordered restitution in the amount of \$400.00 by Respondent and granted his application for Accelerated Rehabilitation. The judge determined that the statute of limitations barred further

criminal claims against Respondent pertaining the discrepancies between SDTC bank deposits and receipts discovered by the Southington Police Department.

11. In the exercise of its civil jurisdiction, the Commission conducted a thorough investigation in the matter and confirmed violations by Respondent, originally raised by the investigation by the Southington Police Department and alleged by Complainants. These included underreporting bank deposits on Commission campaign finance statements from the period between 2018-2021 by Respondent. General Statutes § 9-608 requires that the itemized campaign finance statements reflect all deposits by a committee and that they be accurate. Respondent signed each of the three campaign finance statements that underreported actual bank deposits as treasurer of the SDTC under penalty of false statement.
12. Additionally, the Commission after investigation determined that Respondent failed to deposit cash donations to the SDTC designated bank account in the amount of \$1,750.00 for a period of months. General Statutes § 9-606 provides that such deposits be deposited not later than 20 days from receipt days.
13. An audit was conducted by Commission staff that included a review of SDTC bank records produced by subpoena and by Respondent in the course of this investigation. The examination determined that additional bank statements, invoices, contribution cards and cancelled checks are still outstanding and unaccounted for the period 2018 through 2021. An attempted reconciliation of bank statements, financial records and campaign finance statements indicate a discrepancy between bank deposits and reported receipts in the amount of \$7,155.00. An accurate accounting for those funds and reconciliation of the SDTC account remains hindered by Respondent's failure to preserve records as required by General Statutes § 9-607.

Commission Conclusions

14. The Commission determines that Respondent, based on his duties and obligations as SDTC treasurer, was required to receive and deposit contributions, file accurate campaign finance reports and preserve records, pursuant to General Statutes § 9-606, § 9-607 and § 9-608.
15. The Commission concludes that Respondent violated General Statutes § 9-606, § 9-607 and § 9-608 based on his conduct as SDTC treasurer for the period of 2018 through 2021 as detailed herein.

Penalty Considerations

16. As enumerated in § 9-7b-48 of the Regulations of Connecticut State Agencies provides: 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.

17. The Commission views the violations by Respondent as SDTC treasurer as substantial and egregious. The Commission determines that a significant penalty is warranted under these circumstances and consistent with its authority deems a payment of \$5,000.00 by Respondent necessary to reflect the seriousness which the Commission assesses his acts and omissions as treasurer. Further, the Commission determines that a 10-year ban on the Respondent from serving as treasurer in settlement of this matter is reasonable when weighed against his conduct as SDTC treasurer. *See* Regs., Conn. State Agencies § 9-7b-48.

18. 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 into after a full hearing and shall become final when adopted by the Commission.

19. 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.

20. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

ORDER

IT IS HEREBY ORDERED that Respondent shall henceforth strictly comply with General Statutes § 9-606, § 9-607 and § 9-608.

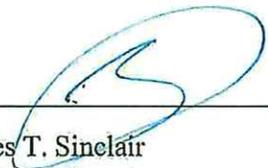
IT IS HEREBY FURTHER ORDERED that Respondent shall pay a civil penalty of \$5,000.00; with \$2,500.00 remitted based on Respondent's adequate showing and documentation of financial hardship; and Respondent is ordered to not serve as treasurer, or perform the functions of a treasurer, deputy treasurer or electronic data enterer, of any committee registered under the campaign finance statutes of the State of Connecticut for a period of ten years from adoption of this agreement.

The Respondent

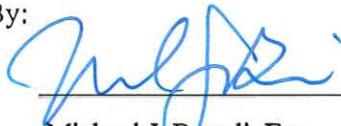
For the State of Connecticut

By:

By:



James T. Sinclair
74 Hobart Street
Southington, Connecticut



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: 10/3/23

Dated: 10/5/23

Adopted this _____ day of _____, 2023 at Hartford, Connecticut

Commissioner
By Order of the Commission

ORDER

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The Respondent

For the State of Connecticut

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James T. Sinclair
74 Hobart Street
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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: 10/3/23

Dated: 10/5/23

Adopted this 4th day of October, 2023 at Hartford, Connecticut



Stephen T. Pinsky
Commissioner
By Order of the Commission