

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral from Troy Mitchell,
Democratic Registrar of Voters, Bloomfield

File No. 2022-009

AGREEMENT CONTAINING CONSENT ORDER

This agreement, by and between Angel Rodriguez, Sr., of the Town of Bloomfield County of Hartford, State of Connecticut (hereinafter "Respondent"), 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. This matter arose from a referral by the Bloomfield Registrar of Voters, Troy Mitchell. Mr. Mitchell rejected 310 signatures on petitions submitted by a slate of individuals (hereinafter referred to as "Alternative Slate") seeking to force a primary election to determine the membership of the Bloomfield Democratic Town Committee, based on his belief that the certain signatures contained in the petitions submitted were fraudulent.
2. The referral stated:

This letter serves as the complaint following up on my written and oral concerns (1/25/22 Concerns primary petitions signatures/circulators with Ted Bromley SOTS ultimately leading to you). Since then my concerns were made even more apparent after conducting three independent reviews of the petition pages of concern from me ROV-D and the other ROV- R and deputy ROV appointed to assist with the Primary Petitions. The three reviews were done independently of each other, and determinations were unanimous (meaning all three reviews had to derive at the same conclusions of the apparent violations). Thus, per the petition instructions and provisional laws, it was consistent that violations occurred during this petition process. Signatures of signers of more than their own name appeared on numerous petition signature pages of signed name(s) other than his/her own name, (signatures of concern are highlighted see enclosed) subsequently leading to the reasoning that circulators of said petition pages authenticated/attested to misrepresented content(s) of petition page(s) due to circulators must have each separate signatures signed in their presence. These occurrences were frequent on numerous petition signature pages.

3. The following 13 named Respondents in this matter were circulators that attested to and submitted the petition sheets on which the questioned signatures appeared; Charles E. Bates, Vanessa Williams, Stephanie Reid, Edith Savage, Elizabeth Merrow, James Jenkins,

Erica Coleman, Angel Rodriguez, Lynn Weisel, Franklin P. Merblum, Renae A. James, Chandler Caton, and Stephanie Wong.

4. General Statutes § 9-410, governing petition gathering for municipal offices provides, in pertinent part:

(a) The petition form for candidacies for nomination to municipal office or for election as members of town committees shall be prescribed by the Secretary of the State and provided by the registrar of the municipality in which the candidacy is to be filed or duplicate petition pages shall be produced in accordance with section 9-409, and signatures shall be obtained only on such forms or such duplicate petition pages. Such form shall include, at the top of the form and in bold print, the following:

WARNING

IT IS A CRIME TO SIGN THIS PETITION

IN THE NAME OF ANOTHER PERSON

WITHOUT LEGAL AUTHORITY TO DO SO

AND YOU MAY NOT SIGN THIS PETITION

IF YOU ARE NOT AN ELECTOR.

The form shall include thereon a statement of instructions to persons using the form and shall indicate the date and time by which it shall be filed and the person with whom it shall be filed. . . .

...

(c) . . . Each separate sheet of such petition shall contain a statement as to the authenticity of the signatures thereon and the number of such signatures, and shall be signed under the penalties of false statement by the person who circulated the same, setting forth such circulator's address and the town in which such circulator is an enrolled party member and attesting **that each person whose name appears on such sheet signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified the signer to the circulator and that the spaces for candidates supported, offices or positions sought and the political party involved were filled in prior to the obtaining of the signatures.** Each separate sheet of such petition shall also be acknowledged before an appropriate person as provided in section 1-29. Any sheet of a petition filed with the registrar which does not contain such a statement by the circulator as to the authenticity of the signatures thereon, or upon which the statement of the circulator is incomplete in any respect, or which does not contain the certification hereinbefore required by the registrar of the town in which the circulator is an enrolled party member, shall

be rejected by the registrar. Any individual proposed as a candidate in any primary petition may serve as a circulator of the pages of such petition, provided such individual's service as circulator does not violate any provision of this section.
[Emphasis added.]

5. General Statutes § 9-412 states that "[t]he registrar shall reject any page of a petition which does not contain the certifications provided in section 9-410, or which the registrar determines to have been circulated in violation of any other provision of section § 9-410." Thus, § 9-412 requires that a registrar reject any petition page circulated in violation of any provision of § 9-410.
6. On February 14, 2022, following the rejection of the signatures, two members of the Alternative Slate filed a complaint in the Connecticut Superior Court seeking a writ of mandamus to have Mr. Mitchell in his capacity as the Bloomfield ROV accept the petition signatures, and to have the Court set a new primary date.
7. In a Memorandum of Decision rendered by Connecticut Superior Court, Judicial District of Hartford dated March 8, 2022, the Court found that the plaintiffs had submitted sufficient facts to demonstrate that the overwhelming majority of the signatures at issue were in fact made by the individual voters listed on the petitions, and that Mr. Mitchell's determinations that the signatures were fraudulent were incorrect and based on pure speculation.
8. The court however, after consideration of the evidence presented, expressly found one signature to be invalid. That signature belonged to Ms. Lorraine Debeatham, Ms. Debeatham testified at the hearing that she did not sign the Alternative Slate's petition and that the signature on the petition submitted was not her own. During the course of the Commission investigation Ms. Debeatham also provided a signed affidavit attesting to the fact that she never signed the petition in question.
9. The circulator of the petition page on which Ms. Debeatham's signature appeared was the Respondent, Angel Rodriguez, Sr. The Respondent did not testify at the court hearing, and the court in its decision stated that it credited Ms. Debeatham's testimony in concluding that Ms. Debeatham did not sign the petition.
10. While the state court's finding regarding the validity of the vast majority of signatures allows the Commission to dismiss the allegations against 12 of the 13 Respondents in this referral, the decision regarding Ms. Debeatham's signature was cause for the Commission to continue its investigation as it relates to the Respondent.¹

¹ This Agreement is entered into only with Respondent Angel Rodriguez, Sr. Based on the state court Memorandum of Decision, this matter will be dismissed against all other Respondents.

11. Though the Respondent did not testify during the state court proceeding he did respond through counsel to the Commission's inquiry regarding this matter. In response to the court finding regarding Ms. Debeatham's signature, Respondent provided a sworn affidavit containing the following statements:

- In 2022, I circulated a petition for the Town of Bloomfield, Democratic Town Committee;
- I am aware of the allegation that Lorraine Debeatham did not sign the petition that I circulated;
- I did not forge Lorraine Debeatham or anyone else's signature in my petition;
- When I submitted my petition, I was under the belief that Lorraine Debeatham had signed it.

12. In a follow up inquiry, counsel for the Respondent was directed to the language of General Statutes § 9-410, which requires that the circulator of a petition attest that the circulator "either knows each signer or that the signer satisfactorily identified the signer to the circulator." The Commission then inquired as to what steps the Respondent took to identify Ms. Debeatham and where the signature was obtained.

13. Respondent's counsel stated that he believed that the signature was obtained at Ms. Debeatham's home but cautioned that because it had been over two years since the signatures were acquired, memories of how specific signatures were obtained might not be entirely accurate.

14. Based on the state court findings and the testimony and affidavit of Ms. Debeatham, the Commission finds it more probable than not that Ms. Debeatham did not sign the petition circulated and attested to by the Respondent.

15. After consideration of the Respondent's statements and the lack of any additional information or evidence to indicate that he circulated and submitted petitions with knowledge that they contained fraudulent signatures, the Commission cannot find that the Respondent intentionally violated General Statutes § 9-410.

16. However, the unauthorized inclusion of Mr. Debeatham's signature on the petition leads the Commission to find that the Respondent failed to take proper actions to satisfactorily identify the signer as Ms. Debeatham when the signature was obtained as required General Statutes § 9-410.

17. In consideration of the facts as stated the Commission shall not seek a civil penalty from the Respondent but shall require that he henceforth strictly comply with General Statutes § 9-410.
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 the Respondent Angel Rodriguez, Sr. shall henceforth comply with General Statutes § 9-410.

The Respondent

For the State of Connecticut

By:



Angel Rodriguez, Sr.
32 Ivory Road
Bloomfield, CT 06002

Dated: 5-12-24

By:



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: 6/12/24

Adopted this _____ day of _____, 2024 at Hartford, Connecticut

Stephen T. Penny, Chairman
By Order of the Commission

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IT IS HEREBY ORDERED THAT the Respondent Angel Rodriguez, Sr. shall henceforth comply with General Statutes § 9-410.

The Respondent

For the State of Connecticut

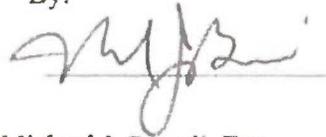
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32 Ivory Road
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Michael J. Brandi, Esq.
Executive Director and General Counsel
And Authorized Representative of the
State Elections Enforcement Commission
55 Farmington Ave., 8th Floor
Hartford, Connecticut

Dated: 6/12/24

Adopted this 12th day of June, 2024 at Hartford, Connecticut



Stephen T. Penny, Chairman
By Order of the Commission