

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Erin Cowles, Southington

File No. 2023-014

**AN AGREEMENT CONTAINING A CONSENT ORDER**

This agreement, by and between Stephen Kalkowski, Town of Southington, State of Connecticut, and the authorized representative of the State Elections Enforcement Commission (hereinafter "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. The Complainant alleged that letters, without an appropriate disclaimer, from the Southington Concerned Citizens group were distributed to thousands of households in Southington, Connecticut to benefit Tony Morrison, Chris Poulos' opponent for the House of Representative seat for the 81<sup>st</sup> District.
2. Based on the Complaint and evidence gathered after the filing of the Complaint, the Commission named Stephen Kalkowski, former Chairperson of the Southington Republican Town Committee from approximately 2017 to 2022, Mark LaJoie, Vice Chairperson of the of the Southington Republican Town Committee in 2022 and current Chairperson of the Southington Republican Town Committee since 2023, and Michael Riccio, Southington Republican Town Committee Executive Board member in 2022, as the Respondents in this matter.
3. This disposition is limited to Respondent Stephen Kalkowski.

**Relevant Legal Authority**

4. General Statutes § 9-601 provides in relevant part:
  - (1) "Committee" means a party committee, political committee or a candidate committee organized, as the case may be, for a single primary, election or referendum, or for ongoing political activities, to aid or promote the success or defeat of any political party, any one or more candidates for public office or the position of town committee member or any referendum question.
  - (2) "Party committee" means a state central committee or a town

committee.

- (3) "Political committee" means (A) a committee organized by a business entity or organization, (B) persons other than individuals, or two or more individuals organized or acting jointly conducting their activities in or outside the state...
- (26) "Solicit" means (A) requesting that a contribution be made...

5. General Statutes § 9-601a provides in relevant part:

- (a) As used in this chapter and chapter 157, "contribution" means:
  - (1) Any gift, subscription, loan, advance, payment or deposit of money or anything of value, made to promote the success or defeat of any candidate seeking the nomination for election, or election or for the purpose of aiding or promoting the success or defeat of any referendum question or the success or defeat of any political party...
  - (4) An expenditure that is not an independent expenditure . . .

6. General Statutes § 9-601b provides in relevant part:

- (a) As used in this chapter and chapter 157, the term "expenditure" means:
  - (1) Any purchase, payment, distribution...or anything of value, when made to promote the success or defeat of any candidate seeking the nomination for election, or election, of any person or for the purpose of aiding.... or the success or defeat of any political party...

7. General Statutes § 9-602 provides in relevant part:

- (a) Except with respect to an individual acting alone, or with respect to a group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate, no contributions may be made, solicited or received and no expenditures, other than independent expenditures, may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual or any party or referendum question, unless (1) the candidate or chairman of the committee has filed a designation of a treasurer and a depository institution situated in this state as the depository for the committee's funds, or (2) the candidate has filed a certification in accordance with the provisions of

section 9-604. In the case of a political committee, the filing of the statement of organization by the chairman of such committee, in accordance with the provisions of section 9-605, shall constitute compliance with the provisions of this subsection.

8. General Statutes § 9-621 provides in relevant part:

- (a) No individual shall make or incur any expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, no group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee shall make or incur any expenditure, and no candidate or committee shall make or incur any expenditure including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or promotes or opposes any political party or solicits funds to benefit any political party or committee unless such communication bears upon its face as a disclaimer (1) the words "paid for by" and the following: (A) In the case of such an individual, the name and address of such individual; (B) in the case of a committee other than a party committee, the name of the committee and its treasurer; (C) in the case of a party committee, the name of the committee; or (D) in the case of a group of two or more individuals that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee, the name of the group and the name and address of its agent, and (2) the words "approved by" and the following: (A) In the case of an individual, group or committee other than a candidate committee making or incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's

agent, the name of the candidate; or (B) in the case of a candidate committee, the name of the candidate.

**Facts Found After an Investigation**

9. The Complainant attached a copy of the letter at issue [hereafter “Southington Concerned Citizens letter”] to the Complaint. Southington Concerned Citizens letter opposed Chris Poulos’ run for House of Representative seat for the 81<sup>st</sup> District and the Democratic party. The Southington Concerned Citizens letter can be approximately rendered with the most relevant language as follows:

Southington Concerned Citizens  
176 Laning St  
Southington, CT 06489

October 31, 2022

Dear Southington Voters,

The State Democrats are hoping to get Chris Poulos elected to serve because they know he will be an easy, remote, YES vote for their progressive money spending, tax agenda...

Please come out and Vote Republican, to keep YOUR money in YOUR pocket.

3 Democrat Peas in a Pod

Joe Biden Chris Poulos Ned Lamont

We can’t afford any of them!

Please Vote Republican

10. Although the Complainant did not allege who made the Southington Concerned Citizens letter, the Complainant did allege that the permit number for the stamp on the envelope that contained the Southington Concerned Citizens letter was registered to Compumail Corporation. Therefore, it was necessary for the investigation to subpoena Compumail Corporation to produce information to determine who ordered the Southington Concerned Citizens letter and the cost associated with production.

11. On December 14, 2023, because of being served with a subpoena issued by the Commission, Compumail Corporation provided the investigation with a copy of the invoice and work order associated with the Southington Concerned Citizens letter. An examination of the work order dated October 31, 2022, revealed that, while Respondent Kalkowski was the Chairperson of the Southington Republican Town Committee, Respondent Kalkowski was listed as the contact person, and during the proofing process, Compumail Corporation emailed proofs of the Southington Concerned Citizens letter to Respondent Kalkowski. The work order indicates, on October 31, 2022, Stephen Kalkowski ordered 3,491 letters with an expected due date of November 4, 2022. The work order listed the customer as "Southington Concerned Citizens," and the work order identifier was listed as "SOUTHINGTONCONCERNED-72340." An examination of the invoice revealed that the invoice was sent from Compumail Corporation to the attention of Southington Concerned Citizens, located at 176 Laning Street, Southington, CT 06489. Furthermore, the invoice number was 72340, and the invoice date was November 4, 2022. According to the invoice, the cost for the 3,491 letters was \$797.62, the cost of the postage was \$1,039.81, and the tax charged was \$34.15. Therefore, the total cost was \$1,817.58. As a result of examining the invoice and work order associated with the Southington Concerned Citizens letter, the investigation named Stephen Kalkowski as a Respondent to this matter.
12. On December 21, 2023, in response to the Commission's inquiries, Respondent Kalkowski provided the following statement:

"At some point, one of the guys who I did not know, said something like "Hey, did you guys see the Poulus letter where he made it look like the Republican Town Councilors all endorsed him?" Mike Riccio, a friend of mine who was there, and I jumped into the conversation and told the group that those statements made by the Republican Town Councilors were absolutely not an endorsement of Poulus and he was totally misrepresenting the statements they made during the last Town Council meeting in October 2021 because the Progressive Left Democrats threw Poulus to the curb and did not endorse him for reelection to the Town Council in November 2021. Poulus's campaign paid for that letter which was a totally inappropriate letter. The group continued to talk about this and then one of the guys that I did not know threw \$100 on the table and said "We need to send something out about Poulus and address this before the election." At this point, multiple people threw money on the table and I have no idea who threw in money and how much they threw in. Mike Riccio collected the money and took it with him once the group broke up.

Mike Riccio and I came up with a draft letter that would represent the group of private citizens. I sent the letter and a list of households to Kathy Rickard at Compumail; I am not sure where the list of households came from originally and the list was dated and most likely contained incorrect names/addresses. Mike Riccio brought the payment to Compumail. Compumail processed the request and sent out the mailing. The mailing was from Southington Concerned Citizens because that represented the group of private citizens that met at Hawks Landing. As this was a letter and money collected from private citizens, we did not include any acknowledgement in the letter indicating who paid for the mailing as we did not believe that this was required nor did we keep track of who chipped in and how much they gave. There was absolutely no intent to try and be deceitful as we are very aware that the stamping of the envelopes by Compumail can be easily tracked. This mailing was done by private citizens and the Southington RTC had no knowledge or involvement in this. Tony Morrison, the candidate that ran against Poulus, nor his campaign, had any knowledge or involvement in this. I hope that this information is sufficient to complete your investigation.”

13. On April 12, 2024, Stephen M. Salerno provided the following sworn statement, which provides greater clarity as to how additional funds were raised for the Southington Concerned Citizens letter:

“During the summer of 2022 after a SRTC [Southington Republican Town Committee] meeting, Town Committee Vice Chairman Mark LaJoie informed me about the “Concerned Citizen Letter” that he, Republican Chairperson Steve Kalkowski and SRTC Executive Board member Michael Riccio send out at the end of election cycles. LaJoie asked if I wanted to donate any money towards the letter and if I could ask Jason Watson who is also a SRTC Member to donate as well. It was a state and national election cycle and every monthly SRTC meeting someone was asking for a donation so I believed to be a good “team player” I would donate. During the following SRTC monthly meeting I personally handled Chairman Steve Kalkowski (2) \$100 dollar bills. I advised him I was instructed to give it to him by Mark Lajoie and it was for the Concerned Citizen Letter. Kalkowski took the (2) \$100 dollar bills and placed them in his wallet and said, “Thank you.” Several months later I was informed that the above referenced “Concerned Citizens Letter” that was mailed out to

Southington residents was done illegally and in violation of Connecticut Election Law. At no time did Mark LaJoi, Michael Riccio or Steve Kalkowski ever mention to me this was in violation of any Election Laws and done so illegally. I believed it was just another of the numerous political donations we were being asked to give at every monthly SRTC meeting. I had no other involvement of any kind with the above referenced Concern Citizen Letter.”

14. On or about May 1, 2024, the Commission named Mark LaJoie and Michael Riccio as additional Respondents. Letters informing Respondent LaJoie and Riccio of this pending enforcement action were sent out on or about May 1, 2024, with a response due date of May 15, 2024.
15. On May 16, 2024, in response to the Complainant’s allegations, Respondent LaJoie provided the following statement:

“It should be noted that page 3 of 6 on the Affidavit of complaint (Alleged Violation) claims the letter in question was delivered November 7, 2023, however the actual letter sent with the complaint is dated October 31, 2022. Regardless, at the time the complainant suggests this letter was supposedly mailed (October 31, 2022) I was not the Chairman of the Southington Republican Town Committee. I have no knowledge of any such mailing, nor do I know who represents the “Southington Concerned Citizens” who claim responsibility for the letter.”
16. On October 31, 2024, Respondent Kalkowski met with Commission staff at the Commission headquarters in the City of Hartford. During the meeting, Respondent Kalkowski completely disavowed and disputed the statements made by Stephen M. Salerno. Furthermore, Respondent Kalkowski clarified that he was the Chairperson of the Southington Republican Town Committee from 2017 to 2022, and that he resigned as the Chairperson of the Southington Republican Town Committee in December of 2022.
17. The investigation revealed that neither Respondents Kalkowski, LaJoie, nor Riccio registered a committee in connection with the Southington Concerned Citizens letter.

**Analysis and Conclusions of the Law**

18. The Commission determines that the Southington Concerned Citizens letter is an expenditure within the meaning of General Statutes § 9-601b because the letter opposes the Democratic party and Democratic candidate Chris Poulos, and each letter cost about \$0.53 to produce and distribute, excluding taxes; moreover, the Commission determines that the money collected to pay for the Southington Concerned Citizens letter were contributions within the meaning of General Statutes § 9-601a.<sup>1</sup>
19. The Commission determines that General Statutes § 9-602 requires that contributions received or solicited by two or more individuals, as in this instance, or any expenditures made must be through a registered committee.<sup>2</sup> Because the solicited and received contributions and \$1,817.58 in expenditures made for the Southington Concerned Citizens letter, which opposed the Democratic party and Democratic candidate Chris Poulos, were not associated with a registered committee, the Commission concludes that Respondent Kalkowski violated General Statutes § 9-602 (a).<sup>3</sup>
20. The Commission determines that, pursuant to General Statutes § 9-621 (a), the Southington Concerned Citizens letter required a disclaimer with the appropriate “paid for” and “approved by” language as described in General Statutes § 9-621 (a) and concludes that Respondents Kalkowski violated General Statutes § 9-621 (a) because the Southington Concerned Citizens letter lacked a disclaimer.<sup>4</sup>

### **Penalty Considerations**

21. The Commission possesses the authority to set the punishment it metes out to individuals who violate the statutes under its authority; while the maximum penalty available under the enabling statute is \$2,000 per offense or violation, the Commission also has the authority to set a lesser penalty where circumstances call for such leniency.<sup>5</sup>
22. Section 9-7b-48 of the Regulations of Connecticut State Agencies provides that, “in the 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 ensure immediate and continued compliance;

<sup>1</sup> Connecticut General Statutes § 9-601a; Connecticut General Statutes 9-601b.

<sup>2</sup> Connecticut General Statutes § 9-602 (a).

<sup>3</sup> *Id.*

<sup>4</sup> Connecticut General Statutes § 9-621 (a).

<sup>5</sup> Connecticut General Statutes § 9-7b (a) (2).

- (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.”<sup>6</sup>

23. The Commission concludes that ordering Respondent Kalkowski to henceforth strictly comply with the campaign finance laws stated in Chapter 155 of the General Statutes and to pay a civil penalty of \$1000 to the Commission for the Commission to distribute said civil penalty to the Connecticut General Fund is sufficient to ensure immediate and continued compliance.<sup>7</sup>
24. Respondent Kalkowski 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. Respondent Kalkowski shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
25. It is understood and agreed that this agreement will be submitted to the Commission at its next available meeting and, if it is not accepted by the Commission, it is withdrawn by Respondent Kalkowski and may not be used as an admission by either party in any subsequent hearing, if the same becomes necessary.
26. Respondent Kalkowski waives:
- (a) any further procedural steps concerning this matter,
  - (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.
27. Upon Respondent Kalkowski’s compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent Kalkowski pertaining to the allegations specifically addressed herein.

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<sup>6</sup> Connecticut Agencies Regulations § 9-7b-48.

<sup>7</sup> *Id.*

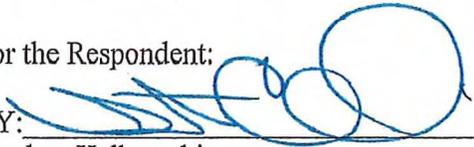
**ORDER**

The following Order is issued based on the aforementioned findings and conclusions:

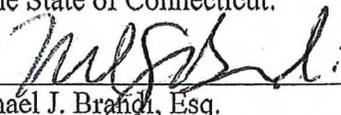
IT IS HEREBY ORDERED that Respondent Kalkowski shall henceforth strictly comply with General Statutes § 9-602 and § 9-621; and

IT IS FURTHER HEREBY ORDERED that Respondent Kalkowski shall pay a civil penalty of \$1000 to the Commission by making a \$250 payment on or before November 30, 2024, a \$250 payment on or before December 31, 2024, a \$250 payment on or before January 31, 2025, and a final \$250 payment on or before February 28, 2025, to the Commission, and the Commission shall distribute said civil penalty payments to the Connecticut General Fund.

For the Respondent:

BY:   
Stephen Kalkowski  
27 Brightwood Lane  
Southington, Connecticut

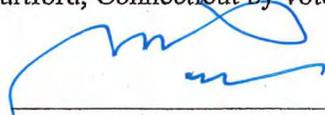
For the State of Connecticut:

BY:   
Michael J. Branchi, Esq.  
Executive Director and General Counsel  
and Authorized Agent of the  
State Elections Enforcement Commission  
55 Farmington Avenue  
Hartford, Connecticut

Dated: 10/31/2024

Dated: 11/8/24

Adopted this 6<sup>th</sup> day of November, 2024 at Hartford, Connecticut by vote of the Commission.

  
Stephen T. Penny, Chairman  
By Order of the Commission