

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of Complaint by Andrew Collins, Bristol, CT

File No. 2024-002

FINDINGS AND CONCLUSIONS

The complaint alleges that, during the 2023 election, the Bristol Democratic Town Committee may have received an impermissible in-kind contribution resulting from the use of a commercial building for its headquarters, and the Bristol Democratic Town Committee failed to disclose expenditures for rent or lease of the property on its financial disclosure statements. After an investigation of the complaint, the Commission makes the following findings and conclusions:

1. Based on the complaint, Gerald Gardner, Treasurer of the Bristol Democratic Town Committee, was named as a Respondent in the matter.

Applicable Legal Authority

2. 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;
3. 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, loan, advance, deposit or gift of money 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 promoting the success or defeat of any referendum question or the success or defeat of any political party;
4. General Statutes § 9-606 provides in relevant 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.

5. General Statutes § 9-608 (c) provides in relevant part:

(1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to:...(B) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be;

6. In Advisory Opinion 2010-02, regarding the test to determine whether a committee can use a business facility at a discount or for free, the Commission stated the following:

Use of Facility Space:

Generally, a party committee must pay fair market value for its use of facility space. A business entity or organization may, however, provide use of its facility space to a party committee at a discount or for free, provided the business entity or organization:

1. customarily makes the space available to clubs, civic or community organizations or other groups at a discount or for free;
2. makes the space available on the same terms given to other groups using the space; and
3. makes the space available to any other candidate or committee upon request.

Facts Found After an Investigation

7. During the 2023 election cycle, the Bristol Democratic Town Committee headquartered its activities in a building located at 430 North Main Street, Bristol, CT, 06010, which is owned by Northside Square, LLC. According to business records at the Office of the Secretary of the State, Edward D'Amato, Jr. is one of the principal owners of Northside Square, LLC. The investigation contacted D'Amato Realty, LLC, which manages the property located at 430 North Main Street, Bristol, CT, 06010 on behalf of Northside Square, LLC and obtained a copy of the executed license agreement for the use of premises located at 430 North Main Street, Bristol, CT, 06010 between the Bristol Democratic Town Committee as the Licensee, and Northside Square, LLC as the Licensor. Edward D'Amato, Jr. signed the license agreement on behalf of Northside Square, LLC.
8. According to the License agreement, the Bristol Democratic Town Committee, as the Licensee, is responsible for the license fee and an additional fee. For the additional fee, the Bristol Democratic Town Committee was responsible for the cost of cleaning the interior of the premises and clearing litter from the parking lot. For the License fee, the Bristol Democratic Town Committee was responsible for paying the utilities, specifically the electric and natural gas, that serves the premises at 430 North Main Street, Bristol, CT, 06010. A review of the financial disclosure statements submitted to the Commission for the Bristol Democratic Town Committee indicates that the Bristol Democratic Town Committee paid the electric and natural gas bills for the premises over the duration of the License, which was from August to December of 2023.
9. An email from a representative of D'Amato Realty, LLC indicated that Northside Square, LLC suggested, but did not require under the terms of the license agreement, that the Bristol Democratic Town Committee make a charitable donation in 2023. Moreover, Respondent Gardner confirmed that a charitable donation in 2023 was not made because the Chairperson of the Bristol Democratic Town Committee could not decide on a recipient of the charitable donation nor the amount of said charitable donation. In the same email, the representative of D'Amato Realty, LLC stated the following statement:

“As I had mentioned, the D'Amato's [SIC] offer other local non-profit organizations the opportunity to use D'Amato owned properties under similar use agreements. Also attached, please find agreements for the Bristol Auto Club and the Bristol Farmers Market. In the past, the D'Amato's [SIC] have also allowed the Bristol Republican Town Committee to use D'Amato properties for their campaign headquarters and

allow both Committees to place campaign signs on D'Amato properties as well.”

10. Bristol Auto Club LTD and the Bristol Farmers Market, Inc. entered into license agreements with D'Amato Construction Company, Incorporated, which Edward D'Amato, Jr. is one of the principal owners and Vice President according to business records at the Office of the Secretary of the State. Edward D'Amato, Jr. signed each license agreement on behalf of D'Amato Construction Company, Incorporated. A review of the Bristol Democratic Town Committee, Bristol Auto Club, and the Bristol Farmers Market license agreements revealed similar terms, such as taking the premises subject to the agreement in an “as is” condition, prohibiting the assignment or sublicensing of the premises subject to the agreement, maintaining the premises subject to the agreement by removing debris, prohibiting hazard materials, and specifying a certain amount of insurance. Additionally, according to the license agreement, the Bristol Farmers Market was allowed to use the premises at “10 Main Street (Building and Parking area) and 18 Main Street (Parking area in Bristol, Connecticut” without paying a license fee.

Analysis and Conclusion

11. The Commission concludes that, because the license agreement did not impose a duty on the Bristol Democratic Town Committee to pay rent Northside Square, LLC for use of the premises located at 430 North Main Street, Bristol, CT, 06010, and the Bristol Democratic Town Committee did not pay any rent to Northside Square, LLC, Respondent Gardner properly did not report the payment of rent on any financial disclosure statements concerning the premises located at 430 North Main Street, Bristol, CT, 06010 in 2023.¹
12. The Commission concludes Respondent Gardner properly reported the expenditures related to the payment of the utilities in connection with complying with the licensing fee terms in the license agreement for the Bristol Democratic Town Committee.²
13. The Commission finds that, under the Use of Facility Space test articulated in Advisory Opinion 2010-02, the ownership interest behind Northside Square, LLC customarily makes the spaces they own available at a discount or for free and on the same terms to clubs, civic, or community organizations and to other candidates or committees upon request based on the evidence gathered; as a result, the Commission concludes that the Bristol Democratic

¹ Connecticut General Statutes § 9-608.

² *Id.*

Town Committee did not receive an impermissible business entity or organization contribution.³

14. Under the narrow and specific facts as detailed herein, the Commission dismisses this matter.⁴

³ Advisory Opinion 2010-02 (stating, “This treatment is also consistent with that of the Federal Election Commission in the context of a corporation or labor organization’s provision for free or discounted meeting rooms. *See* 11 C.F.R. § 114.13 (providing that a corporation or labor organization can make available meetings rooms to a candidate for free or at a discount if the entity (1) customarily makes its meeting rooms available to civic and community groups; (2) makes the rooms available to other candidates upon request; and (3) makes the rooms available to the candidates on the same terms given to other groups). The question of whether or not a business entity has met these qualifications would be one of fact for the Commission.”); *In the Matter of a Complaint by William Tuttle, Fairfield File No. 2023-026* (dismissing a claim of an impermissible in-kind contribution provided by Fairfield Fire Department to the Fairfield Republican Town Committee with a determination that “the evidence showed that the fire station (1) customarily makes the tours available to civic and community groups; (2) would make the tour available to other committees upon request; and (3) makes the tours available to the committees on the same terms given to other groups; [c]onsidering these facts, the Commission concludes that no contribution from the Respondent Denis McCarthy to the Fairfield Republican Town Committee occurred through the provision of the tour.); *But cf In the Matter of a Complaint by Joseph W. Jaskiewicz, Montville, File No. 2018-010A* (noting there appeared to an absence of evidence sufficient to trigger or sustain analysis under the Use of Facility Space test, thus, the Commission ordered the MRTC to forfeit \$1,000.00 to the State of Connecticut in compensation for its use of the free rental space that it received from Mr.[John].D’Amato.).

⁴ Connecticut General Statutes § 9-7a.

ORDER

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

That this matter is dismissed.

Adopted this 5th day of February, 2025 at Hartford, Connecticut.



Stephen T. Penny, Chairman
By Order of the Commission

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