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**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Referral the William Warner, North Grosvenordale File No. 2024-005

**AN AGREEMENT CONTAINING A CONSENT ORDER**

This agreement, by and between Stephen L Herbert, Village of North Grosvenordale, 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 complaint maybe distilled into four main allegations, which are (1) the Thompson Republican political committee paid for an advertisement for the Republican caucus two months after the election, (2) the Thompson Republican political committee was not registered properly, (3) Amy J St.Onge, Susanne Witkowski, Brian Lynch, Nicola R Chrzanowski, Kathleen R Herbert, Justin A Yong, Mary Fatsi, Linda D Jarmolowicz, and Jason A St.Onge did not properly file an exemption from forming a candidate committee, and (4) the Thompson Republican political committee violated General Statutes § 9-621 (k) because the font size of the disclaimer for the advertisement concerning the Republican caucus was smaller than the minimum eight-point font size required by General Statutes § 9-621 (k).
2. Based on the complaint, Stephen L Herbert, Treasurer of the Thompson Republican political committee, Amy J. St.Onge, former candidate for Selectperson, Susanne Witkowski, former candidate for Selectperson, Brian Lynch, former candidate for the Board of Finance, Nicola R. Chrzanowski, former candidate for the Board of Finance, Kathleen R. Herbert, former candidate for the Board of Education, Justin A. Yong, former candidate for the Board of Education, Mary Fatsi, former candidate for the Library Board of Trustees, Linda D. Jarmolowicz, former candidate for the Library Board of Trustees, and Jason A. St.Onge, former candidate for the Planning and Zoning Committee, were named as Respondents in this matter.

**Relevant Legal Authority**

3. General Statutes § 9-601 provides in pertinent 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...
  - (3) “Political committee” means (B) persons other than individuals, or two or more individuals organized or acting jointly conducting their activities in or outside the state...
  
4. General Statutes § 9-601b provides in pertinent 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;
    - (2) Any communication that (A) refers to one or more clearly identified candidates, and (B) is broadcast by radio, television, other than on a public access channel, or by satellite communication or via the Internet, or as a paid-for telephone communication, or appears in a newspaper, magazine or on a billboard, or is sent by mail;
  
5. General Statutes § 9-604 provides in relevant part:
  - (b) The formation of a candidate committee by a candidate and the filing of statements pursuant to section 9-608 shall not be required if the candidate files a certification with the proper authority required by section 9-603, not later than ten days after becoming a candidate, and any of the following conditions exist for the campaign: (1) The candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election or primary and expenditures made on behalf of the candidate’s campaign are reported by the committee sponsoring the candidate’s candidacy;

6. General Statutes § 9-605 provides in relevant part:
  - (a) The chairperson of each political committee shall designate a treasurer and may designate a deputy treasurer. The chairperson of each political committee shall file a registration statement described in subsection (b) of this section along with the statement signed by the designated treasurer and deputy treasurer with the proper authority, within ten days after its organization, provided that the chairperson of any political committee organized within ten days prior to any primary, election or referendum in connection with which it intends to make any contributions or expenditures, shall immediately file a registration statement.
  - (b) The registration statement shall include: (7) the name and party affiliation of each candidate whom the committee is supporting and the office or position sought by each candidate; (8) if the committee is supporting the entire ticket of any party, a statement to that effect and the name of the party... (13) a statement indicating whether the committee is established for a single primary, election or referendum or for ongoing political activities..
  
7. General Statutes § 9-606 (a) provides in relevant part:

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.
  
8. General Statutes § 9-608 provides in relevant part:
  - (e) Distribution or expenditure from surplus funds. Reporting re deficits.
    - (1) Notwithstanding any provisions of this chapter, in the event of a surplus the treasurer of a candidate committee or of a political committee, other than a political committee formed for ongoing political activities or an exploratory committee, shall distribute or expend such surplus not later than ninety days, or for the purposes of subparagraph (H) of this subdivision, one hundred twenty days after a primary which results in the defeat of the candidate, an election or referendum not held in November or by March thirty-first following an election or referendum held in November, or for the purposes of

subparagraph (H) of this subdivision, June thirtieth following an election or referendum held in November, in the following manner:

- (A) Such committees may distribute their surplus to a party committee, or a political committee organized for ongoing political activities, return such surplus to all contributors to the committee on a prorated basis of contribution, distribute all or any part of such surplus to the Citizens' Election Fund established in section 9-701, distribute such surplus to any charitable organization which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, or, in the case of a candidate committee for any candidate, other than a participating candidate, distribute such surplus to an organization under Section 501(c)(19) of said code, as from time to time amended, provided (i) no candidate committee may distribute such surplus to a committee which has been established to finance future political campaigns of the candidate, (ii) a candidate committee which received moneys from the Citizens' Election Fund shall distribute such surplus to such fund, and (iii) a candidate committee for a nonparticipating candidate, as described in subsection (b) of section 9-703, may only distribute any such surplus to the Citizens' Election Fund or to a charitable organization...

9. 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.

- (k) Any disclaimer required to be on the face of a written, typed or other printed communication pursuant to the provisions of this section shall be printed in no smaller than eight-point type of uniform font when such disclaimer is on a communication contained in a flyer or leaflet, newspaper, magazine or similar literature, or that is delivered by mail.

#### **Facts Found After an Investigation**

10. On August 1, 2023, the Office of the Town Clerk received a SEEC Form 3, Political Committee (PAC) Registration, for the Thompson Republican political committee submitted by Chairperson Danielle Armstrong-Carlson and Respondent Stephen Herbert, as Treasurer. The SEEC Form 3 listed all the other Respondents as supported candidates. The SEEC Form 3 indicated that the Thompson Republican political committee was a durational political slate committee because, under the durational section, which is part of the purpose of the committee section, an x was placed in the box next to the words “political state committee.”
11. On August 10, 2023, Respondent Amy St.Onge, Respondent Witkowski, Respondent Lynch, Respondent Chrzanowski, Respondent Herbert, Respondent Yong, Respondent Fatsi, Respondent Jarmolowicz, and Respondent Jason St.Onge all completed and subsequently filed a SEEC Form 1, Registration by Candidate, and SEEC Form 1B, Certification of Exemption From Forming a Candidate Committee, which declared that the

Thompson Republican political committee was their sole funding source to the Office of the Town Clerk.

12. On January 10, 2024, the Shopper's Guide published the printed communication at issue, which had a font size of around five-point for the disclaimer and may be approximately rendered as the following:

“Calling all Registered Thompson Republican Voters  
Your Voice Matters!  
Why? Your vote is critical to determine who will represent the Thompson Republican Party.  
Who? All Registered Thompson Republican Voters What? The Thompson Republican Caucus Where? The Thompson Public Library.  
When? Saturday, January 13, 2024, 10:30 AM  
We need your Vote to return our Thompson Republican Party back to its basic principles!

Paid for by the Thompson Republicans Stephen Herbert, Treasurer,  
Approved by: A. St. Onge, S. Witkowski, B. Lynch, N Chrzanowski, K. Herbert, J. Yong., M Fatsi, L. Jarmolowicz, J. St. Onge.”

13. In his response to the complaint, after explaining that he had major spinal surgery in February of 2024 that may have caused him to miss the Commission's early notifications regarding the complaint, Respondent Stephen Herbert provided the following:

“At no time did I step down from my responsibilities as treasurer nor did any deputy treasurer assume those duties. Here is a little background. The PAC was formed when various town citizens who wanted to be considered as candidates for a variety of town offices by their party felt that the party's town committee unfairly denied them the opportunity to be their party's candidate for those offices. The PAC was established to assist these individuals in their attempts to represent both their party in the primary and, if they won the primary, the PAC would support them in their attempts to win the general election. The PAC was very successful in that the candidates it supported won every contested race in the party's primary and then went on to win every contest in the general election. I have looked into the matter and have learned that, yes, an advertisement, as described in the complaint, was published in our local Shopper's Guide.

This advertisement was to alert citizens of our town that a party caucus was going to be held and asked party members to participate in the caucus. Kathleen placed the advertisement in the Shopper's Guide. I was not aware of this advertisement before it was placed. As you can see from the advertisement, it was general in nature, it did not suggest or promote that any particular individual or group of individuals receive the support of any of the attendees at the caucus, and, to my mind, this advertisement supported the workings of American democracy. In other words, "No harm, no foul". However, as you have pointed out, the committee's purpose was to support candidates for the general election which was held in November of 2023 and this advertisement, however neutral, might not be considered to be within the purview of the committee. Again I mention that the PAC was formed to support candidates to various town offices who, although they were not endorsed by the party's town committee, wanted an opportunity to be fairly considered by that committee. They felt that the party had not given them a fair opportunity to be recommended by the party. So I suggest that because of the very general nature of the advertising, there is no violation of the regulations. The advertisement just informed the public of an upcoming caucus. Sort of a "get out the vote" type of information. The advertisement, although it was placed in a publication in January, well after the election, was designed to support the democratic process. I also suggest that because of the unfair actions of the party's initial selection of candidates to run for office in our town the PAC wanted to ensure that the citizens were aware of the party's caucus so that future selection of candidates that the party might endorse fairly represent the party's members. The advertisement was an attempt to make sure that the party's committee truly represented the party. As to the font size, I believe that all the respondents have now, as a result of the filing of this complaint, been made of aware of the font size requirements for advertisements of this nature. I am planning to reiterate the font size requirement at the next Thompson town committee meeting. There was no intent to hide the supporters of the advertisement..."

## **Analysis and Conclusions of the Law**

14. The Commission concludes that, pursuant to General Statutes § 9-605, on August 1, 2023, Chairperson Danielle Armstrong-Carlson and Respondent Stephen Herbert properly registered the Thompson Republican political committee by filing a SEEC Form 3 with the Office of the Town Clerk.<sup>1</sup>
15. The Commission determines that, pursuant to General Statutes § 9-606 (a), Respondent Stephen Herbert, as the Treasurer of the Thompson Republican political committee, was responsible for making expenditures, and pursuant to General Statutes § 9-608 (e), after November 5, 2024 election, Respondent Stephen Herbert could only make expenditures or distribute funds in accordance with General Statutes § 9-608 (e) because the Thompson Republican political committee, as a durational political slate committee, was setup to support certain candidates for the limited duration of the single election occurring on November 5, 2024.<sup>2</sup>
16. The Commission concludes that, because the expenditure for the January 10, 2024 communication concerning the Thompson Republican Caucus, which was printed in the Shopper's Guide, occurred after the November 5, 2024 election and was not an authorized means of winding up the committee and distributing funds in accordance with § 9-608 (e), Respondent Stephen Herbert violated General Statutes § 9-606 (a) and § 9-608 (e).<sup>3</sup>
17. The Commission determines that, pursuant to General Statutes § 9-621 (a), the January 10, 2024 communication for the Thompson Republican Caucus, which was printed in the Shopper's Guide, required a disclaimer because the January 10, 2024 communication for the Thompson Republican Caucus promoted the Republican political party.<sup>4</sup>
18. The Commission concludes that Respondent Stephen Herbert violated General Statutes § 9-621 (k) because the font size of the disclaimer for the January 10, 2024 printed communication concerning the Thompson Republican Caucus was less than the eight-point font required by General Statutes § 9-621 (k).<sup>5</sup>

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<sup>1</sup> Connecticut General Statutes § 9-605.

<sup>2</sup> Connecticut General Statutes § 9-606 (a) and § 9-608 (e).

<sup>3</sup> Connecticut General Statutes § 9-601b, § 9-606 (a), and § 9-608 (e).

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

<sup>5</sup> Connecticut General Statutes § 9-621 (k).

19. The Commission concludes that this complaint is dismissed as against the other named Respondents because they properly filed an exemption from forming a candidate committee by filing a SEEC Form 1 and SEEC Form 1B with the Office of the Town Clerk pursuant to General Statutes § 9-604.<sup>6</sup>

### **Penalty Considerations**

20. 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>7</sup>

21. 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;
- (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>8</sup>

22. The Commission concludes that Respondent Stephen Herbert agreeing to schedule and attend a training session with the Compliance Unit of the Commission to address how to comply with the statutes that were violated in the future within 90 days of the adoption of this Consent Order by the Commission and to henceforth strictly comply with General Statutes § 9-606 (a), § 9-608 (e), and § 9-621 (k) is sufficient to ensure immediate and continued compliance.<sup>9</sup>

23. Respondent Stephen Herbert 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 Stephen Herbert shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.

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<sup>6</sup> Connecticut General Statutes § 9-604.

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

<sup>8</sup> Connecticut Agencies Regulations § 9-7b-48.

<sup>9</sup> *Id.*

24. 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 Stephen Herbert and may not be used as an admission by either party in any subsequent hearing, if the same becomes necessary.
25. Respondent Stephen Herbert 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.
26. Upon Respondent Stephen Herbert's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent Stephen Herbert pertaining to the allegations specifically addressed herein.

**ORDER**

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

IT IS HEREBY ORDERED that Respondent Stephen Herbert shall henceforth strictly comply with General Statutes § 9-606 (a), § 9-608 (e), and § 9-621 (k); and

IT IS FURTHER HEREBY ORDERED that Respondent Stephen Herbert by agreement shall schedule and attend a training session with the Compliance Unit of the Commission to address how to comply with the statutes that were violated in the future within 90 days after the adoption of this Consent Order by the Commission; and

IT IS FURTHER HEREBY ORDERED that, as detailed above, this complaint is dismissed against the other named Respondents.

For the Respondent:

BY:   
Stephen Herbert  
122 Wilsonville Road  
North Grosvenordale, Connecticut

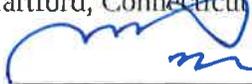
Dated: 2/20/2025

Adopted this 6<sup>th</sup> day of March, 2025 at Hartford, Connecticut by vote of the Commission.

For the State of Connecticut:

BY:   
Authorized Representative of the  
State Elections Enforcement Commission  
55 Farmington Avenue  
Hartford, Connecticut

Dated: 3/5/20

  
Stephen T. Penny, Chairman  
By Order of the Commission

File No. 2024-005