



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

MINUTES
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING
5th Floor Conference Room
February 11, 2009

I. Call to Order

Chairman Cashman called the meeting to order at 9:10 A.M. Commissioners Jenkins, Gerratana, and Bozzuto were present. Agency staff was also present.

II. Approval of the Minutes

A. Approval of the Minutes of the January 14, 2009 Regular Meeting

B. Approval of the Minutes of the January 29, 2009 Special Teleconference Meeting

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the minutes of the January 14, 2009 Regular Meeting and the January 29, 2009 Special Teleconference Meeting. So voted.

Attorney Andrews requested an item be added to the agenda, File No. 2007-336, In the Matter of a Complaint by Shirley Surgeon. It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to add this item as number 5-a on the agenda. So voted.

III. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by Jeffrey P. Kerekes, New Haven
File No. 2007-388
Proposed Consent Agreement and Order
Respondents: Stanley Saxe and Brian McGrath
Investigators: Attorney William Smith and Shannon Bergquist
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreements and Orders with Respondents Stanley Saxe and Brian McGrath. With respect to Respondent Saxe, he has agreed to sign the proposed agreement and pay a civil penalty of \$250. With respect to Respondent McGrath, he has agreed to sign the proposed agreement and pay a civil penalty of \$100.

Attorney Andrews recommended adoption of the proposed Consent Agreements contingent upon receipt of the civil penalties and signed agreements within seven days.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File No. 2007-388 contingent upon receipt within seven days. So voted. A copy of the Consent Agreements and Orders is attached and incorporated herein as part of these minutes.

2. In the Matter of a Complaint by Richard Hupprich, Waterbury
File No. 2008-085
Respondents: Beverly and Monroe Webster
Proposed Consent Agreement and Order
Investigator: Attorneys William Smith and Kevin Ahern
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreements and Orders. Respondents Beverly Webster and Monroe Webster have signed their agreements and each has paid the civil penalty, which was assessed at \$600.00 remitted to \$100.00 based on financial circumstances. She recommended adoption of the proposed agreements.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to adopt the proposed Consent Agreements and Orders in File No. 2008-085. So voted. A copy of the Consent Agreements and Orders is attached and incorporated herein as part of these minutes.

3. In the Matter of a Complaint by Robert Symmes, West Haven
File No. 2008-096
Proposed Consent Agreement and Order
Respondents: Jo Ann Callegari and Charles Marino
Investigator: Attorney Shannon Bergquist
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreements and Orders. Respondents Jo Ann Callegari and Charles Marino have signed their agreements. She recommended adoption of the proposed agreements.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to adopt the proposed Consent Agreements and Orders in File No. 2008-096. So voted. A copy of the Consent Agreements and Orders is attached and incorporated herein as part of these minutes.

4. In the Matter of a Complaint by John McNamara, New Britain
File No. 2008-134
Proposed Consent Agreement and Order
Proposed Findings and Conclusions
Respondents: Gary Zeil, Thomas Evanko and Thomas Bozek
Investigator: Attorney Shannon Bergquist
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint, the proposed Consent Agreements and Orders and the proposed Findings and Conclusions.

Respondent Gary Zeil has signed his proposed agreement and paid a civil penalty of \$800. Attorney Andrews recommended adoption of the proposed agreement.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to adopt the proposed Consent Agreement and Order with Respondent Gary Ziel. So voted.

Respondent Thomas Evanko has signed his proposed agreement and paid a civil penalty of \$50. Attorney Andrews recommended adoption of the proposed agreement.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order with Respondent Thomas Evanko. So voted.

The third proposed Consent Agreement and Order was negotiated with Respondent Thomas Bozek. Mr. Bozek has indicated that he will sign the proposed agreement and pay the civil penalty of \$600. Attorney Andrews recommended adoption of the agreement contingent upon receipt of the signed agreement and payment of the civil penalty within one week.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to adopt the proposed Consent Agreement and Order with Respondent Thomas Bozek contingent upon receipt of the signed agreement and civil penalty within seven days. So voted.

For final resolution to this matter, there is a proposed Findings and Conclusions that dismisses the last portion of the complaint. It was found that there was insufficient evidence to prove that certain e-mails were coordinated expenditures. Attorney Andrews recommended adoption of the proposed Findings and Conclusions.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to adopt the proposed Findings and Conclusions dismissing the matter for the reasons stated. So voted.

A copy of the Consent Agreements and Orders and the Findings and Conclusions is attached and incorporated herein as part of these minutes.

5. In the Matter of a Complaint by Pat DeAngelis, Middlebury
File No. 2008-222
Proposed Findings and Conclusions
Investigator: Attorney Kevin Ahern
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the proposed Findings and Conclusions recommending dismissal of the complaint. She recommended adoption of the proposed Findings and Conclusions.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to adopt the proposed Findings and Conclusions in File No. 2008-222. So voted. The complaint is dismissed for the reasons stated. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

- 5-a In the Matter of a Complaint by Shirley Surgeon, Hartford
File No. 2007-336
Proposed Consent Agreement and Order
Respondent: Maria Diaz
Investigator: Attorney Marc W. Crayton
Managing Attorney: Maria Diaz

Attorney Andrews explained that this matter was subject to a hearing yesterday with Commission Gerratana as Hearing Officer. Prior to the hearing taking place, Respondent Maria Diaz agreed to enter into a proposed Consent Agreement and paid a civil penalty of \$200 acknowledging a violation of C.G.S. §9-410(c). Attorney Andrews recommended adoption of the proposed Agreement.

It was moved by Commission Bozzuto and seconded by Commissioner Gerratana to adopt the proposed Consent Agreement and Order with respect to Respondent Maria Diaz. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

- B. *Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(3) and (4)*

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana at 9:37 A.M. to proceed into Executive Session pursuant to C.G.S. §§1-200(6) (B) and (E), and 1-210(b)(3) and (4) to discuss strategy and negotiations with respect to pending claims and exempt records relating thereto, listed as Items 6 and 7 on the agenda. So voted. Commissioners Cashman, Jenkins, Gerratana, and Bozzuto were present. Staff members present were: Mr. Garfield, Mr. Lenge, Ms. Andrews, Mr. Smith, Mr. Crayton, Mr. Ahern, Mr. Oyola, Ms. Rotman, Ms. Adams, Ms. Stratton, Ms. Love, Ms. Kief, Mr. Talbert-Slagle and Ms. Nicolescu.

It was moved by Commissioner Gerratana and seconded by Commissioner Bozzuto at 9:50 a.m. to return to public session. So voted.

6. In the Matter of a Complaint by Mary C. Pugh, Norwalk
File No. 2007-355
Investigator: Attorney Kevin Ahern
Managing Attorney: Joan M. Andrews

This matter was continued.

- 7 In the Matter of a Complaint by Stephaine DeForest, Southbury
File No. 2008-224
Investigator: Gilberto Oyola, Lead Legal Investigator
Managing Attorney: Joan M. Andrews

This matter was continued.

IV. Find Reason to Believe Recommendations & Designation of Hearing Officer

8. File No. 2007-350
Respondent: Jacqueline M. James
Investigator: Gilberto Oyola, Lead Legal Investigator
Managing Attorney: Joan M. Andrews

Recommendation: Find Reason to Believe that Respondent Jacqueline James
Violated Connecticut General Statutes §9-236

It was moved by Commissioner Gerratana and seconded by Commissioner Bozzuto that the Commission finds reason to believe that Respondent Jacqueline M. James violated Connecticut General Statutes §9-236 and that a Hearing Officer be designated for this matter. So voted. Chairman Cashman designated Attorney Lenge as Hearing Officer for File No. 2007-350.

V. Administrative Compliance

File Nos. 2008-050NF, 2008-100NF and 2008-191 NF
Proposed Consent Agreement and Order
Respondent: China Byrd, Treasurer
AFSCME Local 478
Investigator: Attorney William Smith

Attorney Andrews stated that this matter was scheduled for a hearing with Attorney Garfield as Hearing Officer. The matter was continued as Attorney Smith continued to negotiate a settlement with Respondent China Byrd. Attorney Andrews stated that the Commission has for their review a proposed Consent Agreement that Ms. Byrd has indicated that she would sign. She has already paid a partial payment of \$1,000 towards a total civil penalty of \$2,400. The hearing was continued to February 13th however, if the proposed agreement is adopted, Attorney Andrews suggested that this might resolve the matter. Attorney Garfield stated that he had no objection. Attorney Andrews recommended its adoption contingent upon receipt of the signed agreement within seven days.

It was moved by Commissioner Gerratana and seconded by Commission Jenkins to adopt the proposed Consent Agreement and Order with Respondent China Byrd contingent upon receipt of the signed agreement within seven days. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

VI. *Litigation*

Attorney Andrews stated that notices of hearings have been sent to Minnie Gonzalez, however her attorney has returned to court with an order to place a stay from holding a hearing until the petition for cert is decided by the Supreme Court. A motion for stay has been filed with the Superior Court. Assistant Attorney General Perry Zinn-Rowthorn has filed a Statement in Opposition to Petition for Certification on the Commission's behalf stating our position.

Attorney Kief briefly updated the Commissioners on the progress of the Green Party litigation. She stated that the trial dates are scheduled for March and there is a meeting with the Attorney General's office on Friday to give them our 2008 analysis.

Attorney Garfield stated that staff has been working with the Brennan Center to develop data from the 2006 campaigns to show the comparison in terms of how much party and legislative PACs had given to General Assembly Candidates in 2006 verses 2008. Ms. Rotman thanked the team for all their hard work in compiling the data. The chart being prepared is an extraordinary compilation of the entire review of the 2008 CEP program.

VII. *Legislation*

Mr. Garfield stated that he and Ms. Rotman appeared before the Appropriations Committee to answer questions regarding the "Results Based Accountability Program. Mr. Garfield thanked Ms. Nicolescu, all the elections officers, especially Paige Adams for their efforts to compile the information presented regarding Citizen's Election Program's goals and anticipated changes for the upcoming 2010 statewide elections. Mr. Garfield was also able to discuss the Commission's concerns with the proposed budget. He thanked Ms. Love for her help in picking up on some discrepancies. Mr. Garfield expects to be meeting with the Appropriations subcommittee soon.

Attorney Garfield summarized the progress on the three bills that were submitted by the Commission. He has received support from the ranking members of the GAE Committee. The Commission discussed a few of the many election bills being tracked with particular concern with the proposed changes to the absentee ballot voting. Attorney Garfield expressed concerns that the changes will open up the opportunity for serious absentee ballot abuse. The Commission discussed some of the pros and cons of the proposed changes. Mr. Garfield stated that the concept of early voting would be acceptable only with controls and accountability. Attorney Rotman expressed her concerns on some of the proposals relating to the Citizens' Election Program.

VIII. *Administrative Reports*

Ms. Rotman noted that there are two Special Elections scheduled for March. The Commission may need to schedule a special meeting for grants.

Mr. Garfield is working on an initiation of a declaratory ruling proceeding to define and clarify statutes relative to exploratory committees. There are a number of candidates who are in the exploration stage and there have been a lot of questions raised concerning what constitutes a public declaration and candidacy which triggers the need for that candidate in the exploratory committee to convert to a candidate committee. He hopes to have a draft for the Commission's review at the March meeting so that we can provide clear guidelines.

Mr. Garfield stated the municipal and local elections are coming up and staff will be working to update the Guidebooks to reflect changes. The audits of the participating candidates are underway by the Audit Unit.

IX. *Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(3) and (4)*

In Re. Government Action Fund PAC it was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to add to today's agenda In Re. Government Action Fund PAC. So voted.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto at 10:33 A.M. to proceed into Executive Session pursuant to C.G.S. 1-200(6) (B) and (E), and 1-210(b)(3) and (4) to discuss strategy and negotiations with respect to pending claims and exempt records relating to the Government Action Fund PAC. So voted. Commissioners Cashman, Jenkins, Gerratana, and Bozzuto were present. Staff members present were: Mr. Garfield, Mr. Lenge, Ms. Andrews, Mr. Smith, Mr. Crayton, Mr. Ahern, Mr. Oyola, Ms. Rotman, Ms. Adams, Ms. Stratton, Ms. Love, Ms. Kief, Mr. Talbert-Slagle and Ms. Nicolescu.

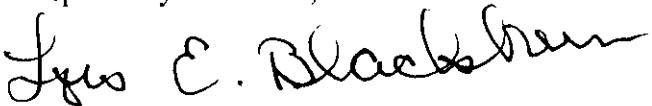
It was moved by Commissioner Gerratana and seconded by Commissioner Bozzuto at 10:45 a.m. to return to public session. So voted.

X. *Adjournment*

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins at 10:46 A.M. to adjourn the meeting. So voted. Unless otherwise indicated, all votes of the Commission were unanimous.

The next regular meeting will be held on Wednesday March 25, 2009 at 9:00 A.M., in the 5th Floor Conference Room

Respectfully submitted,



Lois E. Blackburn
Clerk of the Commission

Adopted this ~~25~~²⁵th day of March, 2009 at Hartford, Connecticut.



Stephen F. Cashman, Chairman
Order of the Commission