



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

**MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING
5th Floor Conference Room
May 6, 2009
9:00 A.M.**

I. Call to Order

Chairman Cashman called the meeting to order at 9:13 A.M. Commissioners Jenkins, Dolan, Gerratana and Bozzuto were present. Agency staff was also present.

II. Approval of the Minutes

A. Approval of the Minutes of the April 8, 2009 Regular Meeting

It was moved by Commissioner Bozzuto and seconded by Commissioner Dolan to approve the Minutes of the April 8, 2009 Regular Meeting. So voted.

Mr. Garfield indicated item V. of the agenda, Opinions of Counsel is listed in error and should be removed from the agenda.

Attorney Andrews requested the following items be added to the agenda, File Nos. 2008-165NF, 2008-186NF and 2009-026NF. It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to add these items as number 12 on the agenda. So voted.

III. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by Margaret Potts, Town Clerk, Oxford
File No. 2007-351
Proposed Consent Agreement and Order
Respondent: August Palmer
Investigator: Attorney Marc Crayton
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order with respect to Respondent Palmer. She recommended adoption of the proposed agreement. The Commission approved the agreement at its last meeting, contingent upon receipt within seven days, but the contingency was not met. The signed agreement has now been received and the civil penalty paid.

It was moved by Commissioner Bozzuto and seconded by Commissioner Gerratana to adopt the proposed Consent Agreement and Order in File No. 2007-351. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

2. In the Matter of a Complaint by Antonio Magno, Hartford
File No. 2007-352
Proposed Findings and Conclusions
Investigator: Gilberto Oyola, Lead Legal Investigator
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 dismiss the matter, without prejudice, and adopt the proposed Findings and Conclusions in File No. 2007-352. So voted. The complaint is dismissed without prejudice for the reasons stated. A copy of the Findings and Conclusions 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 9:16 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 3 through 8 on the agenda. So voted. Commissioners Cashman, Jenkins, Dolan, Gerratana and Bozzuto were present. Staff members present were Mr. Garfield, Mr. Lenge, Ms. Andrews, Mr. Smith, Mr. Crayton, Mr. Ahern, Mr. Oyola, Ms. Stratton, Ms. Blackburn, Ms. Love, Ms. Rotman, Ms. Nicolescu, Ms. Sadowski, Mr. Foley, Mr. Talbert-Slagle, Ms. Montgomery, Mr. Urso, Ms. Adams, Ms. Zaccagnino, Mr. Gebo and Ms. Burrell.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana at 10:34 A.M. to return to public session. So voted.

Following a short recess the Commission took the following action:

3. In Re: Government Action Fund PAC, Hartford
File No. 2008-003
Respondents: Thomas Gaffey and Dennis Ceneviva
Investigator: Charlie Urso, Lead Legal Investigator and Dara Howard, Supervising Accounts Examiner
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order with respect to Respondent Gaffey. She recommended adoption of the proposed agreement.

It was moved by Commissioner Jenkins and seconded by Commissioner Dolan to adopt the proposed Consent Agreement and Order with respect to Respondent Gaffey in File No. 2008-003. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order with respect to Respondent Ceneviva. She recommended adoption of the proposed agreement.

It was moved by Commissioner Jenkins and seconded by Commissioner Dolan to adopt the proposed Consent Agreement and Order with respect to Respondent Ceneviva in File No. 2008-003. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

4. In Re: "Crisco 2008," Hartford
File No. 2008-082
Investigators: Attorney Kevin Ahern and Charlie Urso, Lead Legal Investigator
Managing Attorney: Joan M. Andrews

This matter was continued.

5. In Re: Airey-Wilson for Senate, Hartford
File No. 2008-126
Investigators: Attorney Marc Crayton and Charlie Urso, Lead Legal Investigator
Managing Attorney: Joan M. Andrews

The Commission disposed of this case with an advisory letter and no further action.

6. In Re: SEEC Initiated, Cusano campaign solicitors, Hartford
File No. 2008-148
Investigators: Attorney William Smith and Charlie Urso, Lead Legal Investigator
Managing Attorney: Joan M. Andrews

This matter was continued.

7. In the Matter of a Complaint by Lillian Arciniegas, Hartford
File No. 2008-152
Investigator: Attorney William Smith and Gilberto Oyola, Lead Legal Investigator
Managing Attorney: Joan M. Andrews

Commissioner Dolan has recused himself from this matter. This matter was continued.

8. In the Matter of Robert Gorgolione, Hartford
File No. 2008-139CNF
Investigator: Attorney Marc Crayton
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Findings and Conclusions. She recommended adoption of the proposed agreement, requesting the Commission withdraw the previous reason to believe finding.

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2008-139CNF with paragraph fourteen (14) removed and rescinded the prior reason to believe finding versus Robert Gorgolione. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

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

9. File No. 2008-175NF

Respondent: Michael Doyle, Chairperson, 20th District PAC
Investigator: Attorney Marc Crayton
Managing Attorney: Joan M. Andrews

Recommendation: Find Reason to Believe that Respondent Michael Doyle Violated Connecticut General Statutes §9-605

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins that the Commission finds reason to believe that Respondent Michael Doyle violated Connecticut General Statutes §9-605 and that a Hearing Officer be designated for this matter. So voted. Chairman Cashman designated Attorney Lenge as Hearing Officer for File No. 2008-175NF.

10. File No. 2008-140NF

Respondent: Terrence Tierney Jr., Treasurer, Tierney In State Senate
Investigator: Attorney Marc Crayton
Managing Attorney: Joan M. Andrews

Recommendation: Find Reason to Believe that Respondent Terrence Tierney Jr. Violated Connecticut General Statutes §§ 9-608 and 9-623

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana that the Commission finds reason to believe that Respondent Terrence Tierney Jr. violated Connecticut General Statutes §§ 9-608 and 9-623 and that a Hearing Officer be designated for this matter. So voted. Chairman Cashman designated Attorney Lenge as Hearing Officer for File No. 2008-140NF.

11. File No. 2008-118NF

Respondent: Terrence Tierney
Investigator: Attorney Marc Crayton
Managing Attorney: Joan M. Andrews

Recommendation: Find Reason to Believe that Respondent Terrence Tierney Violated Connecticut General Statutes §9-703

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana that the Commission finds reason to believe that Respondent Terrence Tierney violated Connecticut General Statutes § 9-703 and that a Hearing Officer

be designated for this matter. So voted. Chairman Cashman designated Attorney Lenge as Hearing Officer for File No. 2008-118NF.

12. File No. 2008-165NF, 2008-186NF and 2009-026NF
Respondent: Joseph Niezelski
Investigator: Gilberto Oyola, Lead Legal Investigator

Recommendation: Find Reason to Believe that Respondent Joseph Niezelski violated Connecticut General Statutes §§ 9-608 and 9-623.

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins that the Commission finds reason to believe that Respondent Joseph Niezelski violated Connecticut General Statutes §§ 9-608 and 9-623 and that a Hearing Officer be designated for this matter. So voted. Chairman Cashman designated Attorney Lenge as Hearing Officer for File Nos. 2008-165NF, 2008-186NF and 2009-026NF.

V. *Opinions of Counsel*

This item was listed in error. No votes were taken.

VI. *Declaratory Ruling – Exploratory Committees*

Mr. Garfield reintroduced the Declaratory ruling that was open for public comment from the last Commission meeting on what constitutes a “public declaration” of a candidate’s intention to seek a particular office, thereby requiring that candidate to dissolve the exploratory committee and form a candidate committee pursuant to section 9-604 (c) of the Connecticut General Statutes. Ms. Rotman updated the Commission on the public comments that were submitted for Declaratory ruling 2009-01 and that changes were incorporated based on the technical questions raised.

It was moved by Commissioner Jenkins and seconded by Commissioner Dolan to adopt Declaratory ruling 2009-01, Public Declarations by Candidates in Exploratory Committee. So voted.

VII. *Administrative Reports*

Mr. Garfield gave the Commission a brief statement regarding the municipal pilot program that was offered due to public financing legislation in 2005. The City of New Haven applied for the pilot program and received approval by the Commission.

Ms. Rotman updated the Commission on the municipal campaign finance pilot program report for New Haven. Ms. Rotman commented it is a worthwhile work in progress and recommends expansion of the Commissions authority to oversee the launch of additional municipal programs.

Mr. Garfield informed the Commission that we have begun training for the new election cycle. Attorney Foley, Nancy Staniewicz and Mr. Garfield appeared before the Connecticut Town Clerks Association recently and were very well received by the town clerks. Additional staff are also conducting presentations.

Municipal guidebooks for the upcoming statewide elections are nearing completion.

The Information and Technology Unit is close to releasing the searchable database that was presented to the Commission at the April 8, 2009 meeting.

Ms. Nicolescu introduced the new intern, Amy Burrell. She was welcomed by the Commissioners.

VIII. *Legislative Updates*

Ms. Nicolescu updated the Commission on the present status of legislative recommendations that were presented by the State Elections Enforcement Commission to the General Assembly, and other election bills of concern to the Commission

IX. *Adjournment*

It was moved by Commissioner Jenkins and seconded by Commissioner Dolan at 11:19 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 June 17, 2009 at 9:00 A.M., in the 5th Floor Conference Room.

Respectfully submitted

MaryAnn Stratton
Acting Clerk of the Commission

Adopted this 27th Day of May 2009 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission