MINUTES OF THE STATE ELECTIONS ENFORCEMENT COMMISSION REGULAR MEETING

5th Floor Conference Room
August 5, 2009

I. Call to Order

Chairman Cashman called the meeting to order at 9:05 A.M. Commissioners Jenkins, Gerratana, Bozzuto and Ms. Stankevicius were present. Agency staff was also present.

II. Oath of Office to Patricia Stankevicius

Chairman Cashman administered the Commissioner's Oath to Patricia Stankevicius. The Commissioners and Staff congratulated and welcomed her.

III. Approval of the Minutes

Approval of the Minutes of the July 1, 2009 Regular Meeting

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the Minutes of the July 1, 2009 Regular Meeting. So voted.

III. Consideration of Hearing Officers Report

1. In Re: Complaint by Shirley Surgeon, Hartford
   File No. 2007-336
   Hearing Officer: Commissioner Theresa B. Gerratana
   Respondent: Beatriz Roman
   Prosecutors: Attorney Marc W. Crayton & Attorney Kevin Ahern

Chairman Cashman noted for the record that Respondent Beatriz Roman was present and has submitted a letter requesting an opportunity to address the Commission. She has also submitted a memorandum stating her position on the Hearing Officer's Report. Chairman Cashman granted her request to be heard today. Chairman Cashman also noted that a brief has been submitted by the State expressing their position on the Hearing Officer's Report.

Chairman Cashman called upon Attorney Crayton to address the Commission. Attorney Crayton stated that he supported the findings of the Hearing Officer including the facts and conclusions of law in the Hearing Officer's Proposed Final Decision and the State urges its adoption with suggested amendments found in the State's response to the proposed Final Decision. Attorney Crayton then yielded the floor to Ms. Roman as she was the aggrieved party based upon the Hearing Officer's Report.

Ms Roman was then given the opportunity to address the Commission. She briefly summarized her position on the proposed Final Decision.

Commission Gerratana, as Hearing Officer in this matter, then summarized the series of events and clarified the facts that were established by the evidence presented at the hearing. She reiterated that she took all the facts and circumstances into consideration when drafting her report.

The Commission discussed all of the facts and events that led up to the complaint, the legal issues and the proposed decision by the Hearing Officer. Commissioner Cashman stated that the conclusion in this particular case is that the Respondent did violate the law which is a civil violation. The decision is an administrative finding that evidence supports the findings that Respondent circulated petitions for more than one candidate. All mitigating circumstances have been taken into consideration.

Attorney Crayton stated for the record that instructions were included with the petition pages that clearly set forth the restrictions on circulating a petition for more that one candidate for the same office. He then suggested two proposed amendments to the proposed Final Decision that he would like considered by the Commission. The Commission agreed to the first suggested amendment in line three of paragraph 3 and to substitute the word "inadvertent" for "technical," in line two of paragraph 18.

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins to adopt the Hearing Officers Report as a Final Decision as amended. So voted. A copy of the Final Decision is attached and incorporated herein as part of these minutes.

IV. Pending Complaints and Investigations

A. Public Session

2. In the Matter of a Referral by SEEC Audit & Disclosure Unit
File Nos. 2008-050 NF, 2008-100 NF & 2008-191 NF
Proposed Consent Agreement and Order

Respondent:	China Byrd, Treasurer AFSCME Local 478 PAC
Investigators:	Attorney Shannon Bergquist & Attorney William B. Smith
Managing Attorney:	Joan M. Andrews

Attorney Andrews summarized the above referenced matter stating that this matter was scheduled for a hearing with Attorney Garfield as Hearing Officer. Before the hearing was held, the Respondent agreed to sign a proposed Consent Agreement and Order and pay a civil penalty of $2400 for a series of violations. The Commission adopted the proposed Consent Agreement and Order contingent upon receipt of the original signed agreement. The civil penalty has been paid but only a faxed signature has been received. All of the terms have been met except the original signature has not been received, which we have been requesting for months. Attorney Andrews recommended that the Commission accept the faxed

signature under these unusual circumstances and adopt the decision for a final resolution to this matter.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to readopt the proposed Consent Agreement and Order in File Nos. 2008-050 NF, 2008-100 NF and 2008-191 NF. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

3. In the Matter of a Complaint by Lillian Arciniegas, Hartford
File No. 2008-152
Proposed Consent Agreement and Order
Respondents: Daphne Joseph
Investigators: Attorney William B. Smith &
Gilberto Oyola, Lead Legal Investigator
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the proposed Consent Agreement and Order. She recommended adoption of the proposed Consent Agreement and Order. The matter is still pending with respect to an additional Respondent.

It was moved by Commissioner Gerratana and seconded by Commissioner Bozzuto to adopt the proposed Consent Agreement and Order in File No. 2008-152. So voted. A copy of the Consent Agreement is attached and incorporated herein as part of these minutes.

4. In the Matter of a Complaint by Rae Tramontano & Sharon Ferrucci, Registrars of Voters, New Haven
File No. 2009-013
Proposed Findings and Conclusions
Investigator: Attorney William B. Smith
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 Gerratana and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2009-013. 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. In the Matter of a Complaint by Claude L. Holcomb, Hartford
File No. 2009-029
Proposed Findings and Conclusions
Investigator: Attorney William B. Smith
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the unique circumstances in 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 Bozzuto and seconded by Commissioner Gerratana to adopt the proposed Findings and Conclusions in File No. 2009-092. 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.

VI. Notice of Administrative Compliance

This matter was taken out of order.

7. File Nos. 2008-204 NF, 2009-028 NF and 2009-045 NF
   Respondent: William Ospina, Milford Police Union Political Action Committee
   Investigator: Attorney Kevin Ahern
   Managing Attorney: Joan M. Andrews

   It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana that the Commission takes administrative notice that Respondent William Ospina complied with the Commission's directive and accepts the payment of $600.00 as a settlement to the State of Connecticut. The Commission will take no further action with respect to these matters. So voted.

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 §9-210(b)(3) and (4) to discuss strategy and negotiations with respect to pending claims and exempt records relating thereto, listed as item six (6) on the agenda. So voted. Commissioner Cashman, Jenkins, Gerratana, Bozzuto and Stankevicius were present. Staff members present were Mr. Garfield, Ms. Andrews, Mr. Smith, Mr. Crayton, Mr. Ahern, Ms. Blackburn, Ms. Rotman, Ms. Nicolescu, Ms. Kief, Ms. Sadowski, Ms. Leibenhaut, Mr. Urso, Ms. Adams, Ms. Zaccagnino, Mr. Gebo, Ms. Kulmacz, Ms. Howard, Ms. Staniewicz, Ms. Waterman, Ms. Pulaski, Mr. Boutin, Ms. Varrs, Ms. Cruz-Cabrera, Ms. Baral and Mr. Olinski.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins at 9:43 A.M. to return to public session. So voted.

The Commission took the following action:

6. In the Matter of a Complaint by Therese Pac, Bristol Town Clerk
   File No. 2008-221
   Proposed Findings and Conclusions
   Respondents: Monica Matos-Desa & Katherine Irene Magyar
   Investigator: Gilberto Oyola, Lead Legal Investigator
   Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the two proposed Findings and Conclusions with respect to two individual respondents. She recommended adoption of the proposed Findings and Conclusions recommending dismissal of the complaint.

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2008-221 with respect to Respondent Katherine Irene Magyar. 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.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2008-221 with respect to Respondent Monica Matos-Desa. 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.

VII. Executive Session per C.G.S.§§ 1-200(6)(B) and (E), and 1-210(b)(1),(3) and (4)
(Preliminary draft and agency consideration of enforcement action and exempt records relative thereto)

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana at 9:45 A.M. to proceed into Executive Session Pursuant to C.G.S. §1-200(6)(B) and (E) and §9-210(b)(1) and (4) to discuss preliminary drafts of audit reports and agency consideration of enforcement action and exempt records relative thereto listed on the agenda as item A. Consideration of Draft Audit reports. So voted. Commissioners Cashman, Jenkins, Gerratana, Bozzuto and Stankevicius were present. Staff members present were Mr. Garfield, Ms. Andrews, Mr. Smith, Mr. Crayton, Mr. Ahern, Ms. Blackburn, Ms. Rotman, Ms. Nicolescu, Ms. Kief, Ms. Sadowski, Ms. Leibenhaut, Mr. Urso, Ms. Adams, Ms. Zaccagnino, Mr. Gebo, Ms. Kulmacz, Ms. Howard, Ms. Staniewicz, Ms. Waterman, Ms. Pulaski, Mr. Boutin, Ms. Varrs, Ms. Cruz-Cabrera, Ms. Baral and Mr. Olinski.

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

The Commission took the following action:

A. Consideration of Draft Audit Reports
Final Audit Reports for Special Elections (October 2007, January 2008, March 2008)

1. Friends of Kenny
2. Friends of Jim Orazietti
3. Rob Kane for Senate
4. Russo for Senate
5. Tom Mulligan for State Senate

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to approve the issuance of the draft Audit Reports for the committees of "Friends of

Kenny", "Friends of Jim Orazietti", "Rob Kane for Senate" and "Tom Mulligan for State Senate" as Final Audit Reports. So voted.

It was moved by Commissioner Bozzuto and seconded by Commission Gerratana to initiate further investigation and possible enforcement action into the "Russo for Senate" campaign based upon the findings in the draft Audit Report pursuant to C.G.S. §9-7b. So voted.

VIII. Consideration of Proposed Advisory Opinion Concerning Principals of a State Contractor

This matter was tabled until the next meeting.

IX. Administrative Reports

Mr. Garfield informed the Commission that he had been invited and did appear and testify before the Congressional Committee on House Administration at the request of Congressman John Larson who is the primary sponsor of a comprehensive campaign finance reform bill before Congress that is modeled after the Connecticut law. Mr. Garfield stated that after speaking with Chairman Cashman regarding payment of the trip to Washington, it was agreed that the state would not pay for the trip. Because it was by request from Congressman Larson, the federal government paid for his expenses. Mr. Garfield summarized his experience during the trip. Ms. Rotman noted that she accompanied him to give him support. She stated that she has been working with others on the actual bill Congressman Larson has been working on for the past six months. Mr. Garfield thanked all who contributed their efforts to help him prepare for the hearing.

Mr. Garfield stated that the CEP Report is being finalized for the Commission's review and consideration. The new Electronic Document Management System project which is being coordinated by the IT team with all of the units in the agency is making progress. The purchase of a new software application will be the first priority when the budget impasse is broken.

Mr. Garfield updated the Commission on the ongoing budget delay and the effects on this agency and the CEP funds.

Ms. Rotman thanked her report staff for their contributions in gathering the statistics from the 2008 CEP program that were included in Mr. Garfield's testimony in Washington. She distributed to the Commissioners charts that represented statistics from the first run of the CEP program.

Ms. Nicolescu informed the Commission that the summer interns will be leaving to return to school. The Commission thanked them and wished them well.

Mr. Garfield congratulated Ms. Nicolescu in celebrating her 15 years with the State of Connecticut.

The Commission discussed a change in date of the next meeting. They agreed that the September 2nd meeting will be rescheduled to September 1st.

X. *Executive Session of Personnel Search Committee per C.G.S. §§1-200(7) and 1-210(b)(2)*
(Discussion of appointment of public employee and exempt records relating thereto)

Personnel Matter "Executive Director" personnel search or update.

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins at 11:10 A.M. to proceed into Executive Session Pursuant to C.G.S. §1-200(6)(A) and (E) and §9-210(b)(2) for the discussion of the Personnel matter listed as item X. on the agenda. So voted. Commissioners Cashman, Jenkins, Gerratana, Bozzuto and Stankivicius were present. The only staff member present was Mr. Garfield.

It was moved by Commissioner Bozzuto and seconded by Commissioner Gerratana at 12:13 P.M. to return to public session. So voted.

No votes were taken.

XI. *Adjournment*

It was moved by Commissioner Bozzuto and seconded by Commissioner Gerratana at 12:13 P.M. to adjourn the meeting. So voted.

Unless otherwise indicated, all votes of the Commission were unanimous.

Respectfully submitted,

Lois E. Blackburn

Lois Blackburn
Clerk of the Commission

Adopted this 1st day of September, 2009 at Hartford, Connecticut.

Stephen F. Cashman, Chairman
By Order of the Commission

The next regular meeting will be held on Tuesday, September 1, 2009 at 9:00 A.M., in the 5th Floor Conference Room.