**MINUTES OF THE**
**STATE ELECTIONS ENFORCEMENT COMMISSION**
**REGULAR MEETING**
**5th Floor Conference Room**
**September 30, 2009**
**9:00 A.M.**

## *I. Call to Order*

Chairman Cashman called the meeting to order at 9:02A.M. Commissioners Jenkins, Bozzuto and Stankevicius were present. Agency staff was also present.

## *II. Approval of the Minutes*

*Approval of the Minutes of the September 1, 2009 Special Meeting*

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to approve the Minutes of the September 1, 2009 Special Meeting. So voted.

## *III. Pending Complaints and Investigations*

### *A. Public Session*

1. In the Matter of a Complaint by Jo Ann Callegari
File No. 2008-077
Proposed Consent Agreements and Orders
Respondents: Cheryl Tompkins and Todd Tompkins
Investigators: Attorney Kevin Ahern & Attorney William B. Smith
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the proposed Consent Agreements and Orders for Respondents Cheryl and Todd Tompkins. She recommended adoption of the proposed Consent Agreements and Orders.

It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius to adopt the proposed Consent Agreements and Orders in File No. 2008-077. So voted. The Consent Agreements and Orders are available on our website under Commission Decisions.

2. In the Matter of a Complaint by Frank A. Farricker, Cos Cob
File No. 2008-130*
Request to Withdraw
Investigators: Attorney Shannon Bergquist
Lead Legal Investigator Charles Urso
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the request to withdraw the complaint. She had no objection to the withdrawal.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to grant the request to withdraw the complaint in File No. 2008-130. So voted. The complaint is withdrawn.

3. In the Matter of a Complaint by Lillian Arciniegas, Hartford
File No. 2008-152
Recommendation for No Further Action
Investigator: Attorney William B. Smith &
Lead Legal Investigator Gilberto Oyola
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the request for no further action.

The Commission approves the recommendation of no further action in File No. 2008-152 with respect to former City and Town Clerk Dan Carey. No votes were taken.

4. In the Matter of a Complaint by Roger Wise, *et. al.*, New Fairfield
File No. 2009-003
Proposed Findings and Conclusions
Investigator: Attorney Kevin Ahern
Managing Attorney: Joan M. Andrew

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 Bozzuto and seconded by Commissioner Stankevicius to adopt the proposed Findings and Conclusions in File No. 2009-003. So voted. The complaint is dismissed for the reasons stated. The Findings and Conclusions are available on our website under Commission Decisions.

5. In the Matter of a Complaint by Selim Noujaim, Waterbury
File No. 2009-009
Proposed Consent Agreement and Order
Respondent: Lawrence V. DePillo
Investigators: Attorney William B. Smith
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.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File No. 2009-009. So voted. The Consent Agreement and Order is available on our website under Commission Decisions.

6. In the Matter of a Complaint by Gina Phillips, New Haven
File No. 2009-052
Proposed Consent Agreement and Order, Draft
Respondent: Lisa Hopkins
Investigator: Attorney Lindsey Leibenhaut
Managing Attorney: Joan M. Andrews

This item was passed and will be discussed at a future meeting. No votes were taken.

7. In the Matter of a Complaint by Faith Burns, East Granby
File No. 2009-067
Proposed Findings and Conclusions
Investigator: Lead Legal Investigator Gilberto Oyola
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 Bozzuto and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2009-067. So voted. The complaint is dismissed for the reasons stated. A copy of the Findings and Conclusions is available on our website under Commission Decisions.

*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 Bozzuto at 9:09 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 items 8 through

16 on the agenda. So voted. Commissioner Cashman, Jenkins, Bozzuto and Stankevicius were present. Staff members present were Mr. Garfield, Mr. Lenge, Ms. Andrews, Mr. Smith, Mr. Crayton, Mr. Ahern, Ms. Bergquist, Mr. Oyola, Ms. Blackburn, Ms. Stratton, Ms. Nicolescu, Ms. Kief, Ms. Adams, Mr. Urso, Ms. Lageux, Ms. Sadowski, Ms. Zaccagnino, Ms. Kulmacz, Ms. Waterman, Mr. Boutin, Ms. Pulaski, Ms. Varrs and Ms. Staniewicz.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins at 9:48 A.M. to return to public session. So voted.

Returning to public session, the Commission took the following action:

8. In Re: A Referral by Secretary of the State for Petition Fraud
File No. 2006-271
Update on Referral to Chief State's Attorney
Respondent: John Imre
Investigators: Attorney Marc W. Crayton & Attorney William B. Smith
Managing Attorney: Joan M. Andrews

This matter is continued.

9. In Re: David Larkin, Wethersfield
File 2008-046
Update on Referral to Chief State's Attorney
Respondent: David Larkin
Investigator: John Neumon
Managing Attorney: Joan M. Andrews

This matter is continued.

10. Consideration of Initiation of Investigation

No action was taken. The matter was consolidated with a pending complaint by the Director of Legal Affairs and Enforcement.

11. In the Matter of a Complaint by John Lappie, North Branford
File No. 2007-371
Investigator: Lead Legal Investigator Gilberto Oyola
Managing Attorney: Joan M. Andrews

This matter is continued.

12. In the Matter of a Complaint by Kevin M. Cunningham, Moosup/Plainfield
File No. 2008-220
Investigator: Attorney Marc W. Crayton
Managing Attorney: Joan M. Andrews

This matter is continued.

13. In the Matter of a Complaint by Marianne M. Allard, Taftville
File No. 2008-225
Investigator: Attorney William B. Smith
Managing Attorney: Joan M. Andrews

This matter is continued.

14. In the Matter of a Complaint by Cynthia L. Penkoff, Trumbull
File No. 2009-057
Investigator: Attorney Shannon Bergquist & Attorney William B. Smith
Managing Attorney: Joan M. Andrews

This matter is continued.

15. In the Matter of a Complaint by Patricia Ulatowski, Monroe
File No. 2009-062
Investigator: Attorney Kevin Ahern
Managing Attorney: Joan M. Andrews

This matter is continued.

16. In the Matter of a Complaint by Alan Vaglivelo, Monroe
File No. 2009-063
Investigator: Attorney Kevin Ahern
Managing Attorney: Joan M. Andrews

This matter is continued.

## *IV. Find Reason to Believe Recommendations & Designation of Hearing Officer Referrals by SEEC Elections Officer*

17. File Nos. 2008-216 NF, 2009-022 NF & 2009-036 NF
Respondents: Kelly Guerin, Treasurer
Michael Renzullo State Senate Campaign
Investigator: Attorney Kevin Ahern
Managing Attorney: Joan M. Andrews
Recommendation: Find Reason to Believe that Respondent Kelly Guerin Violated Connecticut General Statutes §§9-608 and 9-623 by failing to file the 10/28/08, 1/12/09 and 2/9/09 Itemized Campaign Finance Disclosure Statements (SEEC 30).

It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius that the Commission finds reason to believe that Respondent Kelly Guerin violated Connecticut General Statutes §§9-608 and 9-623 and that a Hearing Officer be designated for this matter. So voted. Chairman Cashman designated himself as Hearing Officer for File Nos. 2008-216NF, 2009-022NF and 2009-036NF.

## *V. 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)*

***This item was moved for discussion following Item III.***

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto at 9:21 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 V. Consideration of Draft Audit reports. So voted. Commissioner Cashman, Jenkins, Bozzuto and Stankevicius were present. Staff members present were Mr. Garfield, Mr. Lenge, Ms. Andrews, Mr. Smith, Mr. Crayton, Mr. Ahern, Ms. Bergquist, Mr. Oyola, Ms. Blackburn, Ms. Stratton, Ms. Nicolescu, Ms. Kief, Ms. Adams, Mr. Urso, Ms. Lageux, Ms. Sadowski, Ms. Zaccagnino, Ms. Kulmacz, Ms. Waterman, Mr. Boutin, Ms. Pulaski, Ms. Varrs and Ms. Staniewicz.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto at 10:18A.M. to return to public session. So voted.

Returning to public session, the Commission took the following action:

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to approve the issuance of the aforementioned committee draft Audit Reports 1-13 as Final Audit Reports. So voted.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to grant a motion to initiate an investigation regarding item 14. So voted.

*Consideration of Draft Audit Reports*

1. "Friends of Sylvester Salcedo," Sylvester Salcedo
   Examiner: Martin Paxi

2. "Sandy Nafis 2008," Sandra Nafis
   Examiner: Martin Paxi

3. "Grogins for State Representative," Auden Grogins
   Examiner: Susan Pulaski

4. "Ed Meyer for State Senate Committee," Edward Meyer
   Examiner: Linda Waterman

5. "Suerth For Senate," Ryan Suerth
   Examiner: Linda Waterman

6. "Brenner for 08," Dennis Brenner
Examiner: Monique Tusinski

7. "Cafero for State Representative," Lawrence Cafero, Jr.
Examiner: Linda Waterman

8. "Friends of Lyddy '08," Christopher Lyddy
Examiner: Susan Pulaski

9. "Elect William F. L. Rodgers State Rep. for the 106th," William Rodgers
Examiner: Susan Pulaski

10. "Joan Lewis for State Representative," Joan Lewis
Examiner: Evelyn Cruz-Cabrera

11. "Reelect Genga 2008," Henry Genga
Examiner: Linda Waterman

12. "Committee to Elect Brett Eisenlohr," Brett Eisenlohr
Examiner: Shantelle Varrs

13. "Lauren K. Life for State Representative," Lauren Life
Examiner: Shantelle Varrs

14. "Martinez for State Representative 2008," Lydia Martinez
Examiner: Paul Boutin

## *VI. Pending Litigation*

*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 Stankevicius at 10:18 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 litigation and exempt records relating thereto, listed as item VI. on the agenda. So voted. Commissioner Cashman, Jenkins, Bozzuto and Stankevicius were present. Staff members present were Mr. Garfield, Mr. Lenge, Ms. Andrews, Mr. Ahern, Ms. Stratton, Ms. Nicolescu, Ms. Kief, Ms. Adams, Ms. Zaccagnino and Ms. Kulmacz.

Green Party v. Garfield

It was moved by Commissioner Jenkins and seconded by Commissioner Stankevicius at 12:03 A.M. to return to public session. So voted.

No votes were taken. The Commission determined that a special meeting was required to continue the discussion, and set it for October 8th at 9:00 a.m., as a teleconference meeting.

## *VII. Administrative Reports*

***This item was moved for discussion following Item V.***

Mr. Garfield updated the Commission on issues regarding the Citizens' Election Program and the Information Technology integration plan. Deputy Director Lenge is handling that process and Mr. Garfield thanks him for his leadership.

Mr. Garfield commends Ms. Kulmacz and her team of auditors on the great work they are doing for the present audits being conducted. Mr. Garfield also thanked Ms. Staniewicz for her efforts at maintaining the agency's relationship with the Town Clerks.

Mr. Garfield thanked the enforcement unit for their efforts dealing with difficult cases.

Mr. Lenge notified the Commission of the weekly meetings for the information capturing systems that are in progress.

Ms. Kief provided information on the present litigation issues.

Ms. Andrews updated the Commission on the September 15th primaries, staff coverage provided for the primaries, complaints that have been received related to the primaries and a primary contest filed with respect to a Council Seat in West Haven.

## *VIII. Executive Session per C.G.S. §§1-200(6)(A) and (E), 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 Jenkins and seconded by Commissioner Bozzuto at 12:03 P.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 VIII. on the agenda. So voted. Commissioners Cashman, Jenkins, Bozzuto and Stankivicius were present. The only staff member present was Mr. Garfield.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins at 12:10 P.M. to return to public session. So voted.

No votes were taken.

## *IX. Adjournment*

It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius at 12:10 P.M. to adjourn the meeting. So voted.

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

Respectfully submitted,

MaryAnn Stratton
Acting Clerk of the Commission

Adopted this 21st day of October, 2009 at Hartford, Connecticut.

Stephen F. Cashman, Chairman
By Order of the Commission

***The next meeting will be a SpecialTelephonic Meeting on Thursday October 8, 2009 at 9:00 a.m. and the next regular meeting will be held on Wednesday October 21, 2009 at 9:00 A.M., in the 5th Floor Conference Room.***