MINUTES OF THE STATE ELECTIONS ENFORCEMENT COMMISSION REGULAR MEETING

5th Floor Conference Room
October 21, 2009
9:00 A.M.

I. Call to Order

Chairman Cashman called the meeting to order at 9:03A.M. Commissioners Jenkins, Gerratana and Stankevicius were present. Agency staff was also present.

II. Approval of the Minutes

Approval of the Minutes of the September 20, 2009 Regular Meeting

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the Minutes of the September 20, 2009 Regular Meeting. So voted.

Approval of the Minutes of the October 8, 2009 Special Meeting

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the Minutes of the October 8, 2009 Special Meeting. So voted.

Attorney Andrews requested the following item be added to the agenda, File No. 2009-087. It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins to add this item as number 7 on the agenda. So voted.

IIa. Presentation to Retiring Executive Director, Jeffrey B. Garfield

Commissioner Cashman requested to add a special presentation to the agenda regarding the retiring Executive Director, Jeffrey B. Garfield for his dedicated service of over 30 years and a Resolution for the appointment of the new Executive Director. It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to add the Resolution and appointment. So voted.

Mr. Garfield gave a brief speech, thanking the Commissioners and employees of the agency.

IIb. Appointment of New Executive Director

It was moved by Commissioner Cashman and seconded by Commissioner Jenkins to appoint Albert Lenge as the new Executive Director of the State Elections Enforcement Commission. So voted. The vote was 4-0.

Mr. Lenge gave a brief speech.

III. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by John Lappie, North Branford
File No. 2007-371
Proposed Consent Agreement and Orders
Respondent: Gabriel Varca
Investigator: 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.

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File No. 2007-371. So voted. The Consent Agreement and Order is available on our website under Commission Decisions. Attorney Andrews noted that the case is still open with respect to another Respondent.

2. In the Matter of a Complaint by Lisa Carver, New Britain
File No. 2008-032
Proposed Consent Agreements and Orders
Respondents: Mike Maloney, Don Martin and Bob Scarlett
Investigator: Attorney Marc Crayton
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the proposed Consent Agreements and Orders. She recommended adoption of the proposed Consent Agreements and Orders.

It was moved by Commissioner Jenkins and seconded by Commissioner Stankevicius to adopt the proposed Consent Agreements and Orders in File No. 2008-032. So voted. The Consent Agreement and Order is available on our website under Commission Decisions. Attorney Andrews noted that the case is still open with respect to another Respondent.

3. In the Matter of a Complaint by Kevin Cunningham, Moosup/Plainfield
File No. 2008-220
Proposed Consent Agreement and Order
Respondent: Paul Sweet
Investigator: Attorney Marc Crayton
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 contingent upon receipt within seven days.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to adopt the proposed Consent Agreement and Order in File No. 2008-220 contingent upon receipt within seven days. So voted.

4. In the Matter of a Complaint by John E. Kisluk, Plainville
File No. 2009-037
Proposed Consent Agreement and Order
Respondent: Greg Pecoraro
Investigators: Attorney William 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 contingent upon receipt within seven days.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to adopt the proposed Consent Agreement and Order in File No. 2009-037 contingent upon receipt within seven days. So voted.

5. In the Matter of a Complaint by Gina Phillips, New Haven
File No. 2009-052
Proposed Consent Agreement and Order
Respondent: Lisa Hopkins
Investigator: Attorney Lindsey Leibenhaut
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 Jenkins and seconded by Commissioner Stankevicius to adopt the proposed Consent Agreement and Order in File No. 2009-052. So voted. The Consent Agreement and Order is available on our website under Commission Decisions.

6. In the Matter of a Complaint by Cynthia Penkoff, Trumbull
File No. 2009-057
Proposed Consent Agreement and Order
Respondent: Mary Markham
Investigator: Attorney's Marc Crayton and Shannon Bergquist
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 Jenkins and seconded by Commissioner Gerratana to adopt the proposed Consent Agreement and Order in File No. 2009-057. So voted. The Consent Agreement and Order is available on our website under Commission Decisions.

7. In the Matter of a Complaint by Beth Denton, West Haven
File No. 2009-087
Request to Subpoena Ballots

It was moved by Commission Gerratana and seconded by Commissioner Stankevicius to authorize the issuance of an investigatory subpoena to obtain ballots and relevant election records from the West Haven September 15, 2009 primary. 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 9:33 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 8 on the agenda. So voted. Commissioner Cashman, Jenkins, Gerratana 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. Kief, Ms. Rotman, Ms. Kulmacz and Ms. Staniewicz.

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

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

8. In the Matter of a Complaint by David Baxter, Wallingford
File No. 2009-080
Investigators: Attorney William B. Smith
Managing Attorney: Joan M. Andrews

This matter was continued.

IV. ***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 Bozzuto at 9:43 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 IV. Consideration of Draft Audit reports. So voted. Commissioner Cashman, Jenkins, Gerratana 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. Kief, Ms. Rotman, Ms. Kulmacz and Ms. Staniewicz.

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins at 9:56 A.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 Gerratana to approve the issuance of the aforementioned committee draft Audit Reports 1-8 as Final Audit Reports. So voted.

It was moved by Commissioner Jenkins and seconded by Commissioner Stankevicius to initiate an investigation regarding item 9. So voted.

Consideration of Draft Audit Reports

1. "Re-Elect Jack Hennessy," John F. Hennessy
   Examiner: Salman Munir

2. "Brian for the 43rd," Brian E. Kluberdanz
   Examiner: Salman Munir

3. "Diana Urban 2008," Diana Urban
   Examiner: Salman Munir

4. "Ackert for the 8th," Timothy J. Ackert
   Examiner: Evelyn Cruz-Cabrera

5. "Friends of Conroy," Theresa Conroy
   Examiner: Salman Munir

6. "Koskelowski 105," Brian Koskelowski
   Examiner: Salman Munir

7. "Vargas 08," Edwin Vargas, Jr.
   Examiner: Paul Boutin

8. "Vote for Matt Conway", Matthew J. Conway, Jr.
Examiner: Shantelle Varrs

9. "Friends of Keeley 2008," Robert T. Keeley
Examiner: Susan Pulaski

V. 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 Gerratana and seconded by Commissioner Jenkins at 9:56 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 V. on the agenda. So voted. Commissioners Cashman, Jenkins, Gerratana 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. Kief, Ms. Rotman, Ms. Kulmacz and Ms. Staniewicz.

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins at 10:42 A.M. to return to public session. So voted.

Green Party v. Garfield

No votes were taken.

VI. Administrative Reports

Mr. Garfield updated the Commission on the litigation matter regarding the Citizens' Election Program (CEP). The eCRIS system may have some revisions in the future. The report of the CEP Inaugural run is complete.

Ms. Rotman discussed the Citizens' Elections Program Inaugural run report. She thanked her team for their great work. She is pleased the program exceeded expectations.

Mr. Garfield requested the Commission take a vote to submit the Citizens' Elections Program Inaugural report to the General Assembly.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve submission of the Citizens' Election Inaugural report to the General Assembly.

Ms. Kulmacz updated the Commission on the recent eCRIS filings and presented some numbers on behalf of the Information Technology Unit on additional users to the system. She reported that consistent modifications continue to improve eCRIS.

VII. Adjournment

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins at 11:02 A.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 18th day of November, 2009 at Hartford, Connecticut.

Stephen F. Cashman, Chairman
By Order of the Commission

The next regular meeting will be held on Wednesday November 18, 2009 at 9:00 A.M., in the 5th Floor Conference Room.