



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

**MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING
5th Floor Conference Room
May 26, 2010
9:00 A.M.**

I. Call to Order

Chairman Cashman called the meeting to order at 9:07 A.M. Commissioners Jenkins, Bozzuto and Stankevicius were present. Agency staff was also present.

Attorney Andrews requested the following item be added to the agenda: In re: "Garafalo '08," File No. 2010-049. It was moved by Commissioner Jenkins and seconded by Commissioner Stankevicius to add File No. 2010-049 as item 8A. on Section III of the agenda. Dianna Kulmacz requested "Kelly for Senate 2010," Kevin Kelly be added to the agenda for Consideration of Application for Public Grants for the Citizens Election Fund. It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius to add "Kelly for Senate 2010" as item 5 on Section V. of the agenda. So voted.

II. Approval of the Minutes

A. Approval of the Minutes of the April 21, 2010 Regular Meeting

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to approve the Minutes of the April 21, 2010 Regular Meeting. So voted.

III. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by Jerome Jessup, Westport
File No. 2008-155
Proposed Findings and Conclusions
Attorney Marc Crayton
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 Stankevicius to adopt the proposed Findings and Conclusions in File No. 2008-155. So voted. The complaint is dismissed for the reasons stated. The Findings and Conclusions are available on our website under Commission Decisions.

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2. In the Matter of a Complaint by Michael E. Pohl, Manchester
File No. 2008-160
Proposed Consent Agreement and Order
Respondent: Paul McNamara
Attorney Marc Crayton
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the proposed Consent Agreement and Order. This item was previously adopted at the April 21, 2010 Commission meeting contingent upon receipt within ten days. The agreement was not received within the allotted time so it is being brought forward again. She recommended adoption of the proposed Consent Agreement and Order.

It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius to adopt the proposed Consent Agreement and Order in File No. 2008-160. So voted. The Consent Agreement and Order is available on our website under Commission Decisions.

3. In the Matter of a Referral by Elections Officer
File Nos. 2009-071NF, 2009-149NF & 2010-019NF
Proposed Consent Agreement and Order
Respondent: China Byrd
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.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File Nos. 2009-071NF, 2009-149NF & 2010-019NF. So voted. The Consent Agreement and Order is available on our website under Commission Decisions.

4. In the Matter of a Complaint by John Pernal, Jr.
File No. 2009-137
Proposed Consent Agreement and Order
Respondent: John Simpson
Attorney 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 Bozzuto to adopt the proposed Consent Agreement and Order in File No. 2009-137. So voted. The Consent Agreement and Order is available on our website under Commission Decisions.

5. In the Matter of a Complaint by Joseph Cardillo, Cromwell
File No. 2010-030
Proposed Findings and Conclusions
Attorney Shannon Bergquist
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 Stankevicius to adopt the proposed Findings and Conclusions in File No. 2010-030. So voted. The complaint is dismissed for the reasons stated. The Findings and Conclusions are available on our website under Commission Decisions.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto at 9:17 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 6 through 8A. on Section III of the agenda. So voted. Chairman Cashman and Commissioners Jenkins, Bozzuto and Stankevicius were present. Staff members present were Mr. Lenge, Ms. Andrews, Mr. Smith, Mr. Crayton, Mr. Oyola, Ms. Blackburn, Ms. Stratton, Ms. Kulmacz, Ms. Kief, Ms. Rotman, Ms. Leibenhaut, Ms. Adams, Mr. Urso and Ms. Zaccagnino.

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

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

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

6. In the Matter of a Complaint by John F. Kirschbaum, Wolcott
File No. 2008-121
Proposed Findings and Conclusions
Gilberto Oyola, Lead Legal Investigator &
Charles Urso, 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 Stankevicius to adopt the proposed Findings and Conclusions in File No. 2008-121. So voted. The complaint is dismissed for the reasons stated. The Findings and Conclusions are available on our website under Commission Decisions.

7. In the Matter of a Complaint by Neil Cable, Bridgewater
File No. 2009-058
Attorney William B. Smith
Managing Attorney: Joan M. Andrews

This matter is continued.

8. In the Matter of a Complaint by John Kelly, Newington
File No. 2009-061
Proposed Findings and Conclusions
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 Bozzuto and seconded by Commissioner Stankevicius to adopt the proposed Findings and Conclusions in File No. 2009-061. So voted. The complaint is dismissed for the reasons stated. The Findings and Conclusions are available on our website under Commission Decisions.

- 8A. In re: SEEC Initiated "Garofalo 2008"
File No. 2010-049
Attorney William B. Smith
Managing Attorney: Joan M. Andrews

This matter is 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 Stankevicius at 9:49 A.M. to proceed into Executive Session Pursuant to C.G.S. §1-200(6)(B) and (E) and §1-210(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. Chairman Cashman and Commissioners Jenkins, Bozzuto and Stankevicius were present. Staff members present were Mr. Lenge, Ms. Andrews, Mr. Smith, Mr. Crayton, Mr. Oyola, Ms. Blackburn, Ms. Stratton, Ms. Kulmacz, Mr. Munir, Ms. Kief, Ms. Rotman, Ms. Leibenhaut, Ms. Adams, Mr. Urso and Ms. Zaccagnino.

It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius at 9:55 A.M. to return to public session. So voted.

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

It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius to approve the issuance of the aforementioned committee draft Audit Reports 1-35 as Final Audit Reports. So voted.

It was moved by Commissioner Jenkins and seconded by Commissioner Stankevicius to initiate an investigation with respect to Item 36, "The Committee to Re-Elect State Senator Eric D. Coleman," Eric Coleman, based upon the draft audit report and refer the matter to the enforcement unit. So voted.

Consideration of Draft Audit Reports

1. "Blackwell '08," David Blackwell
Examiner: Susan Pulaski
2. "Merritt for Senate," Joseph Merritt
Examiner: Monique Tusinski
3. "DeFronzo for State Senate," Donald DeFronzo
Examiner: Martin Paxi
4. "Tim Lenox for State Senate 2008," Tim Lenox
Examiner: Monique Tusinski
5. "Save our State," Harry Carboni
Examiner: Paul Boutin
6. "Friends of John McCarthy," John McCarthy
Examiner: Evelyn Cruz-Cabrera
7. "Hartford for McCauley," James McCauley
Examiner: Paul Boutin
8. "Pappa for Change," Mark Pappa
Examiner: Martin Paxi
9. "Citizens for Jim O'Rourke," James O'Rourke
Examiner: Evelyn Cruz-Cabrera
10. "Ellis for the 37th," Gregory Ellis
Examiner: Evelyn Cruz-Cabrera
11. "Serra for State Representative," Joseph Serra
Examiner: Salman Munir
12. "Crockett 2008," Michael Crockett
Examiner: Monique Tusinski
13. "Frank 2008," Rocco Frank
Examiner: Salman Munir

14. "Adkins for State Rep 75th," Robert Adkins
Examiner: Monique Tusinski
15. "Committee to Elect Gina Russell Tracy," Gina R. Tracy
Examiner: Shantelle Varrs
16. "Wilber for the 63rd," George Wilber
Examiner: Salman Munir
17. "Nelson Struck for State Representative," Nelson Struck
Examiner: Monique Tusinski
18. "Chris Caruso 2008," Christopher Caruso
Examiner: Paul Boutin
19. "David Aron 2008," David Aron
Examiner: Shantelle Varrs
20. "Elect Tom 2008," Tom Christiano
Examiner: Linda Waterman
21. "Team Tong 2008," William Tong
Examiner: Shantelle Varrs
22. "Sachdev for State Rep," Manmahon Sachdev
Examiner: Monique Tusinski
23. "Floren for State Representative," Livvy Floren
Examiner: Shantelle Varrs
24. "Christopher Coutu for State," Christopher Coutu
Examiner: Martin Paxi
25. "Bruschi for State Rep," Susan Bruschi
Examiner: Monique Tusinski
26. "Matt Corcoran for Hamden," Matthew Corcoran
Examiner: Martin Paxi
27. "Denze 2008," Arthur Denze
Examiner: Evelyn Cruz-Cabrera
28. "Aman for South Windsor 2008," William Aman
Examiner: Salman Munir
29. "Marilyn Moore for Senate 2008," Marilyn Moore
Examiner: Martin Paxi
30. "Friends of Cusano," John Cusano
Examiner: Paul Boutin

31. "Harp 2008," Toni Harp
Examiner: Shantelle Varrs
32. "McLachlan for Senate," Michael McLachlan
Examiner: Shantelle Varrs
33. "Re-Elect Clemons "2008," Charles Clemons
Examiner: Linda Waterman
34. "Bowley for the 132nd," Ralph Bowley
Examiner: Susan Pulaski
35. "Burgio 2008," Frank Burgio
Examiner: Linda Waterman
36. "The Committee to Re-Elect State Senator Eric D. Coleman," Eric Coleman
Examiner: Salman Munir

V. Consideration of Application for Public Grants from the Citizens' Election Fund

Campaign Disclosure and Audit Director, Dianna Kulmacz, presented the analysis of her unit's review of the grant applications referred to below, and offered her recommendation. After discussion, the Commission took the following action.

1. "Ackert for the 8th," Timothy J. Ackert
It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius to continue this application without prejudice. So voted.
2. "Gail Lavielle For State Representative," Gail Lavielle
It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius to approve the grant application for "Gail Lavielle For State Representative," Gail Lavielle. So voted.
3. "John Szewczyk 2010," John Szewczyk

It was moved by Commissioner Jenkins and seconded by Commissioner Stankevicius to approve the grant application for "John Szewczyk 2010," John Szewczyk So voted.
4. "Al Adinolfi 2010," Al Adinolfi

It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius to approve the grant application for "Al Adinolfi 2010," Al Adinolfi. So voted.
5. "Kelly for Senate 2010," Kevin Kelly

It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius to continue this application without prejudice. So voted.

VI. Consideration of Advisory Opinions 2010-xxx

1. Advisory Opinion 2010-XX: Formation of a Joint Committee by Governor and Lieutenant Governor under the Citizens' Election Program

This matter was passed. No votes were taken.

2. Advisory Opinion 2010-06: Treatment of Replacement Candidates under the Citizens' Election Program

3. Advisory Opinion 2010-05: Propriety of Hyperlinks on Candidate Committee Website to Other Committee Websites, Certain Media Pieces and Commercial Websites

Attorney Kief summarized the two proposed advisory opinions. After discussion it was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius to adopt Advisory Opinion 2010-06 "Treatment of Replacement Candidates under the Citizens' Election Program and 2010-05 "Propriety of Hyperlinks on Candidate Committee Website to Other Committee Websites, Certain Media Pieces and Commercial Websites." So voted.

VII. Legislative Update

Mr. Lenge gave the Commission a brief overview of the 2010 Legislative Summary.

VIII. Administrative Reports

Mr. Lenge reported that 93% of the draft audits have been completed and 85% of the reports are final. There are 166 enforcement cases pending after today's meeting, with only twenty 2008 cases remaining.

Mr. Lenge conveyed congratulations from Carol Carlson, Executive Director of Ethics to the management team for their timely compliance in filing their statements of financial interest.

Ms. Kief gave a brief litigation update on Green Party v. Garfield and stated that the Arizona program received a positive decision from the 9th Circuit Court of Appeals.

Ms. Rotman informed the Commission of upcoming training sessions for the Citizens' Election Program. Ms. Rotman announced upcoming meetings for grant applications.

IX. Consideration of Agency Ethics Policy

Mr. Lenge described the proposed agency ethics policy with the Commission. After discussion it was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius to approve the agency ethics policy. So voted.

X. Adjournment

It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius at 10:44 A.M. to adjourn the meeting. So voted. Unless otherwise indicated, all votes of the Commission were unanimous.

The Commission has scheduled three additional regular meetings in the month of June for consideration of applications for public grants from the Citizen's Election Fund. They are scheduled for June 3, June 9 and June 16 at 4:00 P.M. via teleconference.

The next regular meeting following those will be held on Wednesday June 23, 2010 at 9:00 A.M., in the 5th Floor Conference Room.



MaryAnn Stratton
Acting Clerk of the Commission

Adopted this 3rd day of June, 2010 at Hartford, Connecticut.



Stephen F. Cashman
By Order of the Commission