



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

MINUTES
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING
5th Floor Conference Room
March 16, 2011
9:00 A.M.

I. Call to Order

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

Director Kief requested File No. 2008-004, In Re: September 11, 07 Democratic Primary be added to the agenda as item #19, Section V.

It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius to add File No. 2008-004 to the agenda as item #19, Section V. So voted.

II. Approval of the Minutes

Approval of the Minutes of the February 16, 2011 Regular Meeting

It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius to approve the Minutes of the February 16, 2011 Regular Meeting. So voted.

III. Administrative Reports

Mr. Lenge updated the Commission on Senate Bill 1009 and other testimony that has been presented to the Government Administrations and Elections Committee.

Mr. Lenge discussed the pending litigation for Green Party, et al. v. Albert P. Lenge, et al.

Mr. Lenge gave the Commission statistics for enforcement cases and announced that revised instructions for SEEC Form 20 are up on the website.

Mr. Lenge announced David Barry will be filling in as the Campaign Finance and Disclosure Director.

Commissioner Jenkins joined the meeting at 9:30.

IV. Legislative Update

This item was covered in Administrative Reports. No votes were taken.

V. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by Sheila Sedlak, Town Clerk, Winchester
File No. 2009-135NF
Request for Withdrawal of Complaint
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

Attorney Smith summarized the above referenced complaint and the complainant's request to withdraw the complaint. He had no objection to the withdrawal.

It was moved by Commissioner Jenkins and seconded by Commissioner Stankevicius to permit the complainant's withdrawal of her complaint in File No. 2009-135NF. So voted. The complaint is withdrawn.

2. In the Matter of a Complaint by Marie Egbert, Hebron
File No. 2010-056
Proposed Consent Agreement Order
Respondent: Karen Conderino and Eleanor S. Cruz
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

Attorney Smith summarized the above referenced complaint and the proposed Consent Agreement and Order. He 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. 2010-056. So voted. The Consent Agreement and Order is available on our website under [Commission Decisions](#).

3. In the Matter of a Complaints by Nabil M. Takla, Danbury
File No. 2010-134
Proposed Consent Agreement and Order
Respondent: Nabil M. Takla
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

Attorney Smith summarized the above referenced complaint and the proposed Consent Agreement and Order. He 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 Stankevicius to adopt the proposed Consent Agreement and Order in File No. 2010-134 contingent upon receipt within seven days. So voted. The Consent Agreement and Order will be available on our website under Commission Decisions upon receipt.

4. In Re: “John Rigby for 63rd” John Rigby
File No. 2010-116
Proposed Consent Agreements and Orders
Respondents: John B. Rigby and Richard R. Lavieri
Attorney: Kevin Ahern on behalf of Shannon R. T. Bergquist
Lead Legal Investigator: Charles Urso

Attorney Ahern summarized the above referenced complaint and the proposed Consent Agreements and Orders. He 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. 2010-116 contingent upon receipt within ten days. So voted. The Consent Agreements and Orders will be available on our website under Commission Decisions upon receipt.

5. In the Matter of a Complaint by Alvin Burgher, Jr., Hartford
File No. 2010-145
In the Matter of a Complaint by Timothy E. Denman, Hartford
File No. 2010-146
In the Matter of a Complaint by Richard V. Nelson, Hartford
File No. 2010-147
Proposed Consent Agreement and Order
Respondents: Patricia Connelly, Alba Montalvo
and Jacqueline D. McKinney
Attorney: Kevin Ahern on behalf of Shannon R. T. Bergquist
Lead Legal Investigator: Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and the proposed Consent Agreement and Order. He 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. 2010-145, 2010-146 and 2010-147. So voted. The Consent Agreement and Order is available on our website under Commission Decisions.

6. In the Matter of a Complaint by Alvin Burgher, Jr., Hartford
File No. 2010-145
In the Matter of a Complaint by Timothy E. Denman, Hartford
File No. 2010-146
In the Matter of a Complaint by Richard V. Nelson, Hartford
File No. 2010-147
Proposed Stipulated Agreement
Respondents: Olga Iris Vazquez, Salavtore A. Bramante
and Urania Petit
Attorney: Kevin Ahern on behalf of Shannon R. T. Bergquist
Lead Legal Investigator: Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and the proposed Stipulated Agreement. He recommended adoption of the proposed Stipulated Agreement.

It was moved by Commissioner Jenkins and seconded by Commissioner Stankevicius to adopt the proposed Stipulated Agreement in File No. 2010-145, 2010-146 and 2010-147. So voted. The Stipulated Agreement is available on our website under Commission Decisions.

7. In the Matter of a Complaint by Alvin Burgher, Jr., Hartford
File No. 2010-145
In the Matter of a Complaint by Timothy E. Denman, Hartford
File No. 2010-146
In the Matter of a Complaint by Richard V. Nelson, Hartford
File No. 2010-147
Request to Release Impoundment Order
Attorney: Kevin Ahern on behalf of Shannon R. T. Bergquist
Lead Legal Investigator: Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and the request to release impoundment of the Hartford voting machines.

In was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to release impoundment of the Hartford voting machines in File No. 2010-145, 2010-146 and 2010-147. So voted.

8. In the Matter of a Complaint by Jean de Smet, Windham
File No. 2010-149
Request to Release of Impoundment Order
Attorney: Kevin Ahern on behalf of Shannon R.T. Bergquist
Lead Legal Investigator: Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and the request to release impoundment of the Hartford voting machines.

In was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to release impoundment of the Windham voting machines in File No. 2010-149. So voted.

B. Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(3)(4) and (10)

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto at 9:33 A.M. to proceed into Executive Session pursuant to C.G.S. §1-200 (6) (B) and (E) and §1-210 (b) (3)(4) and (10) to discuss strategy and negotiations with respect to pending claims and exempt records relating thereto, listed as items 9 through 19 on Section V. of the agenda. So voted. Chairman Cashman and Commissioners Jenkins, Bozzuto, Castagno and Stankevicius were present. Staff members present were Mr. Lenge, Mr. Smith, Mr. Lamb, Mr. Oyola, Mr. Ahern, Ms. Blackburn, Ms. Stratton, Ms. Montgomery, Ms. Sadowski, Ms. Adams, Mr. Barry, Ms. Staniewicz, Mr. Urso, Ms. Zaccagnino Ms. Howard, Ms. Pulaski, Mr. Neumon and Mr. Lauzier.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins at 10:21 A.M. to return to public session. So voted.

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

9. In the Matter of a Complaint by Jeanette K. Benson, Monroe
File No. 2010-141
Proposed Findings and Conclusions
Attorney: Kevin Ahern
Lead Legal Investigator: Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and the proposed Findings and Conclusions. He 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. 2010-141. So voted. The Findings and Conclusions are available on our website under Commission Decisions.

10. In the Matter of a Complaint by Rafael Mojica, Bridgeport
File No. 2008-031
Proposed Findings and Conclusions
Attorney: Kevin Ahern
Lead Legal Investigator: Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and the proposed Findings and Conclusions. He 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. 2008-031. So voted. The Findings and Conclusions are available on our website under Commission Decisions.

11. In the Matter of a Complaint by Susan A. Koneff, Monroe
File No. 2010-152
Proposed Findings and Conclusions
Attorney: Kevin Ahern
Lead Legal Investigator: Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and the proposed Findings and Conclusions. He 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. 2010-152. So voted. The Findings and Conclusions are available on our website under Commission Decisions.

12. In the Matter of a Complaint by Elliot Medina, Hartford
File No. 2010-038
Attorney: Patrick J. Lamb
Lead Legal Investigator: Gilberto Oyola

This matter is continued.

13. In the Matter of a Complaint by Roger J. Szendy, New Milford
File No. 2010-054
Attorney: Patrick J. Lamb
Lead Legal Investigator: Gilberto Oyola

This matter is continued.

14. In the Matter of a Complaint by Jennifer Day, East Hampton
File No. 2010-136
Proposed Findings and Conclusions
Attorney: Patrick J. Lamb
Lead Legal Investigator: Gilberto Oyola

Attorney Lamb summarized the above referenced complaint and the proposed Findings and Conclusions. He 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. 2010-136. So voted. The Findings and Conclusions are available on our website under Commission Decisions.

**15. In the Matter of a Complaint by Alyssa S. Peterson, Hartford
File No. 2010-139**

Proposed Consent Agreement and Orders

**Respondent: Kathy Evans and Michael Lupo
Attorney: Patrick J. Lamb
Lead Legal Investigator: Gilberto Oyola**

Attorney Lamb summarized the above referenced complaint and the proposed Consent Agreements and Orders. He 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. 2010-139. So voted. The Consent Agreements and Orders are available on our website under Commission Decisions.

**16. In the Matter of a Complaint by Mark Dziubek, Southington
File No. 2009-039**

**Attorneys: William B. Smith and James Talbert-Slagle
Lead Legal Investigator: Gilberto Oyola**

This matter is continued.

**17. In the Matter of a Complaint by Jonathan Searles, East Hartford
File No. 2008-161**

Proposed Findings and Conclusions

**Attorney: James Talbert-Slagle
Lead Legal Investigator: Charlie Urso**

Attorney Talbert-Slagle summarized the above referenced complaint and the proposed Findings and Conclusions. He 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. 2008-161. So voted. The Findings and Conclusions are available on our website under Commission Decisions.

**18. In Re: Request for Initiation of an Investigation of November, 2010
Election Matters**

After discussion, it was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins that the Commission will take no further action regarding the November, 2010 Bridgeport Election Matters. So voted.

19. In Re: September 11, 07 Democratic Primary
File No. 2008-004

This matter is continued.

VI. Consideration of Applications for Public Grants from the Citizens' Election Fund

1. "Dan Fox For State Rep.," Daniel J. Fox

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to approve the public grant for "Dan Fox For State Rep.," Daniel J. Fox. So voted.

VII. Proposed Declaratory Rulings

This item was moved for discussion following Section II.

1. *Consideration of Declaratory Ruling 2011-02:*

- a. Recommendation of Counsel re: public comments received
- b. Declaratory Ruling 2011-02: Propriety of Expenditure out of Surplus Funds Following Election for Treasurer Services in Absence of Written Agreement

It was moved by Commissioner Jenkins and seconded by Commissioner Stankevicius to adopt Declaratory Ruling 2011-02: Propriety of Expenditure out of Surplus Funds Following Election for Treasurer Services in Absence of Written Agreement. So voted.

2. *Consideration of Declaratory Ruling 2011-03:*

- a. Recommendation of Counsel re: 2011-03
- b. Declaratory Ruling 2011-03: Candidate Committees and Joint Communications

It was moved by Commissioner Bozzuto and seconded by Commissioner Stankevicius to extend the comment period for Declaratory Ruling 2011-03: Candidate Committees and Joint Communications to May 6, 2011.

VIII. Adjournment

It was moved by Commissioner Jenkins and seconded by Commissioner Stankevicius at 10:30 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 13th day of April, 2011 at Hartford, Connecticut.



Stephen F. Cashman
By Order of the Commission

The next regular scheduled meeting is April 13, 2011 at 9:00 A.M. in the 5th Floor Conference room.