



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING
5th Floor Conference Room
April 13, 2011
9:00 A.M.

I. Call to Order

Chairman Cashman called the meeting to order at 9:06 A.M. Commissioners Jenkins and Castagno were present. Agency staff were also present.

Ms. Kief requested File No. 2009-147, item #7 be moved to replace File No. 2010-156, item #17 in Executive Session and that File No. 2010-156, item #17 be moved to replace File No. 2009-147, as item #7 in Public Session.

It was moved by Commissioner Jenkins and seconded by Commissioner Castagno to move items #7 and #17. So voted.

II. Approval of the Minutes

Approval of the Minutes of the March 16, 2011 Regular Meeting
Approval of the Minutes of the March 23, 2011 Special Teleconference Meeting

It was moved by Commissioner Jenkins and seconded by Commissioner Castagno to approve the Minutes of the March 16, 2011 Regular Meeting and to approve the Minutes of the March 23, 2011 Special Teleconference Meeting. So voted.

Commissioner Bozzuto joined the meeting at 9:07 A.M.

III. Administrative Reports

Mr. Lenge updated the Commission on the Special Election that took place on April 12, 2011 in the 148th District.

Mr. Lenge gave the Commission statistics for various units within the agency.

Mr. Lenge discussed a recent AFSCME PAC training that took place and noted that additional training will be taking place for the Town Clerk's Association.

Mr. Lenge updated the Commission on pending litigation for Green Party, *et al.* v. Albert P. Lenge, *et al.* and Gonzalez v. State Elections Enforcement Commission.

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IV. Legislative Update

Mr. Lenge updated the Commission on several bills that are being considered by the General Assembly.

V. Pending Complaints and Investigations

A. Public Session

1. In Re: "John Rigby for 63rd," John Rigby
File No. 2010-116
Proposed Consent Agreements and Orders
Respondents: John B. Rigby & Richard R. Lavieri
Attorney: Kevin Ahern
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 Bozzuto to adopt the proposed Consent Agreements and Orders in File No. 2010-116. So voted. The Consent Agreements and Orders are available on our website under Commission Decisions.

2. In the Matter of a Complaint by Robert J. Symmes, West Haven
File No. 2009-082
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 in File No. 2009-082. He recommended adoption of the proposed Findings and Conclusions.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to adopt the proposed Findings and Conclusions in File No. 2009-082. So voted. The proposed Findings and Conclusions are available on our website under Commission Decisions.

3. In the Matter of a Complaint by Anne Cushman Schwaikert, *et al*, ROV, Woodbury
File No. 2011-005
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 in File No. 2011-005. He recommended adoption of the proposed Findings and Conclusions.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to adopt the proposed Findings and Conclusions in File No. 2011-005. So voted. The proposed Findings and Conclusions is available on our website under Commission Decisions.

4. In the Matter of a Complaint by Elliot Medina, Hartford
File No. 2010-038

Proposed Consent Agreement and Order

Respondent: Jessica Rivera
Attorney: Patrick J. Lamb and Shannon R.T. Bergquist
Lead Legal Investigator: Gilberto Oyola

Attorney Lamb summarized the above referenced complaint and the proposed Consent Agreement and Order in File No. 2010-038. He recommended adoption of the proposed Consent Agreement and Order.

It was moved by Commissioner Castagno and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File No. 2010-038. So voted. The Consent Agreement and Order is available on our website under Commission Decisions.

5. In the Matter of a Complaint by Howard A. Raphaelson, Storrs
File No. 2009-056

Proposed Findings and Conclusions

Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

Attorney Smith summarized the above referenced complaint and the proposed Findings and Conclusions in File No. 2009-056. He recommended adoption of the proposed Findings and Conclusions.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to adopt the proposed Findings and Conclusions in File No. 2009-056. So voted. The proposed Findings and Conclusions is available on our website under Commission Decisions.

6. In the Matter of a Complaint by Francis A. Teodosio, Oxford
File No. 2009-117

Proposed Findings and Conclusions

Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

Attorney Smith summarized the above referenced complaint and the proposed Findings and Conclusions in File No. 2009-117. He recommended adoption of the proposed Findings and Conclusions.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to adopt the proposed Findings and Conclusions in File No. 2009-117. So voted. The proposed Findings and Conclusions is available on our website under Commission Decisions.

7. In Re: SEEC Initiated “Committee to Elect Stephen R. Ferrucci III”
File No. 2010-156
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 in File No. 2010-156. He recommended adoption of the proposed Findings and Conclusions.

It was moved by Commissioner Jenkins and seconded by Commissioner Castagno to adopt the proposed Findings and Conclusions in File No. 2010-156. So voted. The proposed 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)(4) and (10)

It was moved by Commissioner Jenkins and seconded by Commissioner Castagno at 9:36 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 8 through 21 on Section V. of the agenda. So voted. Chairman Cashman and Commissioners Jenkins, Bozzuto and Castagno were present. Staff members present were Mr. Lenge, Ms. Kief, Mr. Smith, Mr. Lamb, Mr. Ahern, Ms. Blackburn, Ms. Stratton, Mr. Talbert-Slagle, Ms. Montgomery, Mr. Barry, Ms. Adams, Ms. Staniewicz, Mr. Urso, Ms. Zaccagnino Ms. Howard and Mr. Neumon.

It was moved by Commissioner Jenkins and seconded by Commissioner Castagno at 10:50 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 Michael Gongler and Victor Harpley, Cromwell
File No. 2009-125
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

This matter is continued.

9. In the Matter of a Complaint by Helen Nitkin, Greenwich
File No. 2011-001
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

This matter is continued.

10. In Re: SEEC Initiated "Knox 2008"
File No. 2011-007
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

This matter is continued.

11. In Re: Cornwall Republican Town Committee, Hartford
File No. 2011-016NF
Motion to Initiate Investigation
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

Attorney Smith summarized the above mentioned complaint and requested the Commission permit a motion to initiate an investigation into File No. 2011-016NF.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to permit the motion to initiate an investigation into File No. 2011-016NF. So voted.

12. In the Matter of a Complaint by Larry McCluskey, Stafford
File No. 2009-109
Attorney: Kevin Ahern
Lead Legal Investigator: Gilberto Oyola

This matter is continued.

13. In the Matter of a Referral from the Secretary of the State
File No. 2011-035
Attorney: Kevin Ahern
Lead Legal Investigator: Gilberto Oyola

This matter is continued.

14. In the Matter of a Complaint by Caleb Kleppner, New Haven
File No. 2010-002
Attorney: James Talbert-Slagle
Lead Legal Investigator: Charlie Urso

Attorney Talbert-Slagle requested permission to authorize the expansion of the investigation in File No. 2010-002.

It was moved by Commissioner Bozzuto and seconded by Commissioner Castagno

to authorize the expansion of the investigation in File No. 2010-002. So voted.

15. In Re: SEEC initiated “Friends of Jacqui Denski”

File No. 2010-154

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

This matter is continued.

16. In Re: SEEC Initiated “Mount for State Representative”

File No. 2010-155

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

This matter is continued.

17. In Re: SEEC Initiated “Abe Giles 09”

File No. 2009-147

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

This matter is continued.

18. In Re: SEEC Initiated “Martin A. Goldberg for State Senate”

File No. 2010-157

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

This matter is continued.

19. In Re: SEEC Initiated “Perkins 2008”

File No. 2010-158

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

This matter is continued.

20. In Re. SEEC Initiated “Jose” “Chico” Rivera for State Rep. 130th District”

File No. 2010-159

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

This matter is continued.

21. Non-Filer Investigations and Prosecutions

- a. Appointment of Executive Director Lenge as Permanent Hearing Officer For Hearings Concerning Alleged Violations of §§ 9-602 (c), 9-603, 9-604, or 9-608.

Chairman Cashman appointed Albert Lenge as Permanent Hearing Officer for Hearings Concerning Alleged Violations of §§ 9-602 (c), 9-603, 9-604, or 9-608 until further notice.

- b. Pursuant to Section 9-7b-35 of the Regulations of Connecticut State Agencies, Proposed Findings of a Reason to Believe a Violation has been Committed Concerning Delinquent Filings, Violations Under Section 9-623(b) (2). Based Upon Referrals by the SEEC Campaign Disclosure and Audit Unit.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to find reason to believe violations have been committed in File Nos.: 2010-028NF, 2010-065NF, 2010-163NF, 2010-168NF, 2010-169NF, 2010-176NF, 2010-183NF and 2010-188NF. So voted.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to find reason to believe violations have been committed in File Nos.: 2010-020NF, 2011-029NF and 2011-034NF. So voted.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to find reason to believe violations have been committed in File No. 2010-092CNF.

VI. *Executive Session per C.G.S. §§ 1-200(6)(B) and (E), and 1-210(b)(1)(3)(4) and (10)*
(Discussion of preliminary draft audit and enforcement procedures with agency counsel in relation to current and prospective law enforcement actions arising out of audits)

It was moved by Commissioner Jenkins and seconded by Commissioner Castagno at 11:07 A.M. to proceed into Executive Session pursuant to C.G.S. §1-200(6)(B) and (E) and §1-210 (b)(1)(3)(4) and (10) to discuss strategy and negotiations with respect to pending claims and exempt records relating thereto, listed as items 1 through 5 on Section VI. of the agenda. So voted. Chairman Cashman and Commissioners Jenkins, Bozzuto and Castagno were present. Staff members present were Mr. Lenge, Ms. Kief, Mr. Smith, Mr. Lamb, Mr. Ahern, Ms. Blackburn, Ms. Stratton, Mr. Talbert-Slagle, Ms. Montgomery, Mr. Barry, Ms. Adams, Ms. Staniewicz, Mr. Urso, Ms. Zaccagnino, Ms. Howard and Mr. Neumon.

It was moved by Commissioner Jenkins and seconded by Commissioner Castagno at 11:11 A.M. to return to public session. So voted.

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

Consideration of Draft Audit Reports

- 1. “Barry 2008,” Ryan P. Barry
Examiner: Martin Paxi

2. "Anderson 08," Janice M. Anderson
Examiner: Paul Boutin

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to approve the aforementioned committee draft Audit Reports numbered 1. "Barry 2008," Ryan P. Barry and 2. "Anderson 08," Janice M. Anderson as final audit reports. So voted.

3. "Friends of Selim," Selim Noujaim
Examiner: Linda Waterman

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to refer "Friends of Selim," Selim Noujaim to Enforcement. This matter will be incorporated into pending complaints File Nos. 2008-158 and 2008-223. So voted.

4. "Airey-Wilson for Senate," Veronica Airey-Wilson
Examiner: Monique Tusinski

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to refer "Airey-Wilson for Senate," Veronica Airey-Wilson to Enforcement. So voted.

5. "Russo for Senate," Robert Russo
Examiner: Shantelle Varrs

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to refer "Russo for Senate," Robert Russo to Enforcement. So voted.

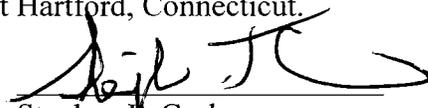
VII. Adjournment

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto at 11:14 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 May, 2011 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Stephen F. Cashman", written over a horizontal line.

Stephen F. Cashman
By Order of the Commission

The next regular scheduled meeting is May 18, 2011 at 9:00 A.M. in the 5th Floor Conference room.