

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by a SEEC Elections Officer

RESPONDENT:	File No. 2010-176NF &
Raul Montañez-Pitre	File No. 2011-020NF
Hartford Principals & Supervisors Association PAC	
113 Arnold Street	
East Hartford, CT 06108	

**FINAL DECISION**

These matters were heard as a contested case on May 6, 2011, pursuant to Chapter 54 of the Connecticut General Statutes, § 9-7b of the Connecticut General Statutes and § 9-7b-35 of the Regulations of Connecticut State Agencies, at which time Attorney Patrick Lamb appeared on behalf of the State of Connecticut and the Respondent, Raul Montañez-Pitre, did not appear. Documentary and testimonial evidence was presented.

After careful consideration of the entire record, the following facts are found and conclusions of law are made:

1. These matters were referred to the Enforcement Unit of the State Elections Enforcement Commission (hereinafter the "Commission") by Elections Officer Nancy Staniewicz on or after November 29, 2010 and February 14, 2011, respectively. *State's Exhibit 12.*
2. Albert P. Lenge was designated as Hearing Officer on April 13, 2011 by order of the State Elections Enforcement Commission. The designation of Hearing Officer Lenge and accompanying Notice of Hearing and Order to Show Cause were sent to the Respondent on April 14, 2011. *State's Exhibit 1.*
3. The facts as presented were not contested and are not in dispute. The Respondent has been the treasurer on the Hartford Principals & Supervisors PAC (an ongoing political committee established for a labor union, hereinafter the "Committee") from June 20, 1997 to the present time. *State's Exhibits 4, 6, 10 and 12.*
4. General Statutes § 9-608 (a) provides, in relevant part, as follows: "(1) **Each campaign treasurer of a committee**, other than a state central committee, **shall file a statement**, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) **on the tenth calendar day in the months of January, April, July and October**, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, (B) **on the seventh day preceding each regular state election**, except that . . . (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date, **and (C) if the committee has made or received a contribution or expenditure in connection with any other election, a primary or a referendum, on the seventh day preceding the election, primary or referendum.**" (Emphasis added.)

5. General Statutes § 9-623 (b) provides as follows: “(1) If any campaign treasurer fails to file any statement required by section 9-608, or if any candidate fails to file either (A) a statement for the formation of a candidate committee as required by section 9-604, or (B) a certification pursuant to section 9-603 that the candidate is exempt from forming a candidate committee as required by section 9-604, within the time required, the campaign treasurer or candidate, as the case may be, shall pay a late filing fee of one hundred dollars. (2) In the case of any such statement or certification that is required to be filed with the State Elections Enforcement Commission, the commission shall, not later than ten days after the filing deadline is, or should be, known to have passed, notify by certified mail, return receipt requested, the person required to file that, if such statement or certification is not filed not later than twenty-one days after such notice, the person is in violation of section 9-603, 9-604 or 9-608.”
6. Filings were due for the political committee on October 26, 2010 and January 10, 2011, but neither was filed. *State’s Exhibit 12.*
7. Ms. Staniewicz sent multiple letters to Mr. Montañez-Pitre regarding these filings. *State’s Exhibits 7, 9 and 12.* On November 5, 2010, Ms. Staniewicz sent a letter to Mr. Montañez-Pitre, stating that the Commission had not received an itemized financial disclosure statement that was due on October 26, 2010. *State’s Exhibit 7.* The letter imposed a \$100 late fine and requested that he file the statement within 21 days. *State’s Exhibit 7.* The letter also informed Mr. Montañez-Pitre that if he did not submit the statement within 21 days, then pursuant to General Statutes § 9-623, Ms. Staniewicz would refer the matter to the Commission’s Enforcement Unit where the penalty would automatically become at least \$200 and could be as much as \$2,000. *State’s Exhibit 7.*
8. On January 21, 2011, Ms. Staniewicz sent another letter to Mr. Montañez-Pitre, stating that the Commission had not received an itemized financial disclosure statement that was due on January 10, 2011. *State’s Exhibit 9.* The letter imposed a \$100 late fine and requested that he file the statement within 21 days. *State’s Exhibit 9.* The letter also informed Mr. Montañez-Pitre that if he did not submit the statement within 21 days, then pursuant to General Statutes § 9-623, Ms. Staniewicz would refer the matter to the Commission’s Enforcement Unit where the penalty would automatically become at least \$200 and could be as much as \$2,000. *State’s Exhibit 9.*
9. For each filing, after 21 days had expired from the date of the letter, and no disclosure statement was filed, Ms. Staniewicz referred the matter to the Commission’s Enforcement Unit. *State’s Exhibit 12.* Failure to file within the prescribed time period after notice is given is a *per se* violation of General Statutes § 9-608. *See* General Statutes § 9-623 (b) (2).
10. It is found that Mr. Montañez-Pitre was in violation of General Statutes § 9-608 for his failure to file both the October 26, 2010 and the January 10, 2011 financial disclosure statements.

11. At the hearing on May 6, 2011, testimony was presented and evidence was introduced that Mr. Montañez-Pitre had prior violations of campaign finance law. *State's Exhibit II*. In fact, between 1997 and 2008, Mr. Montañez-Pitre had fifteen violations, for which he paid fines in the amount of \$6,470, in total. *State's Exhibit 11*.
12. It is also found that the Respondent has not, to date, filed the appropriate financial disclosure statements for the October 26, 2010 and January 10, 2011 filings. *State's Exhibit 12*. As a consequence, the public was denied full disclosure of the record of receipts and expenditures of the Committee as required by law, and it continues to be deprived of said disclosure to the present time.
13. Testimony was presented that Commission staff was persistent and rigorous in its efforts to contact Mr. Montañez-Pitre, attempting contact via telephone, e-mail and regular mail, all to no avail. *Testimony of MaryAnn Stratton. State's Exhibits 7, 9 and 12*.
14. General Statutes § 9-7b (2) provides, in pertinent part, that the Commission shall have the power to levy a civil penalty not to exceed "two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155 or 157." The Commission may levy a civil penalty against any person only after giving the person an opportunity to be heard at a hearing. General Statutes § 9-7b (2).
15. General Statutes § 9-623 (b) (4) provides, in pertinent part, that "[t]he penalty for any violation of section . . . 9-608 . . . shall be a fine of not less than two hundred dollars or more than two thousand dollars or imprisonment for not more than one year, or both."
16. In addition, General Statutes § 9-7b (3) (B) further provides that this Commission may, when it "finds that an intentional violation of any provision of Chapter 155 or 157 has been committed, after an opportunity to be heard at a hearing conducted in accordance with sections 4-176e to 4-184, inclusive," order "one or more of the following sanctions: (i) Removal of a campaign treasurer . . . [and] (ii) prohibition on serving as a campaign treasurer . . . for a period not to exceed four years . . . ."
17. In consideration of the factors listed in § 9-7b-48, Regs., Conn. State Agencies, it is found that (1) the Respondent has an extensive history of past violations, (2) as of the date of the hearing, neither of the missing filings had been submitted, (3) the Commission has both informed the Respondent of his duties as treasurer and made a diligent efforts to contact him about his filing delinquencies, (4) the Commission can infer from the Respondent's present and past actions the intention to violate state election law, and (5) the only practical solution from preventing further violations is his removal from his appointment as treasurer.

The following Order is adopted on the basis of these findings and conclusions:

**ORDER**

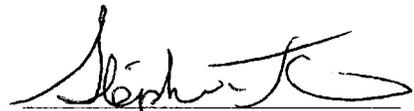
IT IS HEREBY ORDERED THAT the Respondent, or his agent, shall file financial disclosure statements that were due to be filed on October 26, 2010 and January 10, 2011, within 30 days of notice of this decision.

IT IS HEREBY FURTHER ORDERED THAT the Respondent shall pay a total civil penalty in the amount of \$2000.00, payable to the State Elections Enforcement Commission, within 30 days of notice of this decision, for two separate violations of General Statutes § 9-608.

IT IS HEREBY FURTHER ORDERED THAT the Respondent, immediately after said filings, shall be removed from his position as treasurer of the Committee and prohibited from serving as a treasurer or deputy treasurer for any committee for a period of four years.

IT IS HEREBY FURTHER ORDERED THAT if either of the financial disclosure statements that were due to be filed on October 26, 2010 and January 10, 2011 are not filed within 30 days of notice of this decision, the Respondent shall pay a total civil penalty in the amount of \$4000.00, payable to the State Elections Enforcement Commission, within 90 days of notice of this decision.

Adopted this 22<sup>nd</sup> day of June 2011 at Hartford, Connecticut by vote of the Commission.



Stephen F. Cashman, Chairman  
By order of the Commission

I certify the preceding final decision was sent to Respondent Raul Montañez-Pitre, 113 Arnold Street, East Hartford, CT 06108, via first-class mail on June \_\_, 2011 with delivery confirmation tracking and certified mail, return receipt requested.



MaryAnn Stratton  
Acting Clerk of the Commission