



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

DRAFT MINUTES
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING
5th Floor Conference Room
January 13, 2015
9:00 A.M.

I. Call to Order

Commissioner Castagno was present and called the meeting to order at 9:05 A.M. Commissioners Salvatore Bramante, Stephen Penny and Michael Ajello were also present. Agency staff was also present.

II. Approval of the Minutes

Approval of the Minutes of the Meeting of December 16, 2014

Commissioner Castagno advised of a change to the “draft” minutes of the December 16, 2014 regular meeting. Item number 1 in public session, 2013-158 should reflect a vote of 4-0-1 with Commissioner Bramante abstaining.

It was moved by Commissioner Penny and seconded by Commissioner Ajello to approve, as amended, the Minutes of the December 16, 2014 regular meeting by a vote 4-0-0 vote.

III. Administrative Reports

SEEC has a number of staff not in attendance today, they are under subpoena and are testifying in the Ernie Newton trial.

Personnel wise, SEEC is up to six vacancies on the Commission staff. We are awaiting on final approvals and have been told that they are at the final stage at OPM, and hoping to get those shortly as they are affecting operations.

Budget wise, we are in good shape, in large part because of all the vacancies. SEEC doesn't anticipate any issues. We did give back one percent on the voluntary reduction as requested by the Governor.

Audit has completed the lottery selection and documents are coming in for staff to review.

The legislative session has started and there are a number of proposals to be submitted. GAE had its first introductory meeting yesterday, SEEC will be spending a lot of time at the legislature getting a lot of the new members up to speed. SEEC

will also be proposing our legislation to try and affect some positive change regarding disclosure and campaign finance.

One piece of news, next week, January 22nd I will be in Washington, D.C. at a congressional briefing. That has been requested by a congressman through the Brennan Center. We will be appearing there with new incoming chair of the FEC.

IV. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by Robert H. Kalechman, Simsbury
File No. 2014-113

Proposed Findings & Conclusions

Respondent:

Carolyn D. Keily, Simsbury Town
Clerk; Marge Diachenko, ROV(R);
Karen E. Cortes, ROV(D)

Attorney:

William B. Smith

Lead Legal Investigator:

Gilberto Oyola

Attorney Summarized summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2014-113. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to adopt the Proposed Findings & Conclusions in File No. 2014-113. So voted by a vote 4-0. The Findings & Conclusions are available on our website under Commission Decisions.

2. In the Matter of a Complaint by Kirk Carr, Clinton
File No. 2014-053

Proposed Findings & Conclusions

Respondents:

Jack Cross, Superintendent of
Schools and Phillip Williams,
Chairman, Clinton Board of
Education

Attorney:

William B. Smith

Lead Legal Investigator:

Gilberto Oyola

Attorney Smith summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2014-053. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Penny and seconded by Commissioner

Bramante to continue File No. 2014-053. So voted by a vote 4-0.

3. In the Matter of a Complaint by Eva M. Eszterhai, Niantic
File No. 2014-151

Proposed Findings & Conclusions

Respondents:	Nancy DiNardo, Chairperson, Democratic State Central Committee
Attorney:	William B. Smith
Lead Legal Investigator:	Gilberto Oyola

Attorney Smith summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2014-151. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to adopt the Proposed Findings & Conclusions in File No. 2014-151. So voted by a vote 4-0. The Findings & Conclusions are available on our website under Commission Decisions.

4. In the Matter of a Complaint by Lisa Labella, Trumbull
File No. 2014-047

Proposed Consent Order & Agreement

Respondent:	Carl Scarpelli
Attorney:	Patrick Lamb
Legal Investigator:	Scott Branfuhr

Attorney Lamb summarized the above referenced complaint and Proposed Consent Order & Agreement in File No. 2014-047. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to adopt the Proposed Consent Order & Agreement in File No. 2014-047. So voted by a vote 4-0. The Consent Order & Agreement are available on our website under Commission Decisions.

V. *Executive Session per General Statutes §§ 1-200(6)(B) and (E), and 1-210(b)(1),(3),(4),(10) and General Statutes §9-7a, as amended by Public Act 11-48 §300*

(Preliminary draft and agency consideration of enforcement action and exempt records relative thereto)

It was moved by Commissioner Penny and seconded by Commissioner Ajello at 9:55 A.M. to proceed into Executive Session pursuant to General Statutes §§ 1-200(6)(B) and (E), and 1-210(b)(1),(3),(4),(10) to discuss strategy and negotiations with respect to pending claims and exempt records. So voted.

Commissioners Castagno, Bramante, Ajello and Penny were present. Staff members present were Gilberto Oyola, Lindsey Leung, Ryan Burns, Kevin Ahern, Joshua Foley, Scott Branfuhr, William Smith, Marianne Sadowski, Patrick Lamb, James Talbert-Slagle, Shannon Kief, Michael Brandi and Sheri-Lyn Lagueux.

It was moved by Commissioner Penny and seconded by Commissioner Bramante at 11:37 A.M. to return to public session. So voted.

Following a short recess the Commission took the following action:

1. Communication by Counsel: Discussion of preliminary draft legislative proposals

The matter is continued.

2. Communication by Counsel: Discussion of preliminary drafts for Declaratory Ruling 2015-01: Regarding the use of Electronic Signs to Communicate the Time Date and Location of Referendum

Mr. Burns summarized the draft Declaratory Ruling 2015-01: Regarding the use of Electronic Signs to Communicate the Time Date and Location of Referendum.

After discussion it was moved by Commissioner Penny and seconded by Commissioner Ajello to accept the recommendation of counsel on draft Declaratory Ruling 2015-01. So voted by a 4-0 vote.

Pursuant to General Statutes § 4-176 (e) and Connecticut Agency Regulations § 9-7b-65 (c), regarding the petition for a declaratory ruling from Pullman & Comley LLC, which was received by the Commission on October 2, 2014: (1) The Commission votes to approve the Proposed Declaratory Ruling draft entitled Electronic Signs May Be Used to Provide Time, Date and Location Information Pursuant to General Statutes § 9-369b (a) (3) as They are Beyond the Scope of that Subsection at this January 13, 2015 meeting, the Commission hereby directs staff to post the Proposed Declaratory Ruling on the SEEC website and to send notice to all persons who were sent notice of the receipt of the petition, with a comment period to close on February 4, 2015 at 11:59 p.m.

3. In the Matter of a Complaint by Jennifer Buchanan, et al., Bridgeport File No. 2013-130

Recommendation of Counsel

Attorney:

Lead Legal Investigator:

Kevin M. Ahern

Gilberto Oyola

The matter is continued.

4. In the Matter of a Complaint by Gary Fuller, Stratford
File No. 2013-163
Recommendation of Counsel
Attorney: Kevin M. Ahern
Lead Legal Investigator: Gilberto Oyola

The matter is continued.

5. In the Matter of a Complaint by Christopher Suggs, West Haven
File No. 2014-020
Recommendation of Counsel
Attorney: Kevin M. Ahern
Legal Investigator: Scott Branfuhr

Attorney Ahern summarized the above referenced Recommendation of Counsel in the above matter. He recommended the Commission authorize a request for Investigatory Subpoena.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to authorize the issuance of an Investigatory Subpoena. So voted by a 4-0 vote.

6. In re: Referral by Secretary of the State, Hartford
File No. 2014-162
Recommendation of Counsel
Attorney: Kevin M. Ahern
Legal Investigator: Scott Branfuhr

Attorney Ahern summarized the above referenced Recommendation of Counsel in the above matter. He recommended the Commission authorize a request for Investigatory Subpoena.

It was moved by Commissioner Penny and seconded by Commissioner Ajello to authorize the issuance of an Investigatory Subpoena. So voted by a 3-0-1 vote with Commissioner Bramante abstaining. The record reflects that Commissioner Bramante left the room during executive session discussion of this matter.

7. In the Matter of a Complaint by Barbara P. Dahle, Burlington
File No. 2014-088
Recommendation of Counsel

Attorney: Patrick Lamb
Legal Investigator: Scott Branfuhr

Attorney Lamb summarized the above referenced complaint and Recommendation of Counsel in File No. 2014-088. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Penny and seconded by Commissioner Ajello to adopt the Proposed Findings & Conclusions in File No. 2014-088. So voted by a vote 4-0. The Findings & Conclusions are available on our website under Commission Decisions.

8. In re: Referral by Voluntown Democratic Registrar of Voters, Diana M. Ingraham, Voluntown
File No. 2013-177
Recommendation of Counsel
Attorney: Patrick Lamb
Lead Legal Investigator: Gilberto Oyola

The matter is continued.

9. In re: Referral by Killingworth Assistant Town Clerk Dawn R. Mooney
File No. 2013-131
Recommendation of Counsel
Attorney: Patrick Lamb
Legal Investigator: Scott Branfuhr

The matter is continued.

10. In the Matter of a Complaint by Marc E. Lubetkin, Simsbury
File No. 2012-147
Recommendation of Counsel
Attorney: James M. Talbert-Slagle
Lead Legal Investigator: Charlie Urso

The matter is continued.

11. In the Matter of a Complaint by Harold S. Harris *et al*, Glastonbury
File No. 2012-169
Recommendation of Counsel
Attorney: James M. Talbert-Slagle
Lead Legal Investigator: Charlie Urso

The matter is continued.

12. In the Matter of a Complaint by Kim Fawcett, Fairfield
File No. 2012-235
Recommendation of Counsel
Attorney: James M. Talbert-Slagle
Lead Legal Investigator: Charlie Urso

The matter is continued.

13. In the Matter of a Complaint by Tom Frenaye, West Suffield
File No. 2014-038
Recommendation of Counsel
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

The matter is continued.

14. In re: Request to Initiate Investigations Based Upon Findings Regarding
Contributions by Employees of “Star Distributors”
File No. 2014-163
Recommendation of Counsel
Attorney: William B. Smith
Lead Legal Investigator: Charlie Urso

The matter is continued.

15. Recommendation of Counsel: Necessary to Investigate Determination
pursuant to General Statutes §9-7a, as amended by Public Act 11-48 §300

It was moved by Commissioner Penny and Seconded by Commissioner
Bramante to make a determination that it is necessary to investigate violations
relating to two (2) complaints in File Nos.: 2014-183 and 2014-205. So voted
by a vote 4-0.

VI. Consideration of Matters Discussed in Executive Session

VII. Adjournment

It was moved by Commissioner Penny and seconded by Commissioner Ajello at
11:36 A.M. to adjourn the meeting. So voted. Unless otherwise indicated, all votes
of the Commission were unanimous.

The next regular scheduled meeting is February 17, 2015 at 9:00 A.M. in the 5th Floor Conference room.