



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

**DRAFT MINUTES
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING**

5th Floor Conference Room

March 19, 2014

9:00 A.M.

I. Call to Order

Commissioner Castagno was present and called the meeting to order at 9:10 A.M. Commissioners Salvatore Bramante, Stephen Penny, Patricia Stankevicius and Michael Ajello were present. Agency staff was also present.

II. Approval of the Minutes

Approval of the Minutes of the Meeting of February 19, 2014

Approval of the Minutes of the Meeting of March 14, 2014

It was moved by Commissioner Bramante and seconded by Commissioner Penny to approve the Minutes of the February 19, 2014 regular meeting. The minutes were approved by a vote 4-0. So voted.

It was moved by Commissioner Bramante and seconded by Commissioner Penny to approve the Minutes of the March 14, 2014 special meeting. The minutes were approved by a vote 4-0. So voted.

III. Administrative Reports

Mr. Brandi reported that personnel wise, SEEC is fully staffed.

Mr. Brandi advised that trainings are being held.

Mr. Brandi reported that upwards of 178 Candidate Committees have been formed for the 2014 election cycle.

Mr. Brandi updated the commission that the Pre-Application Review process, having contributions reviewed early by allowing candidates to voluntarily submit documentation, is working well. This process has been allowing staff more time to review the contributions and communicate with the committees of any issues.

Mr. Brandi advised that budget wise we are on target. SEEC received its FAC transfer this month and both operating accounts are sufficient to meet our obligations.

Mr. Brandi updated that regarding legislation, this is a short session year. SEEC has been proceeding with three primary bills. Two of the bills have now passed through committee and are now ready for the floor. The bill related to the Municipal Pilot program and the other technical bill relating to SEEC reviewing bank statements when committees terminate. The big one we are working on is SB 455, this bill was on for public hearing this past Monday and there was no opposition. This is the bill to find the permanent fix to the CEF, making sure that the fund does not become insufficient. It allows for the guaranty of the grants without any requirement to deposit any new monies from new sources into the fund.

Mr. Brandi reported that Confirmations for three of our Commissioners will be coming soon. Commissioners Ajello and Penny have been confirmed by the Senate and now we are awaiting confirmations in the House. Commissioner Bramante is awaiting confirmation and will be on the next House calendar.

IV. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by Sharon Benedict, Roxbury
File No. 2013-089a
Proposed Consent Order & Agreement
Respondent: Gregory Cava
Attorney: Kevin M. Ahern
Lead Legal Investigator: Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and Proposed Consent Order & Agreement in File No. 2013-089a. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Penny and seconded by Commissioner Ajello to adopt the Proposed Consent Order & Agreement in File No. 2013-089a. So voted by a vote 4-0. The Proposed Consent Order & Agreement are available on our website under Commission Decisions.

2. In the Matter of a Complaint by Sharon Benedict, Roxbury
File No. 2013-089b
Proposed Consent Order & Agreement
Respondent: Judith Doran
Attorney: Kevin M. Ahern
Lead Legal Investigator: Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and Proposed Consent Order & Agreement in File No. 2013-089b. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Bramante and seconded by Commissioner Penny to adopt the Proposed Consent Order & Agreement in File No. 2013-089b upon receipt in ten days. So voted by a vote 4-0. The Proposed Consent Order & Agreement will be available on our website under Commission Decisions upon receipt.

3. In the Matter of a Referral by the Greenwich Registrars of Voters
File No. 2013-007
Proposed Consent Order & Agreement

Respondent: Craig Bibb
Attorney: Kevin M. Ahern
Legal Investigators: Gilberto Oyola & Scott Branfuhr

Attorney Ahern summarized the above referenced complaint and Proposed Consent Order & Agreement in File No. 2013-007. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Ajello and seconded by Commissioner Bramante to adopt the Proposed Consent Order & Agreement in File No. 2013-007. So voted by a vote 4-0. The Proposed Consent Order & Agreement are available on our website under Commission Decisions.

4. In the Matter of a Complaint by Paul Copp, Wethersfield
File No. 2014-004
Proposed Findings & Conclusions

Respondents: Wethersfield Registrars of Voters
Carol Hurley and Camile Mogelnicki
Attorney: Kevin M. Ahern
Legal Investigator: Scott Branfuhr

Attorney Ahern summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2014-004. He recommended adoption of the Proposed Findings.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to adopt the Proposed Findings & Conclusions in File No. 2014-004. So voted by a vote 4-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

5. In the Matter of a Complaint by Brendan T. Keatley, Trumbull
File No. 2013-107

Proposed Consent Order & Agreement

Respondents:

Belltown Volunteer Fire Department,
Inc.; Springdale Volunteer Fire
Company, Inc., Turn of River
Volunteer Fire Department, Inc. and
Long Ridge Volunteer Fire
Company, Inc.

Attorney:

Patrick J. Lamb

Lead Legal Investigator:

Gilberto Oyola

Attorney Lamb summarized the above referenced complaint and Proposed Consent Order & Agreement in File No. 2013-107. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Bramante and seconded by Commissioner Ajello to adopt the Proposed Consent Order & Agreement in File No. 2013-107. So voted by a vote 4-0. The Proposed 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 Bramante and seconded by Commissioner Ajello at 9:29 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, Penny and Ajello were present. Staff members present were William Smith, Lisa Nightingale, Marianne Sadowski, Gilberto Oyola, Linda Waterman, Patrick Lamb, Kevin Ahern, James Talbert-Slagle, Joshua Foley, Charlie Urso, Scott Branfuhr, Jennifer Montgomery, Lindsey Leung, Shannon Kief, Michael Brandi, Evelyn Gratacos and Sheri-Lyn Lagueux.

It was moved by Commissioner Ajello and seconded by Commissioner Bramante at 11:01 to return to public session. So voted.

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

1. In re: SEEC Initiated “Kelly for Senate 2012,” Hartford
File No. 2013-092
Recommendation of Counsel
Attorney: Patrick J. Lamb
Legal Investigator: Charlie Urso

The matter is continued.

2. In re: SEEC Initiated “Knapp 109,” Hartford
File No. 2011-145
Proposed Consent Order & Agreement
Attorney: James Talbert-Slagle
Lead Legal Investigator: Charlie Urso

The matter is continued.

3. In re: SEEC Initiated “Daviddenvir 2010,” Hartford
File No. 2011-144a
Proposed Consent Order & Agreement
Attorney: James Talbert-Slagle
Lead Legal Investigator: Charlie Urso

The matter is continued.

4. In re: SEEC Initiated “Daviddenvir 2010,” Hartford
File No. 2011-144b
Proposed Consent Order & Agreement
Attorney: James Talbert-Slagle
Lead Legal Investigator: Charlie Urso

The matter is continued.

5. In the Matter of a Complaint by Joel Gonzalez, Bridgeport
File No. 2013-098
Proposed Findings & Conclusions
Attorney: James Talbert-Slagle
Lead Legal Investigator: Charlie Urso

Attorney Talbert-Slagle summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2013-098. 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. 2013-

098. So voted by a vote 4-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

6. In re: SEEC Initiated “O’Dea for State Rep.,” Hartford
File No. 2014-016
Proposed Withdrawal
Attorney: James Talbert-Slagle
Lead Legal Investigator: Charlie Urso

Attorney Talbert-Slagle summarized the above referenced complaint and Proposed Withdrawal in File No. 2014-016. He recommended adoption of the Withdrawal.

It was moved by Commissioner Bramante and seconded by Commissioner Ajello to adopt the Withdrawal in File No. 2014-016. So voted by a vote 4-0.

7. Referral by the Ledyard Town Clerk, Ledyard
File No. 2013-002
Recommendation of Counsel
Attorney: Kevin M. Ahern
Legal Investigators: Gilberto Oyola & Scott Branfuhr

Attorney Ahern summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2013-002. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Bramante and seconded by Commissioner Ajello to adopt the Proposed Findings & Conclusions in File No. 2013-002. So voted by a vote 4-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

8. In the Matter of a Complaint by Jose L. Morales, Waterbury
File No. 2012-119
Proposed Consent Order & Agreement
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

Attorney Smith summarized the above referenced complaint and Proposed Consent Order & Agreement in File No. 2012-119. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Penny and seconded by Commissioner Ajello to adopt the Proposed Consent Order & Agreement in File No. 2012-119. So

voted by a vote 4-0. The Proposed Consent Order & Agreement are available on our website under Commission Decisions.

9. In the Matter of a Complaint by Michael H. Griffin, Stratford
File No. 2013-106
Proposed Consent Order & Agreement
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

Attorney Smith summarized the above referenced complaint and Proposed Consent Order & Agreement in File No. 2013-106. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Ajello and seconded by Commissioner Bramante to adopt the Proposed Consent Order & Agreement in File No. 2013-106. So voted by a vote 4-0. The Proposed Consent Order & Agreement are available on our website under Commission Decisions.

10. In the Matter of a Complaint by Larry K. Johnson, Norwalk
File No. 2013-133
Proposed Findings & Conclusions
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

Attorney Smith summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2013-133. 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. 2013-133 as amended, striking the words “any schemes or” from paragraph 16. So voted by a vote 4-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

11. In the Matter of a Complaint by Jeff Guttman, Monroe
File No. 2013-143
Proposed Consent Order & Agreement
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

The matter is continued.

12. In the Matter of a Complaint by Zak Sanders, Hartford

File No. 2013-146

Proposed Findings & Conclusions

Attorney:

William B. Smith

Legal Investigator:

Scott Branfuhr

Attorney Smith summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2013-146. 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. 2013-146. So voted by a vote 4-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

13. 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 Bramante and Seconded by Commissioner Ajello to make a determination that it is necessary to investigate violations relating to eight (8) complaints in File Nos.: 2014-009, 2014-010, 2014-018, 2014-019, 2014-020, 2014-021, 2014-022 and 2014-027. So voted by a vote 4-0.

14. Consideration of Draft Audit Reports

It was moved by Commissioner Bramante and seconded by Commissioner Ajello to approve the issuance of the aforementioned committee draft Audit Reports 1-12 as Final Audit Reports, to continue draft Audit Report 13 and to refer to enforcement Draft Audit Report 14. So voted by a vote 4-0.

1. "Leone for Senate," Carlo Leone
Examiner: Dinorah Collado
2. "Dagostino 2012" Exploratory Committee, Michael D'Agostino
Examiner: Matthew Lombardi
3. "D'Agostino 2012," Michael D'Agostino
Examiner: Matthew Lombardi
4. "Canty 2012," Leo Canty
Examiner: Dinorah Collado
5. "Dave for Enfield," David Alexander
Examiner: Matthew Lombardi

6. "David J. Alexander" Exploratory Committee, David Alexander
Examiner: Matthew Lombardi
7. "DeJesus 2012," Damien A. DeJesus
Examiner: Karen Moreira
8. "Lamont 2010," Edward M. Lamont
Examiner: Salman Munir
9. "Lamont for Governor," Edward M. Lamont
Examiner: Salman Munir
10. "Jepsen 2010," George C. Jepsen
Examiner: Salman Munir
11. "Jepsen 2010" Exploratory Committee, George C. Jepsen
Examiner: Salman Munir
12. "Garber for Attorney General," Ross H. Garber
Examiner: Salman Munir
13. "Jarjura for Comptroller," Michael J. Jarjura
Attorney: James Talbert-Slagle
14. "McGee for State Representative,"
Attorney: James Talbert-Slagle

VI. PROPOSED DECLARATORY RULING 2014-01: Construction of the Phrase "Make or Obligate to Make" as Applied to Disclosure of Independent Expenditures

Ms. Kief summarized the proposed Declaratory Ruling 2014-01, Construction of the Phrase "Make or Obligate to Make" as applied to disclosure of Independent Expenditures.

After discussion it was moved by Commissioner Ajello and seconded by Commissioner Bramante to adopt proposed declaratory ruling 2014-01 with changes. So voted by a 4-0 vote.

VII. PROPOSED DECLARATORY RULING 2014-02: Candidate's Solicitation of Contributions and Covered Transfers pursuant to Public Act 13-180

Ms. Kief summarized the proposed Declaratory Ruling 2014-02, Candidate's Solicitation of Contributions and Covered Transfers pursuant to Public Act 13-180.

After discussion it was moved by Commissioner Ajello and seconded by Commissioner Bramante to adopt proposed declaratory ruling 2014-02 as submitted. So voted by a 4-0 vote.

VIII. PROPOSED DECLARATORY RULING 2014-03: *Application of the Program Book Exception to Communicator Lobbyists*

It was moved by Commissioner Bramante and seconded by Commissioner Ajello to Adopt the Resolution and Order setting forth specified proceedings for the matter of Perkins Coie for Declaratory Ruling 2014-03 as follows:

Pursuant to General Statutes § 4-176 (e) and Connecticut Agency Regulations § 9-7b-65 (c), it is hereby resolved and ordered that the following proceedings are set regarding the petition for a declaratory ruling from Jay F. Malcynsky of the lobbying firm of Gaffney, Bennett and Associated, Inc., which was received by the Commission on February 18, 2014:

(1) With regard to the petition, the Commission staff shall circulate the proposed Declaratory Ruling attached hereto to all persons who have requested such notice, and shall post notice of the proposed Declaratory Ruling on the State Election Enforcement Commission's website. The comment period shall close at 11:59 p.m. on April 7, 2014. The Commission shall consider all such comments received at its regular meeting in April 16, 2014 and shall vote to issue a declaratory ruling or set further proceedings as necessary.

IX. *Adjournment*

It was moved by Commissioner Bramante and seconded by Commissioner Ajello at 11:27 A.M. to adjourn the meeting. So voted. Unless otherwise indicated, all votes of the Commission were unanimous.

The next regular scheduled meeting is April 16, 2014 at 9:00 A.M. in the 5th Floor Conference room.