



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

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

5th Floor Conference Room

April 16, 2014

9:00 A.M.

I. Call to Order

Commissioner Castagno was present and called the meeting to order at 9:02 A.M. Commissioners Salvatore Bramante and Stephen Penny were present. Agency staff was also present.

II. Approval of the Minutes

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

It was moved by Commissioner Penny and seconded by Commissioner Bramante to approve as amended, the Minutes of the March 19, 2014 regular meeting. The minutes were approved as amended by a vote 3-0. So voted.

III. Administrative Reports

Mr. Brandi reported that SEEC is fully staffed and is getting ready for the 2014 election cycle. SEEC is short staffed and is looking to be as efficient as possible and every possible way to get the job done. Staff has built redundancies and back-up systems in order to meet the incredible volume coming into the agency during the grant season.

Mr. Brandi advised that more than 200 campaign committees that have been formed and raising money. SEEC's PAR process has resulted in two campaigns who have completely pre-qualified. It's our opportunity to review these applications in more of a draft form before they file their applications so that we can pre-qualify as many of the contributions as possible

Mr. Brandi reported that budget wise, we are in the last quarter of the fiscal year and are on target. We should have some level of surplus, however we are looking to use that surplus in order to upgrade IT equipment so that we can continue to handle the flow of data that is coming through the eCRIS system.

Mr. Brandi updated the commission regarding the legislative agenda. All SEEC commissioners are fully approved and confirmed. SEEC has three primary bills which all have gone through committee, screening and are now on the Senate

calendar. The primary bill is Senate Bill 455 which proposes the permanent fix to the Citizens' Election Fund. The statutory change will allow us to make sure the grants are all funded and paid back as the money is deposited into the fund during the course of the year. This is a cash management tool for the fund.

IV. Consideration of Hearing Officer's Reports

1. In the Matter of a Referral by the Bristol Municipal/Town Clerk
File No. 2013-097MNF

Hearing Officer:	Michael J. Brandi
Respondent:	Kathleen Echevarria
Prosecutor:	Patrick J. Lamb

Hearing Officer Brandi summarized the above referenced report in File No. 2013-097MNF. He recommended adoption of the Final Decision.

It was moved by Commissioner Bramante and seconded by Commissioner Castagno to adopt the Final Decision in File No. 2013-097MNF. So voted by a 2-1-0 vote. Commissioner Penny voted against adoption. The Final Decision is available on our website under Commission Decisions.

V. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by John McNamara, New Britain
File No. 2013-145

Proposed Findings & Conclusions

Respondent:	Connecticut Property Owners Alliance, Inc.
Attorney:	Patrick J. Lamb
Legal Investigator:	Scott Branfuhr

Attorney Lamb summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2013-145. 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. 2013-145. So voted by a vote 3-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

2. In the Matter of a Complaint by Arthur J. Scialabba, Norwalk
File No. 2013-164

Proposed Consent Order & Agreement

Respondent:	William Vitez
Attorney:	Patrick J. Lamb
Legal Investigator:	Scott Branfuhr

Attorney Lamb summarized the above referenced complaint and Proposed Consent Order & Agreement in File No. 2013-164. 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. 2013-164. So voted by a vote 3-0. The Proposed Consent Order & Agreement are available on our website under Commission Decisions.

3. In the Matter of a Complaint by Marshal Miles, Salisbury
File No. 2013-117
Proposed Findings & Conclusions

Respondent:	Patricia Chamberlain
Attorney:	Kevin M. Ahern
Lead Legal Investigator:	Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2013-117. 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. 2013-117. So voted by a vote 3-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

4. In the Matter of a Complaint by Gail R. Simon, East Haven
File No. 2014-006
Proposed Findings & Conclusions

Respondents:	Barbara Buonome & Donna Norman
Attorney:	Kevin M. Ahern
Lead Legal Investigator:	Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2014-006. 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 as amended in File No. 2014-006. So voted by a vote 3-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

VI. 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 Castagno at 9:46 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, and Penny were present. Staff members present were Scott Branfuhr, Gilberto Oyola, Joshua Foley, James Talbert-Slagle, Kevin Ahern, Patrick J. Lamb, William Smith, Jennifer Montgomery, Linda Waterman, Mann Hasen, Shannon Kief, Michael Brandi, Evelyn Gratacos and Sheri-Lyn Lagueux.

It was moved by Commissioner Bramante and seconded by Commissioner Penny at 12:09 to return to public session. So voted.

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

1. In re: Audit Report for Knapp 109, Hartford
File No. 2011-145
Proposed Consent Order & Agreement
Attorney: James Talbert-Slagle
Lead Legal Investigator: Charlie Urso

The matter is continued.

2. In the Matter of a Complaint by Edwin Vargas, Hartford
File No. 2012-091
Proposed Findings & Conclusion
Attorney: James Talbert-Slagle
Lead Legal Investigator: Charlie Urso

Attorney Talbert-Slagle summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2012-091. 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. 2012-091. So voted by a vote 3-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

3. In re: Audit Report for Daviddenvir2010, 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: Audit Report for Daviddenvir2010, Hartford
File No. 2011-144b
Proposed Consent Order & Agreement
Attorney: James Talbert-Slagle
Lead Legal Investigator: Charlie Urso

Attorney Talbert-Slagle summarized the above referenced complaint and Proposed Consent Order & Agreement in File No. 2011-144b. 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. 2011-144b upon receipt within 10 days. So voted by a vote 3-0. The Consent Order & Agreement will be available on our website under Commission Decisions upon receipt.

5. In re: SEEC Initiated Investigation of Ajmal Mehdi, Hartford
File No. 2014-001
Recommendation of Counsel
Attorney: Patrick J. Lamb
Legal Investigators: Gilberto Oyola and Scott Branfuhr

Attorney Lamb summarized the above referenced matter and Recommendation of Counsel in File No. 2014-001. He recommended adoption of the Motion to Refer to the Office of the Chief States Attorney.

It was moved by Commissioner Bramante and seconded by Commissioner Penny to adopt the Motion to Refer to the Office of the Chief States Attorney in File No. 2014-001. So voted by a vote 3-0.

6. In the Matter of a Referral by the Ledyard Town Clerk, Ledyard
File No. 2013-002
Recommendation of Counsel
Respondent: Ernest Adams
Attorney: Kevin M. Ahern
Legal Investigators: Gilberto Oyola and Scott Branfuhr

Attorney Ahern summarized the above referenced complaint and Request for Investigatory Subpoenas as to customer records for Ernest Adams from Connecticut Light and Power and Yankee Gas in File No. 2013-002. He recommended adoption of the Request for Investigatory Subpoenas.

It was moved by Commissioner Bramante and seconded by Commissioner Penny to initiate the Request for Investigatory Subpoenas in File No. 2013-002. So voted by a vote 3-0.

7. In the Matter of a Complaint by Louis A. DeCilio, Stratford
File No. 2013-126
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. 2013-126. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Bramante and seconded by Commissioner Penny to adopt the Proposed Findings & Conclusions in File No. 2013-126. So voted by a vote 3-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

8. In the Matter of a Complaint by Louise G. Graver, Guilford
File No. 2013-108
Recommendation of Counsel
Attorney: William B. Smith
Legal Investigator: Scott Branfuhr

The matter is continued.

9. In the Matter of a Complaint by Gennaro Ruocco, East Haven
File No. 2013-139
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. 2013-139. He recommended adoption of the Proposed Findings & Conclusions with an amended paragraph 7.

It was moved by Commissioner Bramante and seconded by Commissioner Penny to adopt the Proposed Findings & Conclusions in File No. 2013-139 with an amended paragraph 7. So voted by a vote 3-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

10. In the Matter of a Complaint by Lori Jeffers, Willimantic
File No. 2014-003
Proposed Findings & Conclusions
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

The matter is continued.

11. In the Matter of a Complaint by Jeff Guttman, Monroe
File No. 2013-143
Request for Finding to Believe A Violation of General Statutes § 9-606 Has
Been Committed
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

The matter is continued.

12. In the Matter of a Complaint by Antinozzi Associates, Bridgeport
File No. 2014-009
Recommendation of Counsel
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

Attorney Smith recommended the above referenced complaint in File No. 2014-009 be continued to May 2014, with the anticipated findings of mitigating circumstances with regard to the underlying contributions.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to continue to May 2014, with the anticipated findings of mitigating circumstances with regard to the underlying contributions with a modification as to the recommended fines. So voted by a vote 3-0.

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 Penny to make a determination that it is necessary to investigate violations relating to four (4) complaints in File Nos.: 2014-028, 2014-029, 2014-038 and 2014-039. So voted by a vote 3-0.

14. Consideration of Draft Audit Reports

It was moved by Commissioner Penny and seconded by Commissioner Bramante to approve the issuance of the aforementioned committee draft Audit Reports 1-7 as Final Audit Reports. So voted by a vote 3-0.

It was moved by Commissioner Bramante and seconded by Commissioner Penny to refer to enforcement draft Audit Report 8, "Berger 2012," Jeffrey J. Berger. So voted by a vote 3-0.

It was moved by Commissioner Bramante and seconded by Commissioner Penny to refer to enforcement draft Audit Report 9, "Robbins for Representative," Mark Robbins. So voted by a vote 3-0.

1. "Angel Reyes for State Representative," Angel Reyes
Examiner: Matthew Lombardi
2. "Robles 2012," Hector Robles
Examiner: Matthew Lombardi
3. "O'Dea for State Rep.," Thomas P. O'Dea
Examiner: Matthew Lombardi
4. "Demoura 2012," Steven B. Demoura
Examiner: Karen Moreira
5. "Friends of Victor Cuevas," Victor Cuevas
Examiner: Dinorah Collado
6. "Malvi for State Senate," Malvvamel Lennon
Examiner: Dinorah Collado

7. "Jarjura for Comptroller," Michael J. Jarjura
Examiner: Salman Munir
8. "Berger 2012," Jeffrey J. Berger
Attorney: James Talbert-Slagle
9. "Robbins for Representative," Mark Robbins
Attorney: James Talbert-Slagle

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

Ms. Kief summarized proposed Declaratory Ruling 2014-03, Application of the Program Book Exception to Communicator Lobbyists.

After discussion it was moved by Commissioner Penny and seconded by Commissioner Bramante to adopt proposed Declaratory Ruling 2014-03. So voted by a 3-0 vote.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to add the following two (2) items to the Executive Session of the agenda: item 2) Discussion of potential legal issues and item 3) Discussion of potential legal ramifications and litigation related to the McCutcheon v. FEC decision. So voted by a 3-0 vote.

VIII. *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*

It was moved by Commissioner Penny and seconded by Commissioner Bramante at 12:27 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, and Penny were present. Staff members present were, Joshua Foley, William B. Smith, Kevin Ahern, Scott Branfuhr, Patrick Lamb, Gilberto Oyola, Linda Waterman, Mann Hasen, Shannon Kief, Michael Brandi, Evelyn Gratacos and Sheri-Lyn Lagueux.

It was moved by Commissioner Bramante and seconded by Commissioner Penny at 1:19 to return to public session. So voted.

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

1. Communication by Counsel: Interaction of Advisory Opinion 2014-01 and state law with FEC regulations

No action taken.

2. Discussion of potential legal issues.

No action taken.

3. Discussion of potential legal ramifications and litigation related to the McCutcheon v. FEC decision.

No action taken.

IX. Adjournment

It was moved by Commissioner Bramante and seconded by Commissioner Penny at 1:19 P.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.