



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

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

5th Floor Conference Room

May 14, 2014

9:00 A.M.

I. Call to Order

Commissioner Castagno was present and called the meeting to order at 9:04 A.M. Commissioners Salvatore Bramante, and Stephen Penny were present. Commissioner Patricia Stankevicius was present telephonically. Agency staff was also present. Commissioner Michael Ajello joined the meeting at 9:22 A.M.

Commissioner Castagno added to the “Consideration of Draft Audit Reports” item number 6 in executive session. This matter is identified as draft audit report “The Committee to Re-Elect State Senator Eric D. Coleman,” Eric D. Coleman

Commissioner Castagno marked off in the “Consideration of Draft Audit Reports” item number 4 in executive session. This matter is identified as draft audit report “Ayala 2012,” Andres Ayala.

II. Approval of the Minutes

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

It was moved by Commissioner Stephen Penny and seconded by Commissioner Salvatore Bramante to approve the Minutes of the April 16, 2014 regular meeting as amended. The minutes were approved as amended by a vote 4-0. So voted.

III. Administrative Reports

Mr. Brandi reported that SEEC is in the process of reviewing the elements of the DGA lawsuit.

Mr. Brandi advised that the agency has been handling a multitude of calls. There are in excess of 240 candidate committees that have been formed and conversing regularly with commission staff.

Mr. Brandi updated that the audit unit has been doing a fantastic job with the PAR process which is the pre-application review process which SEEC implemented in the 2012 cycle. This allows candidates on certain time frames to submit their qualifying contributions allowing us to pre-qualify as many as possible prior to their coming in with their complete grant applications. This is a huge advantage which allows staff

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more time to review what the applications will look like. To date SEEC has 81 submissions for pre-applications with 8 applications being qualified.

Mr. Brandi reported in terms of budget, we are in the fourth quarter and are analyzing all areas to determine final purchases at year end. Discussed larger IT purchases including a SANS server which will enable us to move into the next phases of eCRIS and ensure that we have enough storage in the future.

Mr. Brandi advised that SEEC has sufficient funding to get to the end of the year while making some purchases that will enhance our functions and operations.

Mr. Brandi updated that legislative session has now ended and senate bill 455, which was our main priority for the Commission was passed by both chambers and is just awaiting the Governor's signature. This was a critical bill that basically guarantees the payment of all grants. The bill allows us to use a money management technique which would allow us to draw from our back up sources and then replenish those sources once escheats come in.

Mr. Brandi reported that may 29th will begin the weekly meetings for CEP applications.

IV. Pending Complaints and Investigations

A. Public Session

1. In re: Referral by the Westport Registrars of Voters, Westport
File No. 2013-119

Proposed Findings & Conclusions

Respondents:

Stacy Moeller and Michael Moeller

Attorney:

Kevin M. Ahern

Lead Legal Investigator:

Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2013-119. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Stephen Penny and seconded by Commissioner Salvatore Bramante to adopt the Proposed Findings & Conclusions in File No. 2013-119. So voted by a vote 4-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

2. In the Matter of a Complaint by Marilyn Higgins, Hampton
File No. 2013-105

Proposed Findings & Conclusions

Respondents:

Sarah McDermott and

Attorney: Dayna McDermott-Arriola
Kevin M. Ahern
Lead Legal Investigator: Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2013-105. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Stephen Penny and seconded by Commissioner Salvatore Bramante to adopt the Proposed Findings & Conclusions in File No. 2013-105. So voted by a vote 5-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

3. In the Matter of a Complaint by Caleb Kleppner, New Haven
File Nos. 2010-002D & 2013-031NF
Proposed Consent Order & Agreement

Respondent: Hector Rivera
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. 2010-002D & 2013-031NF. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Stephen Penny and seconded by Commissioner Michael Ajello to adopt the Proposed Consent Order & Agreement in File No. 2010-002D & 2013-031NF upon receipt within 10 days. So voted by a vote 5-0. The Consent Order & Agreement will be available on our website under Commission Decisions upon receipt.

4. In the Matter of a Complaint by Caleb Kleppner, New Haven
File Nos. 2010-002E & 2013-031NF
Proposed Consent Order & Agreement

Respondent: Debra Hauser
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. 2010-002E & 2013-031NF. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Stephen Penny and seconded by Commissioner Salvatore Bramante to adopt the Proposed Consent Order &

Agreement in File No. 2010-002E & 2013-031NF. So voted by a vote 5-0. The Consent Order & Agreement are available on our website under Commission Decisions.

5. In the Matter of a Complaint by Alicia Rivera, Hartford
File No. 2012-123

Proposed Findings & Conclusions

Respondent: Victor Luna
Attorney: James Talbert-Slagle
Legal Investigators: Gilberto Oyola & Scott Branfuhr

Attorney Talbert-Slagle summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2012-123. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Stephen Penny and seconded by Commissioner Salvatore Bramante to adopt the Proposed Findings & Conclusions in File No. 2012-123. So voted by a vote 5-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

6. In the Matter of a Complaint by Zuleyda Figueroa, Hartford
File No. 2012-128

Proposed Findings & Conclusions

Respondent: Victor Luna
Attorney: James Talbert-Slagle
Legal Investigators: Gilberto Oyola & Scott Branfuhr

Attorney Talbert-Slagle summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2012-128. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Stephen Penny and seconded by Commissioner Salvatore Bramante to adopt the Proposed Findings & Conclusions in File No. 2012-128. So voted by a vote 5-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

7. In the Matter of a Complaint by Rosa Muniz, Hartford
File No. 2012-129

Proposed Findings & Conclusions

Respondent: Victor Luna
Attorney: James Talbert-Slagle

Legal Investigators: Gilberto Oyola & Scott Branfuhr

Attorney Talbert-Slagle summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2012-129. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Stephen Penny and seconded by Commissioner Salvatore Bramante to adopt the Proposed Findings & Conclusions in File No. 2012-129. So voted by a vote 5-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

8. In the Matter of a Complaint by Ivette Alvarado, Hartford
File No. 2012-130
Proposed Findings & Conclusions

Respondent: Victor Luna
Attorney: James Talbert-Slagle
Legal Investigators: Gilberto Oyola & Scott Branfuhr

Attorney Talbert-Slagle summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2012-130. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Stephen Penny and seconded by Commissioner Salvatore Bramante to adopt the Proposed Findings & Conclusions in File No. 2012-130. So voted by a vote 5-0. The Proposed Findings & Conclusions are available on our website under Commission Decisions.

9. In the Matter of a Complaint by Nellie Morales, Hartford
File No. 2012-132
Proposed Findings & Conclusions

Respondent: Victor Luna
Attorney: James Talbert-Slagle
Legal Investigators: Gilberto Oyola & Scott Branfuhr

Attorney Talbert-Slagle summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2012-132. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Stephen Penny and seconded by Commissioner Salvatore Bramante to adopt the Proposed Findings & Conclusions in File No. 2012-132. So voted by a vote 5-0. The Proposed Findings & Conclusions 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 Stephen Penny and seconded by Commissioner Michael Ajello to enter into executive session at 9:56 A.M. So voted. Charlie Urso, Scott Branfuhr, Gilberto Oyola, Patrick Lamb, Kevin Ahern, William Smith, James Talbert Slagle, Joshua Foley, Linda Waterman, Shannon Clark Kief, Michael Brandi, Evelyn Gratacos and Sheri-Lyn Lagueux were present.

It was moved by Commissioner Bramante and seconded by Commissioner Ajello at 11:54 to return to public session. So voted.

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

1. In the Matter of a Complaint by Melissa A. Rickard, Windsor
File No. 2012-196
Proposed Consent Order & Agreement
Respondents: Karen Andrews and Anita Mips
Attorney: Kevin M. Ahern
Lead Legal Investigator: Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and Proposed Consent Order & Agreement in File No. 2012-196. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Stephen Penny and seconded by Commissioner Michael Ajello to adopt the Proposed Consent Order & Agreement in File No. 2012-196. So voted by a vote 5-0. The Consent Order & Agreement are available on our website under Commission Decisions.

2. In re Referral of the Secretary of the State, Hartford
File No. 2014-021
Recommendation of Counsel
Attorney: Kevin M. Ahern
Legal Investigator: Scott Branfuhr

The matter is continued.

3. In the Matter of a Complaint by Mark T. Anastasi, Bridgeport
File No. 2013-141

Recommendation of Counsel

Attorney:

Patrick J. Lamb

Lead Legal Investigator:

Gilberto Oyola

Attorney Lamb summarized the above referenced complaint in File No. 2013-114. He recommended adoption of a Motion to authorize settlement.

It was moved by Commissioner Stephen Penny and seconded by Commissioner Salvatore Bramante to adopt a Motion to authorize settlement under the terms recommended by counsel in File No. 2013-141. So voted by a vote 5-0.

4. Pursuant to Section 9-7b-35 of the Regulations of Connecticut State Agencies, a Request for a Finding of Reason to Believe Violations of General Statutes § 9-608 Have Been Committed.

Pursuant to Section 9-7b-35 of the Regulations of Connecticut State Agencies, it was moved by Commissioner Penny and seconded by Commissioner Bramante that the Commission finds that it has reason to believe the following respondents violated the election law as described:

In File No. 2014-030NF, Respondent Zachery W. Davis, Treasurer of 4th Senatorial District Republicans and in File No. 2014-031NF, Respondent David Zevin, Treasurer of Connecticut Health Care District 1199 PAC violated General Statutes section 9-608 (a) (1) regarding the January 10, 2014 filing. So voted by a 4-0-1 vote. Commissioner Ajello abstained as he stepped out of the room during the discussion of this item.

5. Pursuant to Section 9-7b-35 of the Regulations of Connecticut State Agencies, a Request for a Finding of Reason to Believe Violations of General Statutes § 9-608 Have Been Committed.

Pursuant to Section 9-7b-35 of the Regulations of Connecticut State Agencies, it was moved by Commissioner Penny and seconded by Commissioner Bramante that the Commission finds that it has reason to believe the following respondents violated the election law as described:

In File No. 2014-024NF, Respondent Edward Martin, Treasurer of the LENZ 2013 committee violated General Statutes section 9-608 (a) (1) regarding the January 10, 2014 filing. So voted by a 4-0-1 vote. Commissioner Ajello abstained as he stepped out of the room during the discussion of this item.

6. In the Matter of a Complaint by Roger Pilc, Pitney Bowes, Stamford File No. 2014-027

Recommendation of Counsel

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

Attorney Smith summarized the above referenced complaint and Proposed Motion to Continue in File No. 2014-027. He recommended adoption of a Motion to Continue.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to adopt the Proposed Motion to Continue in File No. 2014-027. So voted by a 5-0 vote.

7. In the Matter of a Complaint by Lori Jeffers, Willimantic
File No. 2014-003

Recommendation of Counsel

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

The matter is continued.

8. In the Matter the Matter of a Complaint by Antinozzi Associates, Bridgeport
File No. 2014-009

Proposed Consent Order & Agreement

Attorney: William B. Smith

The matter is continued.

9. In the Matter of a Complaint by Jeff Guttman, Monroe
File No. 2013-143

Proposed Reason to Believe

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

Attorney Smith summarized the above referenced complaint and Proposed Reason to Believe in File No. 2013-143. He recommended adoption of the Proposed Reason to Believe.

It was moved by Commissioner Ajello and seconded by Commissioner Bramante to adopt the Proposed Reason to Believe in File No. 2013-143. So voted by a 4-0-1 vote. Commissioner Penny abstained as he stepped out of the room during the discussion of this item.

10. 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 nine (9) complaints in File Nos.: 2014-041, 2014-042, 2014-043, 2014-044, 2014-045, 2014-046, 2014-047, 2014-048 and 2014-049. So voted by a vote 5-0.

11. Consideration of Draft Audit Reports

It was moved by Commissioner Ajello and seconded by Commissioner Bramante to approve the issuance of the aforementioned committee draft Audit Report 1 “Porter for Change,” Mary E. Porter as a Final Audit Report. So voted by a vote 5-0.

It was moved by Commissioner Bramante and seconded by Commissioner Ajello to refer to enforcement Draft Audit Reports 2&3, “Friends of Jason Bartlett,” Jason Bartlett and “Bartlett 2012,” Jason Bartlett. So voted by a vote 5-0.

It was moved by Commissioner Ajello and seconded by Commissioner Bramante to refer to enforcement Draft Audit Report 5, “Andres Ayala 2012,” Andres Ayala. So voted by a vote 5-0.

It was moved by Commissioner Bramante and seconded by Commissioner Ajello to refer to enforcement Draft Audit Report 6, “The Committee to Re-Elect State Senator Eric D. Coleman,” Eric D. Coleman. So voted by a vote 5-0.

1. “Porter for Change,” Mary E. Porter
Examiner: Karen Moreira
2. “Friends of Jason Bartlett,” Jason Bartlett
Attorney: James Talbert-Slagle
3. “Bartlett 2012,” Jason Bartlett
Examiner: Kristina Corbett
4. “Ayala 2012,” Andres Ayala
Examiner: Dinorah Collado

This matter is marked off.

5. “Andres Ayala 2012,” Andres Ayala
Attorney: James Talbert-Slagle

6. "The Committee to Re-Elect State Senator Eric D. Coleman," Eric D. Coleman
Attorney: James Talbert Slagle

12. Consideration of Pending Litigation and Attorney Client Privileged Matters

- a. Advisory Opinion 2014-02: Disclosure of Expenditures in Campaign Finance Statements Pursuant to Public Act 13-180

This matter is continued to the next regular meeting date of May 29, 2014.

- b. Proposed Advisory Opinion 2014-03: Application and Enforcement of Connecticut's Aggregate Contribution Limits from Individuals to Candidates and Committees after *McCutcheon*

Ms. Kief summarized the proposed Advisory Opinion 2014-03: Application and Enforcement of Connecticut's Aggregate Contribution Limits from Individuals to Candidates and Committees after *McCutcheon*.

After discussion it was moved by Commissioner Ajello and seconded by Commissioner Bramante to adopt proposed advisory opinion 2014-03. So voted by a 5-0 vote.

- c. *DGA v. Brandi, et al*

No votes were taken on this matter.

VI. Consideration of Matters Discussed in Executive Session

VII. Adjournment

It was moved by Commissioner Ajello and seconded by Commissioner Bramante at 12:06 PM to adjourn the meeting. So voted. Unless otherwise indicated, all votes of the Commission were unanimous.

The next regular scheduled meeting is May 29, 2014 at 4:00 P.M. in the 5th Floor Conference room.