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STATE OF CONNECTICUT

STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Richard Hupprich, Waterbury

File No. 2008-085

AGREEMENT CONTAINING CONSENT ORDER
AND PAYMENT OF A CIVIL PENALTY FOR VIOLATIONS OF
CONNECTICUT GENERAL STATUTES §9-410(c).

This agreement, by and between Monroe Webster of the City of Waterbury, County of New Haven, State of Connecticut, hereinafter referred to as the Respondent, and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Complainant alleged that Respondent, a challenging candidate for state representative in the 72nd Assembly District, and his wife, Beverly Webster, as circulators they did not actually witness each signature to the Respondent's primary petitions, as attested, in violation of Conn. Gen. Stat. § 9-410(c).

2. Complainant alleged that a total of 8 signatures on petition pages circulated and authenticated by Respondents were not actually signed by the individuals named. Specifically, that Respondent and his wife each authenticated 4 signatures that they did not witness. The disposition of the complaint with respect to Mrs. Webster will be addressed under a separate document.

3. On June 11, 2008, Democratic Registrar Patricia M. Mulhall certified to Town Clerk Antoinette C. Spinelli that there would be a primary in the 72nd district because she had verified 243 signatures of the 243 signatures needed by Monroe Webster to qualify for a primary.

4. Respondent withdrew from the primary by letter to the Secretary of the State's office dated July 21, 2008, and stamped received by that office on July 28, 2008, shortly after the filing of the complaint in this matter, so no primary was held.

5. General Statutes § 9-410, provides in pertinent part:

> (c) Each circulator of a primary petition page shall be an enrolled party member of a municipality in this state who is entitled to vote. Each petition page shall contain a statement signed by the registrar of the municipality in which such circulator is an

> enrolled party member attesting that the circulator is an enrolled party member in such municipality. Unless such a statement by the registrar appears on each page so submitted, the registrar shall reject such page. ... Each separate sheet of such petition shall contain a statement as to the authenticity of the signatures thereon and the number of such signatures, *and shall be signed under the penalties of false statement by the person who circulated the same*, setting forth such circulator's address and the town in which such circulator is an enrolled party member *and attesting that each* ***person whose name appears on such sheet signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified the signer to the circulator*** and that the spaces for candidates supported, offices or positions sought and the political party involved were filled in prior to the obtaining of the signatures. Each separate sheet of such petition shall also be acknowledged before an appropriate person as provided in section 1-29. Any sheet of a petition filed with the registrar which does not contain such a statement by the circulator as to the authenticity of the signatures thereon, or upon which the statement of the circulator is incomplete in any respect, or which does not contain the certification hereinbefore required by the registrar of the town in which the circulator is an enrolled party member, shall be rejected by the registrar. ... [Emphasis added.]

6. Respondent admitted in writing that he did not witness the signatures of those individuals whose purported signatures are the subject of this complaint, as required by General Statutes § 9-410(c), and that he allowed spouses of four individuals named on petitions of the 72nd Assembly District primary on August 12, 2008 to sign the petition pages on their behalf.

7. General Statutes § 9-410(c) requires that a circulator obtaining petition signatures, must attest that each individual who signs a petition signed in person in his presence, and that each signatory was either known to the circulator or satisfactorily identified him or herself to the circulator.

8. Accordingly, it is concluded that the Respondent's statement that he personally witnessed each person sign the petition in his presence and that each person was known to him or satisfactorily identified themselves to him is not accurate and constitutes a violation of General Statutes § 9-410(c).

9. The Respondent admits all jurisdictional facts and agrees that this agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.

10. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.

11. The Respondent waives:
    a. Any further procedural steps;
    b. The requirement that the Commission's decision contain a state findings of fact and conclusions of law, separately stated; and
    c. All rights to seek judicial review or otherwise to challenge or contest the validity of the agreement or Order entered into pursuant to this agreement.

12. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with Connecticut General Statutes §9-410(c), and is assessed a civil penalty in the amount of six hundred dollars ($600.00), which shall be remitted to $100 due to financial circumstances. The Respondent shall make payment on or before February 10, 2009.

For the State of Connecticut

Dated: 2/9/09

BY: Joan Andrews

Joan M. Andrews, Esq.
Director of Legal Affairs
And Enforcement and
Authorized Representative of
the State Elections
Enforcement Commission
20 Trinity St., Suite 101
Hartford, Connecticut

Dated: 2-6-09

The Respondent

Monroe Webster

Monroe Webster
25 Crown Street
Waterbury, Connecticut

Adopted this 11th day of ~~November~~ February 2008 9 at Hartford, Connecticut

Stephen F. Cashman, Chairman
By Order of the Commission