



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

MINUTES
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING
5th Floor Conference Room
May 19, 2015
9:00 A.M.

I. Call to Order

Commissioner Castagno was present and called the meeting to order at 9:12 A.M. Commissioners Salvatore Bramante, Stephen Penny and Michael Ajello were present. Agency staff was also present.

II. Approval of the Minutes

Approval of the Minutes of the Meeting of April 14, 2015

It was moved by Commissioner Bramante and seconded by Commissioner Penny to approve the Minutes of the April 14, 2015 regular meeting by a vote 4-0-0 vote.

III. Administrative Reports

Executive Director Brandi informed the Commission that the agency is entering the last month of the fiscal year and is looking to end the year with a budget surplus. The surplus is mostly attributed to personnel vacancies. Mr. Brandi noted that some of the surplus funds would be used to update and replace technology equipment since the state's CEPF funds were zeroed out in the bond process.

Mr. Brandi provided a legislative update to the Commission. The Commission is closely monitoring the progress on the State Budget and working with leadership to stress the importance of holding the line on the current figures allocated. The municipal pilot program (HB 6475) is languishing in the House of Representatives and the campaign finance bill (SB 1126) is hung up in the Senate. With only two weeks to go, and a considerable amount of business remaining, there is a high likelihood that the legislature will need to go into Special Session.

Mr. Brandi gave a personnel update to the Commission, highlighting Attorney Patrick Lamb's recent election as Chief Steward of the Administrative and Residual Employees Union. Attorney Lamb will be leaving the Commission for his new appointment in two weeks, and both Executive Director Brandi and the Commission members extended their gratitude for his service. The State Elections Enforcement Commission is nearly at the full complement of staff, minus Attorney Lamb's new assignment and the Information Technology Manager. Also, the various appointing authorities have been notified of their individual Commissioner term's expiration dates and need for reappointment.

Commissioner Bramante asked about how we are handling replacing Attorney Lamb. Executive Director Brandi is waiting to hear from Labor Relations.

Commissioner Bramante asked about the status of the computer seized by the Office of Governmental Accountability. Executive Director Brandi confirmed that the computer unit remains in the custody of the Chief State's Attorney and is currently under investigation by an independent forensics expert. The commission is working to resolve this matter as soon as possible and Executive Director Brandi hopes to have a report next month.

IV. Consideration of Hearing Officer's Reports

1. In the Matter of a Complaint by Matthew Sorokin, Hartford
File No. 2010-114

Hearing Officer:	Michael J. Ajello
Respondent:	Angel Morales and Jason Lopez
Prosecutor:	James Talbert-Slagle

Commissioner Ajello summarized the above referenced report and hearing process. Due to the committee's non-compliance with the rules and regulations of the Citizen's Election Program, Commissioner Ajello and Attorney Talbert-Slagle recommend that the Committee reimburse the \$19,381.85 to the Citizen's Election Fund, and that Angel Morales and Jason Lopez pay a \$10,000 and \$5,000 fine, respectively.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to approve the recommendations from the hearing report, 3-0-1, with Commissioner Ajello abstaining.

V. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by Rosemary Klotz, New Britain
File No. 2013-013

Proposed Findings & Conclusions	
Attorney:	James Talbert-Slagle
Lead Legal Investigator:	Charlie Urso

Attorney Talbert-Slagle summarized the above referenced complaint and Proposed Findings and Conclusions in File No. 2013-127. He recommended adoption of the Proposed Findings and Conclusions and that the case be dismissed.

It was moved by Commissioner Penny and seconded by Commissioner Ajello to approve the Findings and Conclusions, 4-0-0. The Findings and Conclusions are available on our website under Commission Decisions.

2. In the Matter of a Complaint by Susan A. Koneff and Alan D. Vaglivello,
Monroe
File No. 2013-112
Proposed Findings & Conclusions
Attorney: James Talbert-Slagle
Lead Legal Investigator: Charlie Urso

Attorney Talbert-Slagle summarized the above referenced complaint and Proposed Findings and Conclusions in File No. 2013-112. He recommended adoption of the Proposed Findings and Conclusions that the case be dismissed.

It was moved by Commissioner Penny and seconded by Commissioner Ajello to approve the Findings and Conclusions, 4-0-0. The Findings and Conclusions are available on our website under Commission Decisions.

3. In the Matter of a Complaint by Jennifer Buchanan, et. al, Bridgeport
File No. 2013-130A
Proposed Consent Order & Agreement
Attorney: Kevin M. Ahern
Lead Legal Investigator: Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and Proposed Consent Order & Agreement in File No. 2013-130A. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to approve the Consent Order & Agreement, 4-0-0. Consent Order & Agreement are available on our website under Commission Decisions.

4. In the Matter of a Complaint by Kirk Carr, Clinton
File No. 2014-054
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. 2013-054. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Bramante and seconded by Commissioner Ajello to approve the Consent Order & Agreement, 4-0-0. Consent Order & Agreement are available on our website under Commission Decisions.

5. In the Matter of a Complaint by David G. LaPointe, Winsted
File No. 2014-129
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. 2014-129. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Ajello and seconded by Commissioner Penny to approve the Consent Order & Agreement, 4-0-0. Consent Order & Agreement are available on our website under Commission Decisions.

6. In the Matter of a Complaint by Peter Steele, New Britain
File No. 2013-142
Proposed Consent Order & Agreement

Attorney:

Patrick J. Lamb

Lead Legal Investigator:

Gilberto Oyola

Executive Director Michael Brandi, in lieu of Attorney Lamb, summarized the above referenced complaint and the Proposed Consent Order & Agreement for File No. 2013-142. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to approve the Consent Order & Agreement, 4-0-0. Consent Order & Agreement 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 Bramante at 10:15 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 Michael Brandi, Kevin Ahern, Scott Branfuhr, Ryan Burns, Sarah Clark, Joshua Foley, Evelyn Gartacos, Shannon Kief, Sheri-Lyn Lagueux, Patrick Lamb, Lindsey Leung, Lisa Nightingale, Gilberto Oyola, James Talbert-Slagle, William Smith, and Linda Waterman.

The Commission returned to public session at 11:02 A.M.

The Commission took the following actions in public session:

7. In the Matter of a Complaint by Lisa M. Labella, Trumbull
File No. 2014-046
Recommendation of Counsel
Attorney: Patrick J. Lamb
Legal Investigator: Scott Branfuhr

Attorney Ahern, in lieu of Attorney Lamb, summarized the above referenced complaint and Recommendation of Counsel in File No. 2014-046. He recommended adoption of the Proposed Recommendation of Counsel.

It was moved by Commissioner Penny and seconded by Commissioner Ajello to approve the Recommendation of Counsel, 4-0-0.

8. In RE: Commission Initiated Complaint Against Regina V. Roundtree, Unionville
File No. 2015-004
Recommendation of Counsel
Attorney: Patrick J. Lamb

Commissioner Ajello recused himself for discussion on this matter.

Attorney Ahern, in lieu of Attorney Lamb, summarized the above referenced complaint and Recommendation of Counsel in File No. 2015-004. He recommended adoption of the Proposed Recommendation of Counsel.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to approve the Recommendation of Counsel, 3-0-1.

9. In the Matter of a Complaint by John Mallozzi, Stamford
File No. 2012-151
Recommendation of Counsel
Attorney: James Talbert-Slagle
Lead Legal Investigator: Charlie Urso

This matter was continued.

10. In the Matter of a Complaint by Heather Dean, et al., Fairfield
File No. 2014-100
Recommendation of Counsel
Attorney: James Talbert-Slagle
Lead Legal Investigator: Charlie Urso

This matter was continued.

11. In the Matter of a Complaint by Nancy Alisberg, Bridgeport
File No. 2014-039

Recommendation of Counsel

Attorney:

Kevin M. Ahern

Legal Investigator:

Scott Branfuhr

This matter was continued.

12. In the Matter of a Complaint by Alex Ruskewich, Wilton

File No. 2014-118

Recommendation of Counsel

Attorney:

Kevin M. Ahern

Legal Investigator:

Scott Branfuhr

This matter was continued.

13. In the Matter of a Complaint by Michael Barry, Hartford

File No. 2006-286

Recommendation of Counsel

Attorney:

Kevin M. Ahern

Lead Legal Investigator:

Gilberto Oyola

Attorney Ahern summarized the above referenced complaint and Recommendation of Counsel in File No. 2006-286. He recommended adoption of the Proposed Recommendation of Counsel.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to approve the Recommendation of Counsel, 4-0-0.

14. In the Matter of a Complaint by Jerry Labriola, Jr., Wallingford

File No. 2014-126

Recommendation of Counsel

Attorney:

Kevin M. Ahern

Lead Legal Investigator:

Charlie Urso

Commissioner Penny recused himself for discussion on this matter.

Chairman Castagno made the following statement on the record:

The Chair acknowledges receipt of communications from counsel for the Connecticut Democratic State Central Committee and the Dan Malloy for Governor Committee dated March 16, 2015 and March 26, 2015 and addressed to Executive Director Michael Brandi and Commission Chair Castagno, respectively. No action will be taken as to these items at this time.

The Commission has already made a determination as to its legal basis and authority to investigate here. On October 17, 2014 and pursuant to its authority in subsection (a) of Section 9-7b of the General Statutes, the Commission determined that it had sufficient authority to authorize an investigation into potential impermissible activity by, but not limited to, those

persons named in the complaint filed by Mr. Labriola.

As to the specific issues of federal election activity and preemption that are presented by the Respondent, the Chair notes that the Commission has already spoken on these issues on multiple occasions. Advisory Opinion # 2014-01, the Commission's statements in FEC Advisory Opinion 2014-16, and the Commission's recent response to Counsel for the Connecticut Democratic State Central Committee's request for a declaratory ruling last month are but a few examples.

Such substantive legal questions aside, the Chair hastens to point out that the matter is in the middle of an investigative process, not an adjudicative one. Indeed, the Commission made this point clear in its response to the request for the declaratory ruling last month.

To date, no charges have been brought by the Commission in the form a reason to believe finding. All persons' rights to contest any such charges and present legal arguments remain intact, but any such discussion is premature. No adjudicatory administrative proceeding has been brought against any person in relation to this matter. Indeed, none may ever be brought.

Importantly, the Commission lacks sufficient information to make such a determination on the allegations alone. The information gleaned from an agency investigation is crucial in making such a determination in any instance. This case is no different.

This matter is continued. The Chair leaves the staff to its investigation.

15. In the Matter of a Complaint by David LaPointe, Winsted
File No. 2014-130
Recommendation of Counsel
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

Attorney Smith summarized the above referenced complaint and Recommendation of Counsel in File No. 2014-130. He recommended adoption of the Proposed Recommendation of Counsel.

It was moved by Commissioner Bramante and seconded by Commissioner Penny to approve the Recommendation of Counsel, 4-0-0.

16. In the Matter of a Complaint by Ashley M. Gillece, Pawcatuck
File No. 2014-206
Recommendation of Counsel
Attorney: William B. Smith
Lead Legal Investigator: Gilberto Oyola

This matter was continued.

17. In the Matter of a (Self-Reported) Complaint by Raymond Baldwin, Trumbull
File No. 2015-009
Recommendation of Counsel
Attorney: William B. Smith

This matter was continued.

18. 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 six (6) complaints in File Nos.: 2014-172B, 2015-022, 2015-026,
2015-027, 2015-028, and 2015-029. So approved by the Commission, 4-0-0.

19. Consideration of Draft Audit Reports

1. "Brian Becker For State Rep," Brian Becker
Examiner: Karen Walauskas
2. "Cara Christine Pavalock for State Representative," Cara Pavalock
Examiner: Matthew Lombardi
3. "Friends of Guerrera 2014," Antonio Guerrera
Examiner: Matthew Lombardi
4. "Mary Stone 2014," Mary Stone
Examiner: Krysta Holmes
5. "Maynard for State Senate," Andrew Maynard
Examiner: Dinorah Collado
6. "Elect Bocchino 2014," Mike Bocchino
Examiner: Matthew Lobardi
7. "Abercrombie for State Rep.," Catherine Abercrombie
Examiner: Dinorah Collado
8. "Tami Z for the 61st," Tami Zawistowski
Examiner: Dinorah Collado

Linda Waterman provided an overview of the audits and recommended that
the Commission make these audits final, as there were no findings.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to accept the above referenced audits as final. So approved by the Commission, 4-0-0.

20. Non-Filer Investigations and Prosecutions
General Settlement Authorization for Supplemental Filers for the 2014 Election Cycle and a Determination that Such Filers are Necessary to Investigate.

Shannon Kief summarized the memorandum outlining the actions the commission staff plans to take to investigate and handle the committees who failed to file the proper financial reports from the 2014 election cycle.

It was moved by Commissioner Penny and seconded by Commissioner Ajello to Motion to provide a general authorization to settle non-filer and candidate non-filer matters as detailed in the memorandum dated August 15, 2012. So approved by the Commission 4-0-0.

VII. Public Session

A. Agency Presentations

21. Demonstration on the CT Registrar Training & Certification Committee's Formal Presentation of Its Report & Recommendations to the Secretary of the State on April 20, 2015 by Kevin M. Ahern, Staff Attorney
22. Demonstration on the Presentation at the April 22, 2015 CT ROVAC Conference by Kevin M. Ahern, Staff Attorney
23. Presentation on the 2014 CEP Survey Results by Lisa Nightingale, Elections Officer

These presentations were tabled until the June Regular Meeting.

VIII. Consideration of Matters Discussed in Executive Session

All action as noted in Section V. above.

IX. Adjournment

It was moved by Commissioner Penny and seconded by Commissioner Ajello at 12:41 A.M. to adjourn the meeting. So voted. Unless otherwise indicated, all votes of the Commission were unanimous.

Respectfully submitted,

Sheri-Lyn Lagueux
Clerk of the Commission

Adopted this 16th day of June, 2015 at Hartford, Connecticut.

Anthony J. Castagno
By Order of the Commission

The next regular scheduled meeting is April 14, 2015 at 9:00 A.M. in the 5th Floor Conference room.