



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

**MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING
20 Trinity Street, 5th Floor Conference Room
October 15, 2008**

I. Call to Order

Chairman Cashman called the meeting to order at 9:10 A.M. Commissioners Jenkins, Gerratana, and Bozzuto were present. Agency staff was also present.

II. Approval of the Minutes

Approval of the Minutes of October 8, 2008 Special Meeting

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the minutes of the October 8, 2008 Special Meeting. So voted.

III. Consideration of Applications for Public Grants from the Citizens' Election Fund

Chairman Cashman stated that he would like to have all applications that are recommended to be continued without prejudice, based upon the staff recommendation received, addressed by the Commission in one motion. The following items were recommended for continuance without prejudice:

It was moved by Commissioner Bozzuto and seconded by Commissioner Gerratana to continue without prejudice items 12, 17, 19, 20, 22, 26 and 29. So voted.

- 12. "Friends of Cusano" John Cusano
- 17. "Ellis for the 37th" Gregory Ellis
- 19. "LeBeau 2008" Gary LeBeau
- 20. "Wright for the 24th" Alphonse Wright
- 22. "Cicero for the Senate" Cicero Booker
- 26. "Adamsons for Connecticut" Scott Adamsons
- 29. "Martin A. Goldberg for State Senate" Martin Goldberg

Dianna Kulmacz, Director of Campaign Disclosure and Audit, then summarized the following grant applications and results of the staff review.

1. "The Committee to Elect Cheryl Bochet" Cheryl Bochet
It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to approve the grant application for "The Committee to Elect Cheryl Bochet" Cheryl Bochet. So voted.
2. "Colapietro for Senate" Tom Colapietro
It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the grant application for "Colapietro for Senate" Tom Colapietro. So voted.
3. "Matt Corcoran for Hamden" Matt Corcoran
It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins to approve the grant application for "Matt Corcoran for Hamden" Matt Corcoran. So voted.
4. "Abercrombie '08" Catherine Abercrombie
It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the grant application for "Abercrombie '08" Catherine Abercrombie. So voted.
5. "Morris is For Us 2008" Bruce V. Morris
It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the grant application for "Morris is For Us 2008" Bruce V. Morris. So voted.
6. "Friends for Farah" Ted Farah
It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins to approve the grant application for "Friends for Farah" Ted Farah. So voted.
7. "Friends of Jack Malone", Jack Malone
It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the grant application for "Friends of Jack Malone" Jack Malone. So voted.
8. "McKinney for Senate" John McKinney
It was moved by Commissioner Bozzuto and seconded by Commissioner Gerratana to approve the grant application for "McKinney for Senate" John McKinney. So voted.
9. "GOFRITZ", Fritz Blau
It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the grant application for "GOFRITZ" Fritz Blau. So voted.
10. "Martin Looney for State Senate" Martin Looney
It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the grant application for "Martin Looney for State Senate" Martin Looney. So voted.
11. "Geragosian 2008" John C. Geragosian
It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the grant application for "Geragosian 2008" John C. Geragosian. So voted.

13. "Garafalo 08" Marc J. Garofolo
It was moved by Commissioner Gerratana and seconded by Commissioner Bozzuto to approve the grant application for "Garafalo 08" Marc J. Garololo. So voted.
14. "Gomes for Senate 2008" Edwin Gomes
It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to approve the grant application for "Gomes for Senate 2008" Edwin Gomes. So voted.
15. "Tom Bozek for Senate" Thomas A. Bozek
It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to approve the grant application for "Tom Bozik for Senate" Thomas A. Bozek. So voted.
16. "Pappa for Change" Mark A. Pappa
It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to approve the grant application for "Pappa for Change" Mark A. Pappa. So voted.
18. "Re-elect Jack Hennessy" Jack Hennessy
It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the grant application for "Re-Elect Jack Hennessy" Jack Hennessy. So voted.
21. "Tercyak 08" Peter Tercyak
It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the grant application for "Tercyak 08" Peter Tercyak. So voted.
23. "Working Families for Simsbury" Deborah Noble
Ms. Andrews stated that a complaint concerning Deborah Noble has been received and is under investigation. Commissioner Cashman noted the pending investigation and stated that at this time there is no basis for concluding the application for a grant should be denied. Ms. Kulmacz noted Ms. Noble is the first Working Families party candidate to be recommended to receive a grant.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to approve the grant application for "Working Families for Simsbury" Deborah Noble. So voted.
24. "Arcuri 08" Joseph Arcuri
It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the grant application for "Arcuri 08" Joseph Arcuri. So voted.
25. "Friends of Brendan" Brendan Sharkey
It was moved by Commissioner Bozzuto and seconded by Commissioner Gerratana to approve the grant application for "Friends of Brendan Sharkey" Brendan Sharkey. So voted.
27. "Burgio 2008" Frank Burgio
It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the grant application for "Burgio 2008", Frank Burgio. So voted. Ms. Kulmacz noted that Mr. Burgio is a minor party candidate with the Independent Party.

28. "Denze 2008" Arthur Denze

It was moved by Commissioner Jenkins and seconded by commissioner Gerratana to approve the grant application for "Denze 2008" Arthur Denze. So voted. Ms. Kulmacz noted that Mr. Denze is a minor party candidate with the Independent Party of Waterbury.

Ms. Kulmacz stated that all of the committees who have been continued today will have the opportunity to resubmit their grant applications at the final meeting tomorrow. They have been advised and are prepared to submit the additional documentation or amendments to qualify at tomorrow's meeting.

IV. Consideration of "Jason '08" Request for Supplemental Grant to Match Independent Expenditure

Ms. Rotman briefly summarized her memo dated October 14, 2008 explaining the supplemental grant request (Form CEP 16) from the "Jason 08" campaign. "Jason 08" is the participating candidate committee for State Representative candidate Jason W. Bartlett who has previously received a grant. Mr. Bartlett's opponent is also a participating candidate. Mr. Barlett's request is based on a flyer printed in a publication that was distributed among Bethel residents that is negative and attacks Mr. Bartlett. The flyer was paid for by the Bethel Republican Town Committee. She stated that Commission staff recommends, based on the information contained within the Jason 08 campaigns supplemental grant request form that the flyer constitutes an independent expenditure. It has been established that the cost of the flyer was \$630 and Ms. Rotman recommended the Commission grant the Jason 08' campaign a supplemental grant in the amount of \$630.

Mr. Garfield asked Ms. Rotman if it has been definitely determined that this was an independent expenditure. She stated that with the information that has been provided and the short period of time the decision needs to be made, there is no reason at this time to believe that it is not. Attorney Andrews stated that a complaint was filed yesterday alleging that this may be a coordinated expenditure. If after the investigation, evidence of coordination is found, the Commission has the authority to order the money to be paid back.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve to "Jason 08" campaign the supplemental grant in the amount of \$630 pursuant to Section 9-714, General Statutes. So voted.

V. Consideration of Hearing Officer's Report

Referral by Elections Officer/Audit and Disclosure Unit
File No. 2008-044 MC
Respondent: William L. Jenkins
Case Presenter for State: Attorney Joan M. Andrews
Hearing Officer: Attorney Albert P. Lenge

Commissioner Cashman stated that this matter is continued as the hearing officer could not be present and there are some suggested corrections that the Hearing Officer has not seen. The matter will be continued until the November meeting.

VI. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by Shirley Surgeon, Hartford
File No. 2007-336
Proposed Consent Agreement and Order
Respondent: Keith Darby
Investigator: Attorney Marc W. Crayton
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the proposed Consent Agreement and Order. She stated that this is the ninth of thirteen Respondents with whom agreements have been successfully negotiated by Attorney Crayton. Mr. Darby has signed the agreement and paid a civil penalty of \$200. Attorney Andrews recommended adoption of the proposed agreement.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File No. 2007-336. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

2. In the Matter of a Complaint by Linda Carlone, Waterbury
File No. 2007-067
Proposed Findings and Conclusions
Respondent:
Investigator: Attorney Marc W. Crayton
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the proposed Findings and Conclusions recommending dismissal of the complaint. She recommended adoption of the proposed Findings and Conclusions.

In was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2007-067. So voted. The complaint is dismissed for the reasons stated. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

3. In the Matter of a Complaint by Heather Cappabianca, Winsted
File No. 2008-071
Proposed Consent Agreement and Order
Respondent: Barbara Wilkes
Investigator: Attorney Kevin Ahern
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the proposed Consent Agreement and Order. Respondent Wilkes has signed the agreement and paid the civil penalty of \$100. She recommended adoption of the proposed agreement.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to adopt the proposed Consent Agreement and Order in File No. 2008-071. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

4. In the Matter of a Complaint by Robert H. Kalechman, Simsbury
File No. 2008-072
Proposed Consent Agreement and Order
Respondent: Carolyn D. Keily
Investigator: Attorney William B. Smith
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order. She recommended adoption of the proposed agreement.

It was moved by Commissioner Bozzuto and seconded by Commissioner Gerratana to adopt the proposed Consent Agreement and Order. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

Mr. William Jenkins, respondent in the matter of the Hearing Officers' Report which was discussed earlier, joined the meeting. Attorney Andrews informed him that the Commission had decided to continue consideration of the Hearing Officer's Report because Attorney Lenge was not able to be at today's meeting. Chairman Cashman asked Mr. Jenkins if he wanted to make a statement to the Commission. Mr. Jenkins stated that he had come to the meeting to request more time. He agreed to the Commission's decision to continue the matter.

B. Executive Session per C.G.S. §§ 1-200(6)(B) and (E), and 1-210(b)(3) and (4)

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins at 9:35 A.M. to proceed into Executive Session pursuant to C.G.S. §1-200(6)(B) and (E), and §1-210(b)(3) and (4) to discuss strategy and negotiations with respect to pending claims and exempt records relating thereto, listed as Items 5 through 11 on the agenda. So voted. Commissioners Cashman, Jenkins, Gerratana and Bozzuto were present. Staff members present were Mr. Garfield, Ms. Andrews, Mr. Smith, Mr. Crayton, Ms. Bergquist, Mr. Ahern, Mr. Oyola, Ms. Blackburn, Ms. Rotman, Ms. Kief, Ms. Sadowski, Mr. Foley, Mr. Talbert-Slagle, Ms. Montgomery, Ms. Leibenhaut, Ms. Kulmacz, Ms. Staniewicz, Mr. Neumon, Ms. Pulaski, Ms. Varrs and Ms. Cruz-Cabrera.

It was moved by Commission Bozzuto and seconded by Commission Gerratana at 10:10 A.M. to return to public session. So voted.

Returning to Public Session the Commission took the following action:

5. In the Matter of Complaints by
Luis Caban, *et.al.*, Hartford
File No. 2007-341, 2007-342, 2007-343
Investigators: Attorney Shannon R. T. Bergquist &
Gilberto Oyola, Lead Legal Investigator
Managing Attorney: Joan M. Andrews

This matter was continued.

6. In the Matter of a Complaint by Brittany Helden, Hartford
File No. 2007-348
Investigator: Shannon Bergquist
Managing Attorney: Joan M. Andrews

It was moved by Commission Jenkins and seconded by Commissioner Gerratana to authorize the issuance of investigatory subpoenas to Theresa Lindsay and Barbara Silva. So voted.

7. In the Matter of a Complaint by Thomas R. Dunn, Darien
File No. 2008-001
Investigator: Attorney Marc W. Crayton
Managing Attorney: Joan M. Andrews

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana that the Commission take administrative notice of the receipt of a civil penalty of \$100 for compliance and will take no further action with respect to File No. 2008-001. So voted.

8. In the Matter of a Complaint by Matthew J. Grimes, Jr., Brookfield
File No. 2008-070
Investigator: Gilberto Oyola, Lead Legal Investigator
Managing Attorney: Joan M. Andrews

This matter was continued.

9. In the Matter of a Complaint by Charles Marino, West Haven
File No. 2008-078
Investigator: Attorney William B. Smith
Managing Attorney: Joan M. Andrews

This matter was continued.

10. In the Matter of a Complaint by Richard Hupprich, Waterbury
File No. 2008-085
Investigator: Attorneys William B. Smith & Kevin Ahern
Managing Attorney: Joan M. Andrews

This matter was continued.

11. In the Matter of Michael Singh
File No. 2008-119
Investigator: Shannon R. T. Bergquist
Managing Attorney: Joan M. Andrews

This matter was continued.

***VII. Referral by Elections Officer/Audit and Disclosure Unit
Find Reason to Believe Recommendations & Designation of Hearing Officer***

In the Matter of a Referral by the SEEC Elections Officer
Reason to Believe Finding Recommendation and Designation of Hearing Officer
File No. 2008-086 CNF

Respondent: Kevin Scarpetti
Investigator: Attorney Shannon R. T. Bergquist
Managing Attorney: Joan M. Andrews

Recommendation:

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins that the Commission finds reason to believe that Respondent Kevin Scarpetti violated Connecticut General Statutes §9-604 and that a Hearing Officer be designated for this matter. So voted. Chairman Cashman designated Attorney Garfield as Hearing Officer for File No. 2008-086 CNF.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the grant application for "Colapietro for Senate" Tom Colpietro. So voted.

VIII. Administrative Reports

Ms. Kulmacz gave a brief report on the use of the new e-CRIS filing system for the October 10 filing date. The Audit Unit worked overtime to insure that everything went smoothly. She thanked her staff and stated that it has been very successful.

Mr. Garfield added that he has not heard of any complaints or issues on the e-CRIS program. He stated that there is a filing due seven days preceding the election on October 28 and the Audit and IT staff will be again be working overtime to insure that it is successful. Mr. Garfield complemented the Audit staff on the tremendous job they have done to ensure that the Commission can satisfy its legal mandate to process the many grant applications within the few days that are allotted including working weekends and holidays. Mr. Garfield stated that in 2010 there will be many statewide campaigns interested in participating in the program and he would like to suggest to the General Assembly a longer time to address those applications, which will be certain many more transactions to review. He acknowledged the Public Finance Unit, Election Officers and the entire staff of the agency for all of the hard work that went into making this first year running the program a success.

Commissioner Cashman noted that the public hearings on the program will be held following the election. He hopes to hear comments from the public and users of the program on how they felt the program was administered.

Mr. Garfield and Ms. Rotman thanked all of the Commissioners for all of their extra efforts including meeting weekly to make the program a great success.

Attorney Andrews stated that the Commission has received two complaints so far relating to alleged voter registration fraud with respect to applications submitted by an organization called ACORN. There have been many inquires about this issue from the press and angry citizens wanting to know what was being done. Mr. Garfield issued a statement last Friday as a press release. Ms. Andrews summarized the procedures and checks and balances to detect voter fraud that was were included in the press release.

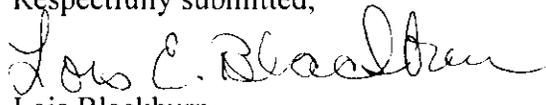
Mann Hasen briefly reported on the experience on the Oct. 10th filing day and the use of e-CRIS. He stated that out of the 1127 total committees who were due to file for Oct. 10th, 307 filed electronically, 45% of all candidate committees filed using e-CRIS and 28 % of all registered committees filed using e-CRIS, with slightly less use among political committees and party committees.

Attorney Andrews briefed the Commissioners on the progress of the Green Party et. al. v. Garfield. Ms. Rotman discussed the matter with Commissioners explaining the process and what to expect in the next phase.

IX. Adjournment

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana at 10:40 A.M. to adjourn the meeting. So voted. Unless otherwise indicated, all votes of the Commission were unanimous.

Respectfully submitted,



Lois Blackburn

Clerk of the Commission

Adopted this October 16, 2008 at Hartford, Connecticut.



Stephen F. Cashman

By Order of the Commission

The next Regular Meeting is scheduled for November 19, 2008 at 9:00 A.M., in the 5th Floor Conference Room.