



**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**  
20 Trinity Street Hartford, Connecticut 06106 – 1628

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**MINUTES OF THE  
STATE ELECTIONS ENFORCEMENT COMMISSION  
REGULAR MEETING  
5<sup>th</sup> Floor Conference Room  
November 19, 2008  
9:00 A.M.**

**I. *Call to Order***

Chairman Cashman called the meeting to order at 9:07 A.M. Commissioners Jenkins, Gerratana, and Bozzuto were present. Agency staff was also present.

**II. *Approval of the Minutes***

**A. *Approval of the Minutes of the October 24, 2008 Special Meeting***

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to approve the minutes of the October 24, 2008 Special Meeting. So voted.

**B. *Approval of the Minutes of the October 30, 2008 Emergency Meeting***

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to approve the minutes of the October 30, 2008 Emergency Meeting. So voted.

Attorney Andrews requested an item be added to the agenda: File No. 2008-159, In the Matter of a Complaint by Robert Kissel. It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins to add this item as number 14a. on the agenda. So voted.

**III. *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

Attorney Andrews summarized the State's suggested corrections to the Hearing Officer's Report. Hearing Officer Albert Lenge and Respondent William Jenkins were not present at the meeting.

It was moved by Commissioner Bozzuto and seconded by Commissioner Gerratana to adopt the Report of the Hearing Officer as a Final Decision with the amendment to paragraph 30 offered by the State on November 11, 2008. The amendment replaces paragraph 30 with the following "It is found that the Respondent acted in good faith in the face of a bona fide dispute

over the application of the law to him under the facts of this case. Accordingly, the Commission declines to impose a civil penalty in this matter.” So voted. The Respondent is ordered to relinquish his role as Treasurer of The 35 Is Alive PAC and as Deputy Treasurer of the Windham County PAC within thirty (30) days of the adoption of this report as a Final Decision. A copy of the Final Decision is attached and incorporated herein as part of these minutes.

#### ***IV. Pending Complaints and Investigations***

##### ***A. Public Session***

##### **1. In the Matter of a Complaint by Shirley Surgeon, ROV**

File No. 2007-336

Find Reason To Believe Violation C.G.S. §9-410(c)

Respondents: Ben Dowdell, Ramfis Borque-Colon, Maria Diaz and Beatrice Roman

Investigator: Attorney Marc Crayton

Managing Attorney: Joan M. Andrews

Ms. Andrews summarized the above referenced complaint and asked the Commission to proceed to a hearing with the above Respondents.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins that the Commission finds reason to believe that Respondents Ben Dowdell, Ramfis Borque-Colon, Maria Diaz and Beatrice Roman violated Connecticut General Statutes § 9-410(c) and that a Hearing Officer be designated.

Chairman Cashman designated Commissioner Theresa Gerratana to be hearing officer for these matters.

##### **2. In the Matter of a Complaint by Luis Caban, Nancy Stephenson, Diana Reyes,**

Serafin Mendez and Solomon Hall, Hartford

File No. 2007-341 and 2007-343

Proposed Consent Agreement and Order

Respondent: Shirley Surgeon

Investigator: Attorney Shannon Bergquist

Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order. Respondent Surgeon has signed the agreement. 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 in File No. 2007-341 and 2007-343. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

##### **3. In the Matter of Charles Shivery, Hartford**

File No. 2007-381

Proposed Consent Agreement and Order

Respondent: Charles Shivery

Proposed Findings and Conclusions

Respondent: Connecticut Republicans  
Investigator: Attorney Marc W. Crayton and John Neumon, Lead Legal Investigator  
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order with respect to Respondent Shivery. Respondent Shivery has not yet returned the signed agreement and civil penalty of \$500.00. She recommended adoption of the proposed agreement contingent upon receipt of the above mentioned agreement and penalty within seven days.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to adopt the proposed Consent Agreement and Order in File No. 2007-381. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

Attorney Andrews also summarized the proposed Findings and Conclusions recommending dismissal of the complaint against the Connecticut Republicans. 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. 2007-381. 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.

4. In the Matter of a Complaint by Myrna E. Watanabe, Harwinton  
File No. 2007-386  
Proposed Consent Agreement and Order  
Respondent: George Pleau  
Investigator: Attorney Kevin Ahern  
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order. Respondent Pleau has signed the agreement and paid the civil penalty of \$750.00. She 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. 2007-386. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

5. In the Matter of a Complaint by Richard G. Proudfoot, Wallingford  
File No. 2008-014  
Proposed Findings and Conclusions  
Investigator: Attorney Kevin Ahern  
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.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2008-014. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

6. In the Matter of a Complaint by Alisa Masterson, Madison  
File No. 2008-066  
Proposed Consent Agreement and Order  
Respondent: Robert Roxbrough  
Investigator: Attorney Kevin Ahern  
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order. Respondent Roxbrough has signed the agreement to henceforth strictly comply with the requirements of Connecticut General Statutes § 9-621. She 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. 2008-066. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

7. In the Matter of a Complaint by Matthew J. Grimes, Jr., Brookfield  
File No. 2008-070  
Proposed Consent Agreement and Order  
Respondent: Robert G. Silvaggi  
Investigator: Gilberto Oyola, Lead Legal Investigator  
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order. Respondent Silvaggi has signed the agreement to henceforth strictly comply with the requirements of Connecticut General Statutes §9-369b. It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File No. 2008-070. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

8. In the Matter of a Complaint by Charles Marino, West Haven  
File No. 2008-078  
Proposed Consent Agreement and Order  
Respondent: Dorinda Borer  
Investigator: Attorney William Smith  
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order. Respondent Borer has agreed to sign the agreement and pay the civil penalty of \$200.00. Attorney Andrews recommended adoption of the proposed agreement contingent upon receipt within seven days.

It was moved by Commissioner Gerratana and seconded by Commissioner Bozzuto to adopt the proposed Consent Agreement and Order in File No. 2008-078 contingent upon receipt within seven days. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

9. In the Matter of a Complaint by Nicholas Paenessa, New Britain  
File No. 2008-097  
Proposed Consent Agreement and Order  
Respondent: Cheryl Blogoslawski  
Investigator: Attorney Marc Crayton  
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order. Respondent Blogoslawski has paid the civil penalty of \$50.00 but has not returned the agreement yet. She recommended adoption of the proposed agreement contingent upon receipt within seven days.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File No. 2008-097 contingent upon receipt within seven days. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

10. In the Matter of a Complaint by Lori A. Kaback, Town Clerk, Danbury  
File No. 2008-098  
Proposed Findings and Conclusions  
Investigator: Attorney Marc 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.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2008-098. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

11. In re: Commission Initiated  
File No. 2008-119NF  
Proposed Findings and Conclusions  
Respondent: Michael Singh  
Investigator: Attorney Shannon Bergquist  
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 Gerratana and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2008-119NF. So voted. A

copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

12. In re: Commission Initiated  
File No. 2008-120

Proposed Consent Agreement and Order

Respondents: Mary Markham, JCJ Architecture, Inc. and James E. LaPosta, Jr.

Investigator: Attorney Shannon Bergquist and Kevin Ahern

Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order with respect to Respondent Markham. Respondent Markham forfeited to the State of Connecticut the amount of the prohibited payment and contribution, \$350.00, from Trumbull Democratic Town Committee funds. 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 with respect to Respondent Markham in File No. 2008-120. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order with respect to Respondent JCJ Architecture. Respondent JCJ Architecture, Inc. has signed the agreement and paid the civil penalty of \$2,000.00. 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 with respect to Respondent JCJ Architecture, Inc. in File No. 2008-120. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

Attorney Andrews summarized the above referenced complaint and proposed Consent Agreement and Order with respect to Respondent LaPosta, Jr. Respondent LaPosta, Jr. has signed the agreement and paid the civil penalty of \$2,000.00. 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 with respect to Respondent LaPosta, Jr. in File No. 2008-120. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

13. In the Matter of a Complaint by Georgia Michalec, Stafford Springs  
File No. 2008-138

Proposed Findings and Conclusions

Respondents: Penny Bacciochi, Bree M. Berner, Ken Hovland, Jr.,  
and Keith Hovland

Investigator: Attorney William Smith

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.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to adopt the proposed Findings and Conclusions in File No. 2008-138. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

14. In the Matter of a Complaint by William R. Hathaway, New London  
File No. 2008-151  
Request to Withdraw Complaint  
Investigator: Attorney Kevin Ahern  
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the request to withdraw the complaint. She had no objection to the withdrawal.

In was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to approve withdrawal of the complaint in File No. 2008-151. So voted. The complaint is withdrawn.

- 14a. In the Matter of a Complaint by Robert S. Kissel, Hamden  
File No. 2008-159  
Investigator: Attorney William Smith  
Managing Attorney: Joan M. Andrews

Attorney Andrews requested that voting machines and ballots from the November 4, 2008 election in Hamden be impounded for further investigation. She acknowledged that two polling districts in Hamden were selected for the Secretary of the State's audit, so we will inform the town but not attempt to possess them until after the audit next week.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to authorize voting machines and ballots be impounded pursuant to Connecticut General Statutes § 9-7b (a) as requested. So voted.

*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 Jenkins and seconded by Commissioner Gerratana at 9:48 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 15 through 21 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. Stratton, Ms. Rotman, Ms. Kief, Mr. Talbert-Slagle, Mr. Urso, Ms. Adams, Ms. Zaccagnino, Ms. Kulmacz, Ms. Staniewicz, Mr. Neumon, Ms. Pulaski, Ms. Varrs, Ms. Cruz-Cabrera, Ms. Howard, Ms. Love, Ms. Khang and Ms. Killeen.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana at 10:38 A.M. to return to public session. So voted.

Returning to Public Session the Commission took the following action:

15. In the Matter of a Complaint by Luis Caban, Nancy Stephenson, Diana Reyes,  
Serafin Mendez and Solomon Hall  
File No. 2007-341, 2007-342 and 2007-343  
Investigator: Attorney Shannon Bergquist and Gilberto Oyola, Lead Legal Investigator  
Managing Attorney: Joan M. Andrews

This matter was continued.

16. In the Matter of a Complaint by Shirley Surgeon and Joseph DeLorenzo, ROV, Hartford  
File No. 2007-273  
Investigator: Attorney Shannon Bergquist  
Managing Attorney: Joan M. Andrews

This matter was dismissed for insufficient evidence.

17. In re: Government Action Fund PAC, Hartford  
File No. 2008-003  
Investigator: Charles Urso, Lead Legal Investigator and Dara Howard  
Managing Attorney: Joan M. Andrews

This matter was continued.

18. In the Matter of a Complaint by Marie G. Hamilton, Hartford  
File No. 2008-093  
Investigator: Gilberto Oyola and Charlie Urso, Lead Legal Investigators  
Managing Attorney: Joan M. Andrews

This matter was not discussed and was passed until the next meeting.

19. In the Matter of a Complaint by Stephanie Marazzi, West Haven  
File No. 2008-095  
Investigator: Attorney William Smith  
Managing Attorney: Joan M. Andrews

This matter was continued.

20. In re: Terence L. Tierney, Tierney for State Senate, Hartford  
File No. 2008-118NF  
Investigator: Attorney Marc Crayton  
Managing Attorney: Joan M. Andrews

This matter was continued.

21. In the Matter of a Complaint by Joyce Mascena, Town Clerk, Glastonbury  
File No. 2008-128  
Investigator: Gilberto Oyola, Lead Legal Investigator  
Managing Attorney: Joan M. Andrews

This matter was continued.

**V. *Referral to Attorney General's Office for Subpoena Enforcement***

Complaint of Brittany Helden

File No. 2007-348

Investigator: Attorney Shannon Bergquist

Mr. Garfield notified the Commission that Theresa Lindsay was ordered to appear at the Commission and testify on November 10, 2008. She was provided with abode service on November 2, 2008 but failed to appear at the Commission as ordered for the proceeding. Mr. Garfield recommended that pursuant to Connecticut General Statutes 9-7b, this matter be referred to the Attorney General's office for enforcement of the subpoena.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to refer the subpoena enforcement action to the Attorney General's Office. So voted.

**VI. *Discussion of Possible Recommendations to the 2009 General Assembly***

Mr. Garfield discussed the proposed Legislative recommendations with the Commission. An Act Concerning Electronic Filing of Campaign Reports, an Act Concerning Municipal Campaign Filings and an Act Concerning the Powers and Duties of the State Elections Enforcement Commission have already been authorized by the Commission to be drafted.

Mr. Garfield acknowledged Attorney Joshua Foley for his efforts in drafting the bill, An Act Concerning Municipal Campaign Filings. Mr. Garfield also discussed the positive aspects of this bill and the support of the Town Clerks. Mr. Garfield also expressed that this program would be funded by the Citizen's Election Fund and not General Funds. Mr. Garfield requested a motion by the Commission so that the bill may be submitted to the General Assembly when they convene in January 2009.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the submission of An Act Concerning Municipal Campaign Filings. So voted.

Mr. Garfield revisited the bill concerning electronic filing and reconfirmed he has the Commissions approval to submit. The Commissioners indicated their agreement to the submission.

Mr. Garfield discussed the draft prepared by Attorney Andrews, an Act Concerning the Powers and Duties of the State Elections Enforcement Commission. He discussed proposed additions to the bill. Mr. Garfield requested that the

Commission should have the implicit authority to enforce henceforth orders by civil penalty and seek orders to comply with the Commissions order in court. Mr. Garfield also mentioned some technical changes regarding the general catch all provision in § 9-622(10), which currently prohibits any person from making, soliciting or receiving a contribution prohibited by the campaign finance laws.

Mr. Garfield proposed increasing late filing penalties for reports required close to the election. Specifically, problems that have arisen due to late October filings preceding the election. Ms. Kulmacz notified the Commission that the October 28, 2008 filing had the largest amount of non-filers.

Mr. Garfield also suggested amending § 9-236(b), which references the Voter Bill of Rights. The goal of this amendment is to ensure that the Commission can impose civil penalties against anyone that causes a registered voter to be denied one of the enumerated rights in the statute.

Mr. Garfield requested the Commission's authorization to include these concepts in a final draft bill and revisit it at the December 17, 2008 meeting.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to approve the drafting of a final bill on this subject. So voted.

Mr. Garfield discussed a bill regarding municipal and town committee campaign financing issues and proposed various changes on certain contributions as explained in his memorandum to the Commission. After discussion, Mr. Garfield requested a motion to draft a bill on the issues in the memorandum using the title An Act Concerning Municipal Campaigns and Town Committee Financing.

It was moved by Commissioner Jenkins and seconded by Commissioner Bozzuto to approve a draft for An Act Concerning Municipal Campaigns and Town Committee Financing. So voted. Chairman Cashman voted in the negative, motion passes 3 to 1.

A technical bill was presented by Mr. Garfield with a request that a motion be made to approve a draft on these issues.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to approve a draft bill to make technical revisions. So voted.

Mr. Garfield discussed disclosure issues related to Legal Defense Funds for election contests and legal defense funds in relation to ballot status. Mr. Garfield requested the Commission authorize a proposal be drafted.

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins to authorize the draft proposal. So moved.

Ms. Rotman and Mr. Garfield discussed An Act Concerning Revisions to the Citizens' Election Program and issues of administration. It was agreed that the public hearings would produce further recommendations, and that all such recommendations shall be presented to the Commission for discussion at the December 17, 2008 meeting.

***VII. Administrative Reports***

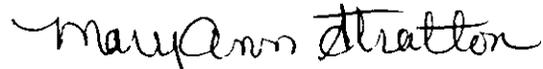
Ms. Andrews thanked her staff for the great job they did managing the numerous calls to our hotline from 6AM to 9PM on Election day.

***VIII. Adjournment***

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana at 12:06 P.M. to adjourn the meeting. So voted. The Commission adjourned to a Citizens' Election Program hearing at the Legislative Office Building. Unless otherwise indicated, all votes of the Commission were unanimous.

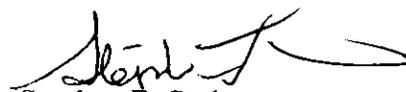
***The next regular meeting will be held on Wednesday, December 17, 2008 at 9:00 A.M., in the 5<sup>th</sup> Floor Conference Room.***

Respectfully submitted,



MaryAnn Stratton  
Acting Clerk of the Commission

Adopted this 17<sup>th</sup> day of December at Hartford, Connecticut.



Stephen F. Cashman  
By Order of the Commission