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STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of Crisco 2008 File No. 2008-082

AGREEMENT CONTAINING CONSENT ORDER AND PAYMENT OF A CIVIL PENALTY FOR VIOLATION OF CONNECTICUT GENERAL STATUTES §§ 9-602, 9-604, 9-606 (d), 9-703, & 9-706

This Agreement, by and between Joseph J. Crisco, of the Town of Woodbridge, County of New Haven, State of Connecticut 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. At all times relevant to the instant matter, Respondent was the state senator for the 17th senatorial district in the Connecticut General Assembly.

2. Respondent, via the candidate committee "Crisco 2008," was an applicant for a grant of public monies from the Citizen's Election Fund ("CEF") in order to fund his 2008 campaign for re-election as state senator. In order to receive the grant, the Respondent was required to comply with the laws and procedures prescribed in Chapters 155 and 157 of the General Statutes for candidates seeking grants under the Citizen's Election Program ("CEP") as well as the regulations and forms promulgated and prescribed thereunder.

3. After "Crisco 2008" had submitted all of the forms and documentation necessary for the Commission to consider its grant application for public funds from the CEF, Commission staff conducted a standard review thereof. Because the review revealed certain potential improprieties and/or imperfections related to the signing and/or swearing on certain forms and other documents submitted within the application package, Commission staff conducted a full validation thereof.

4. At its meeting on July 2, 2008, the Commission considered the report of the aforementioned validation of the "Crisco 2008" application package and found that the improprieties and imperfections were material and fatal to the request for public funds and denied the application with prejudice.

5. Also at its meeting on July 2, 2008, the Commission, pursuant to General Statutes § 9-7b (a), initiated an investigation into whether any election laws were violated in connection with the Respondent's 2008 campaign for re-election as state senator..

6. On or about December 17, 2007, as required by General Statutes §§ 9-602 & 9-604, Respondent filed a Registration by Candidate and a Candidate Committee Registration Statement (SEEC Forms 1 & 1A) identifying "Crisco 2008" as the funding vehicle for

his campaign for re-election and naming Robert Goodman and Respondent's spouse Patricia Crisco as Treasurer and Deputy Treasurer respectively. The sections of the forms that require acceptance of the aforementioned designations by the treasurer and deputy treasurer respectively were dated December 4, 2007 and contained signatures that were purportedly those of the Respondent and the above two individuals.

7. During the period beginning on December 17, 2007 through Election Day November 4, 2008, "Crisco 2008" made expenditures and solicited and received contributions in aid of the candidacy of Respondent Crisco.

8. Connecticut General Statutes § 9-602, provides in pertinent part:

> (a) Except with respect to an individual acting on his own, ***no contributions may be made, solicited or received and no expenditures may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual*** or any party or referendum question, *unless* ***(1) the candidate or chairman of the committee has filed a designation of a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds*** or (2) the candidate or, in the event of a referendum question, a group of individuals has filed a certification in accordance with the provisions of section 9-604 or 9-605, as the case may be. . . . [Emphasis added.]

9. Connecticut General Statutes § 9-604, provides in pertinent part:

> (a) Each candidate for a particular public office or the position of town committee member ***shall form a single candidate committee for which he shall designate a campaign treasurer*** *and a depository institution situated in this state as the depository for the committee's funds* ***and shall file a committee statement containing such designations***, not later than ten days after becoming a candidate, with the proper authority as required by section 9-603. *The candidate may also designate a deputy campaign treasurer on such committee statement.* ***The campaign treasurer and any deputy campaign treasurer so designated shall sign a statement accepting such designation*** *which the candidate shall include as part of, or file with, the committee statement. . . .* [Emphasis added.]

10. On each page of the Candidate Committee Registration Statement form (SEEC Form 1A), the form contains the following statement: "Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both."

11. On the Candidate Committee Registration Statement form (SEEC Form 1A), the

signature of Respondent Crisco is that of the Respondent. However, the signatures of Robert Goodman and Patricia Crisco, the named Treasurer and Deputy Treasurer respectively, were not signed by those individuals, as required. Instead, they were signed by Respondent Crisco in their names.

12. On or about July 28, 2008 and on or about August 13, 2008 Respondent Crisco re-submitted the Registration by Candidate and Candidate Committee Registration Statement forms (SEEC Forms 1 & 1A) again identifying "Crisco 2008" as the his candidate committee. He first designated Jeannette G. Glicksman as Treasurer and then subsequently replaced Ms. Glicksman with Vincent J. Cleary. The sections of both of the forms that require the acceptance of the aforementioned designations were properly and personally signed by the Respondent and the above individuals.

13. The Commission concludes that because the Respondent submitted the first Candidate Committee Registration Statement without the authentic signatures of Robert Goodman and Patricia Crisco, the Respondent therefore failed to properly designate a treasurer or deputy treasurer for "Crisco 2008."

14. Accordingly, the Commission concludes that Respondent Crisco violated General Statutes § 9-604 for submitting a Candidate Committee Registration Statement without the signature of the Treasurer indicating his acceptance of said designation.

15. The Commission further concludes that Respondent Crisco violated General Statutes § 9-602 by making expenditures and soliciting and/or receiving contributions in aid of his candidacy during that period in which no treasurer was legally authorized to act and no committee was legally formed on behalf of Respondent Crisco's candidacy.

16. Connecticut General Statutes § 9-8, provides in pertinent part:

> *Any person who makes a false statement in any statement required to be signed under the penalties of false statement under this title* and, except as otherwise provided by law, ***any person who signs the name of another to any such statement shall be guilty of false statement,*** which shall be deemed to have been committed in the town where such statement is filed and *shall be subject to the penalties provided for false statement.* [Emphasis added.]

17. The Commission further concludes that Respondent Crisco violated General Statutes § 9-8 by signing the names of Robert Goodman and Patricia Crisco on the Candidate Committee Registration Statement and submitting it to the Commission.

18. The aforementioned acts involving the Candidate Committee Registration Statements were material and necessarily fatal to the Respondent's application for a grant of public monies, as every act taken by Respondent in furtherance of the campaign, including, but not limited to, each contribution solicited and/or received and each expenditure made, was impermissible without a properly designated treasurer in place.

19. On or about December 17, 2007, "Crisco 2008" filed Affidavits of Intent to Abide (SEEC Forms CEP 10) for the Respondent, Robert Goodman and Patricia Crisco, all pursuant to General Statutes § 9-703. The affidavits contained signatures that were purportedly those of the Respondent and the above two individuals. The affidavit for Robert Goodman was notarized by Concetta Coppola, a notary public and an employee of Mr. Goodman. The affidavits for the Respondent and Patricia Crisco were signed on December 4, 2007 and notarized by a notary public on December 11, 2007.

20. Connecticut General Statutes § 9-703, provides in pertinent part:

> (a) *Each candidate for nomination or election to the office of state senator* or state representative in 2008, or thereafter, or the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer in 2010, or thereafter, *shall file an affidavit with the State Elections Enforcement Commission.* The affidavit shall include a written certification that the candidate either intends to abide by the expenditure limits under the Citizens' Election Program set forth in subsection (c) of section 9-702, or does not intend to abide by said limits. *If the candidate intends to abide by said limits, the affidavit shall also include written certifications* (1) that the campaign treasurer of the candidate committee for said candidate shall expend any moneys received from the Citizens' Election Fund in accordance with the provisions of subsection (g) of section 9-607 and regulations adopted by the State Elections Enforcement Commission under subsection (e) of section 9-706, (2) that the candidate shall repay to the fund any such moneys that are not expended in accordance with subsection (g) of said section 9-607 and said regulations, *(3) that the candidate and the campaign treasurer shall comply with the provisions of subdivision (1) of subsection (a) of section 9-711*, and (4) stating the candidate's status as a major party, minor party or petitioning party candidate and, in the case of a major party or minor party candidate, the name of such party. *The written certification described in subdivision (3) of this subsection shall be made by both the candidate and the campaign treasurer of the candidate committee for said candidate.* A candidate for nomination or election to any such office shall file such affidavit not later than four o'clock p.m. on the twenty-fifth day before the day of a primary, if applicable, or on the fortieth day before the day of the election for such office, except that in the case of a special election for the office of state senator or state representative, the candidate shall file such affidavit not later than four o'clock p.m. on the twenty-fifth day before the day of such special election. . . . [Emphasis added.]

21. On or about May 1, 2008, "Crisco 2008" filed amended Affidavits of Intent to Abide (SEEC Forms CEP 10) for the Respondent, Robert Goodman and Patricia Crisco, all pursuant to General Statutes § 9-703. All three prior affidavit forms were rejected by Commission staff as all three incorrectly contained "X" marks in sections where initials were required per the affidavit form. The amended affidavits contained initials and signatures that were purportedly those of the Respondent and the above two individuals. The affidavits for the Respondent and Robert Goodman were dated April 28, 2008 and were notarized by the aforementioned Concetta Coppola. The affidavit for Patricia Crisco was notarized by a different notary public and dated April 25, 2008.

22. On each page of the Affidavit of Intent to Abide form (SEEC Form CEP 10), the following statement appears: "Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both."

23. On both the December 17, 2007 and May 1, 2008 Affidavits of the candidate, the initials and signature of Respondent Crisco were that of the Respondent.

24. On both the December 17, 2007 and May 1, 2008 Affidavits of the purported treasurer, the initials and signatures of Robert Goodman were not made by Mr. Goodman. On the December 17, 2007 Affidavit, the Respondent signed Mr. Goodman's name and Concetta Coppola notarized the signature in the Respondent's presence. On the May 1, 2008 Affidavit, while in the Respondent's presence, Ms. Coppola signed Mr. Goodman's name and notarized the signature.

25. On the December 17, 2007 Affidavit of the purported deputy treasurer, the initials and signatures of Patricia Crisco were not made by Ms. Crisco. On the December 17, 2007 Affidavit, the Respondent signed Ms. Crisco's name and had the signature notarized in the Respondent's presence a week after the signing.

26. On the May 1, 2008 Affidavit of the deputy treasurer, the initials and signature of Patricia Crisco were actually hers.

27. The Commission concludes that Respondent violated General Statutes § 9-703 by submitting Affidavits of Intent to Abide, as described in Paragraphs 24 & 25, that contained oaths and/or signatures and that did not meet the requirements enumerated thereunder.

28. The Commission further concludes that Respondent violated General Statutes § 9-8 three separate times between the December 17, 2007 and May 1, 2008 Affidavits, one violation for each of the three inauthentic signatures thereon.

29. The aforementioned acts involving the Affidavits of Intent to Abide were material and necessarily fatal to the Respondent's application for a grant of public funds and represented substantial noncompliance with the requirements of the CEP under Chapters 155 and 157 of the General Statutes and the regulations and forms promulgated and prescribed thereunder.

30. On or about May 21, 2008, "Crisco 2008" filed, *inter alia*, a CEP "Application for Public Grant Dollars" (SEEC Form CEP 15) pursuant to General Statutes § 9-706. The Application contained initials and signatures that were purportedly those of the Respondent, Mr. Goodman and Ms. Crisco.

31. Connecticut General Statutes § 9-706, provides in pertinent part:

> (a) (1) A participating candidate for nomination to the office of state senator or state representative in 2008, or thereafter, or the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer in 2010, or thereafter, may apply to the State Elections Enforcement Commission for a grant from the fund under the Citizens' Election Program for a primary campaign, . . .
>
> (b) The application *shall include a written certification that*:
>
> . . .
>
> (5) The campaign treasurer of the candidate committee will: (A) Comply with the provisions of chapters 155 and 157, and (B) maintain and furnish all records required pursuant to chapters 155 and 157 and any regulation adopted pursuant to such chapters; . . . . [Emphasis added.]

32. The initials and signatures of Respondent Crisco and Patricia Crisco on the Application for Public Grant Dollars are authentically theirs.

33. However, the purported initials and signature of Robert Goodman on the Application for Public Grant Dollars were not made by Mr. Goodman. In the Respondent's presence, Concetta Coppola signed Mr. Goodman's name on the application.

34. The Commission concludes that Respondent violated General Statutes § 9-706 by submitting an Application for Public Grant Dollars containing signatures which did not meet the requirements enumerated thereunder.

35. The aforementioned act involving the Application for Public Grant Dollars was material and necessarily fatal to the Respondent's application for a grant of public monies and represented substantial noncompliance with the requirements of the CEP under Chapters 155 and 157 of the General Statutes and the regulations and forms promulgated and prescribed thereunder.

36. Connecticut General Statutes § 9-606 (d), provides in pertinent part:

> (d) No person shall act as a campaign treasurer or deputy campaign treasurer unless the person is an elector of this state,

> *candidate committee, designating the person as campaign treasurer or deputy campaign treasurer*, has been filed in accordance with section 9-603. . . . *A candidate shall not serve as the candidate's own campaign treasurer or deputy campaign treasurer*, except that a candidate who is exempt from forming a candidate committee under subsection (b) of section 9-604 and has filed a certification that the candidate is financing the candidate's campaign from the candidate's own personal funds or is not receiving or expending in excess of one thousand dollars may perform the duties of a campaign treasurer for the candidate's own campaign. . . . . [Emphasis added.]

37. During the period between December 17, 2007 and July 28, 2008, Robert Goodman did not act as the treasurer for Respondent Crisco's campaign for re-election in 2008. He had no involvement in, much less approval of, the receipts and expenditures of the campaign and was not aware that the Respondent had sought a grant of public funds through the CEP. He was a treasurer in name only.

38. Every substantive act and duty reserved for the treasurer under Chapters 155 and 157 of the General Statutes was effectively exercised personally by Respondent Crisco and/or was exercised at his exclusive direction, including, but not limited to: the approval of expenditures; the drafting of checks directly from the funds of the committee bank account; and the filing of statements disclosing the receipts and expenditures of the committee as required by General Statutes § 9-608.

39. Connecticut General Statutes § 9-604 (b), provides in pertinent part:

> . . .
> (b) The formation of a candidate committee by a candidate and the filing of statements pursuant to section 9-608 shall not be required if the candidate files a certification with the proper authority required by section 9-603, not later than ten days after becoming a candidate, and any of the following conditions exist for the campaign: (1) The candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election or primary and expenditures made on behalf of the candidate's campaign are reported by the committee sponsoring the candidate's candidacy; (2) the candidate finances the candidate's campaign entirely from personal funds and does not solicit or receive contributions, provided if said candidate personally makes an expenditure or expenditures in excess of one thousand dollars to, or for the benefit of, said candidate's campaign for nomination at a primary or election to an office or position, said candidate shall file statements according to the same schedule and in the same manner as is required of a campaign treasurer of

> a candidate committee under section 9-608; (3) the candidate does not receive or expend funds in excess of one thousand dollars; or (4) the candidate does not receive or expend any funds, including personal funds, for the candidate's campaign. If the candidate no longer qualifies for the exemption under any of these conditions, the candidate shall comply with the provisions of subsection (a) of this section, not later than three business days thereafter and shall provide the candidate's designated campaign treasurer with all information required for completion of the treasurer's statements and filings as required by section 9-608. If the candidate no longer qualifies for the exemption due to the condition stated in the candidate's certification but so qualifies due to a different condition specified in this subsection, the candidate shall file an amended certification with the proper authority and provide the new condition for the candidate's qualification not later than three business days following the change in circumstances of the financing of the candidate's campaign. The filing of a certification under this subsection shall not relieve the candidate from compliance with the provisions of this chapter. [Emphasis added.]

40. Respondent Crisco's campaign for re-election did not qualify for any of the exemptions enumerated in General Statutes § 9-604 (b).

41. The Commission concludes that during the period between December 17, 2007 through July 28, 2008, Respondent Crisco acted as his own treasurer.

42. Accordingly, the Commission concludes that Respondent Crisco violated General Statutes § 9-606 (d).

43. All of the above violations were material improprieties and represented substantial noncompliance with the requirements of the CEP under Chapters 155 and 157 of the General Statutes and the regulations and forms promulgated and prescribed thereunder. However, the Commission recognizes that while the Respondent grossly failed to appreciate the seriousness of the requirements of the Connecticut campaign finance laws and the CEP, as well as the significance of legal signatures, it also recognizes that the Respondent has fully cooperated in the instant matter and that there was no intent on behalf of the Respondent to defalcate public funds.

44. 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.

45. 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.

46. The Respondent waives:

(a) Any further procedural steps;
(b) The requirement that the Commission's decision contain a statement of 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 Order entered into pursuant to this Agreement.

47. 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 the requirements of Connecticut General Statutes §§ 9-602, 9-604. 9-606, 9-703, and 9-706.

IT IS HEREBY FURTHER ORDERED THAT the Respondent shall pay a civil penalty of four thousand dollars ($4,000.00) to the Commission on or before May ~~4~~ 18, 2009.

The Respondent:

Joseph J. Cisco
1205 Racebrook Rd.
Woodbridge, CT 06525

Dated: 5-8-09

For the State of Connecticut:

BY: Joan Andrews
Joan M. Andrews, Esq.
Director of Legal Affairs & Enforcement
& Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: 5-19-09

Adopted this 27th day of May of 2009 at Hartford, Connecticut

Stephen F. Cashman, Chairman
By Order of the Commission