



STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

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**MINUTES**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**  
**REGULAR MEETING**  
**5<sup>th</sup> Floor Conference Room**  
**January 13, 2015**  
**9:00 A.M.**

**I. *Call to Order***

Commissioner Castagno was present and called the meeting to order at 9:05 A.M. Commissioners Salvatore Bramante, Stephen Penny and Michael Ajello were also present. Agency staff was also present.

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

*Approval of the Minutes of the Meeting of December 16, 2014*

Commissioner Castagno advised of a change to the “draft” minutes of the December 16, 2014 regular meeting. Item number 1 in public session, 2013-158 should reflect a vote of 4-0-1 with Commissioner Bramante abstaining.

It was moved by Commissioner Penny and seconded by Commissioner Ajello to approve, as amended, the Minutes of the December 16, 2014 regular meeting by a vote 4-0-0 vote.

**III. *Administrative Reports***

SEEC has a number of staff not in attendance today, they are under subpoena and are testifying in the Ernie Newton trial.

Personnel wise, SEEC is up to six vacancies on the Commission staff. We are awaiting on final approvals and have been told that they are at the final stage at OPM, and hoping to get those shortly as they are affecting operations.

Budget wise, we are in good shape, in large part because of all the vacancies. SEEC doesn't anticipate any issues. We did give back one percent on the voluntary reduction as requested by the Governor.

Audit has completed the lottery selection and documents are coming in for staff to review.

The legislative session has started and there are a number of proposals to be submitted. GAE had its first introductory meeting yesterday, SEEC will be spending a lot of time at the legislature getting a lot of the new members up to speed. SEEC

will also be proposing our legislation to try and affect some positive change regarding disclosure and campaign finance.

One piece of news, next week, January 22<sup>nd</sup> SEEC staff will be in Washington, D.C. at a congressional briefing. That has been requested by a congressman through the Brennan Center. We will be appearing there with new incoming chair of the FEC.

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

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

1. In the Matter of a Complaint by Robert H. Kalechman, Simsbury  
File No. 2014-113  
Proposed Findings & Conclusions  
Respondent: Carolyn D. Keily, Simsbury Town  
Clerk; Marge Diachenko, ROV(R);  
Karen E. Cortes, ROV(D)  
Attorney: William B. Smith  
Lead Legal Investigator: Gilberto Oyola

Attorney Summarized summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2014-113. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to adopt the Proposed Findings & Conclusions in File No. 2014-113. So voted by a vote 4-0. The Findings & Conclusions are available on our website under Commission Decisions.

2. In the Matter of a Complaint by Kirk Carr, Clinton  
File No. 2014-053  
Proposed Findings & Conclusions  
Respondents: Jack Cross, Superintendent of  
Schools and Phillip Williams,  
Chairman, Clinton Board of  
Education  
Attorney: William B. Smith  
Lead Legal Investigator: Gilberto Oyola

Attorney Smith summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2014-053. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Penny and seconded by Commissioner

Bramante to continue File No. 2014-053. So voted by a vote 4-0.

3. In the Matter of a Complaint by Eva M. Eszterhai, Niantic  
File No. 2014-151

Proposed Findings & Conclusions

Respondents: Nancy DiNardo, Chairperson,  
Democratic State Central Committee  
Attorney: William B. Smith  
Lead Legal Investigator: Gilberto Oyola

Attorney Smith summarized the above referenced complaint and Proposed Findings & Conclusions in File No. 2014-151. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to adopt the Proposed Findings & Conclusions in File No. 2014-151. So voted by a vote 4-0. The Findings & Conclusions are available on our website under Commission Decisions.

4. In the Matter of a Complaint by Lisa Labella, Trumbull  
File No. 2014-047

Proposed Consent Order & Agreement

Respondent: Carl Scarpelli  
Attorney: Patrick Lamb  
Legal Investigator: Scott Branfuhr

Attorney Lamb summarized the above referenced complaint and Proposed Consent Order & Agreement in File No. 2014-047. He recommended adoption of the Proposed Consent Order & Agreement.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to adopt the Proposed Consent Order & Agreement in File No. 2014-047. So voted by a vote 4-0. The Consent Order & Agreement are available on our website under Commission Decisions.

- V. ***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 Ajello at 9:55 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 Gilberto Oyola, Lindsey Leung, Ryan Burns, Kevin Ahern, Joshua Foley, Scott Branfuhr, William Smith, Marianne Sadowski, Patrick Lamb, James Talbert-Slagle, Shannon Kief, Michael Brandi and Sheri-Lyn Lagueux.

It was moved by Commissioner Penny and seconded by Commissioner Bramante at 11:37 A.M. to return to public session. So voted.

Following a short recess the Commission took the following action:

1. Communication by Counsel: Discussion of preliminary draft legislative proposals

The matter is continued.

2. Communication by Counsel: Discussion of preliminary drafts for Declaratory Ruling 2015-01: Regarding the use of Electronic Signs to Communicate the Time Date and Location of Referendum

Mr. Burns summarized the draft Declaratory Ruling 2015-01: Regarding the use of Electronic Signs to Communicate the Time Date and Location of Referendum.

After discussion it was moved by Commissioner Penny and seconded by Commissioner Ajello to accept the recommendation of counsel on draft Declaratory Ruling 2015-01. So voted by a 4-0 vote.

Pursuant to General Statutes § 4-176 (e) and Connecticut Agency Regulations § 9-7b-65 (c), regarding the petition for a declaratory ruling from Pullman & Comley LLC, which was received by the Commission on October 2, 2014: (1) The Commission votes to approve the Proposed Declaratory Ruling draft entitled Electronic Signs May Be Used to Provide Time, Date and Location Information Pursuant to General Statutes § 9-369b (a) (3) as They are Beyond the Scope of that Subsection at this January 13, 2015 meeting, the Commission hereby directs staff to post the Proposed Declaratory Ruling on the SEEC website and to send notice to all persons who were sent notice of the receipt of the petition, with a comment period to close on February 4, 2015 at 11:59 p.m.

3. In the Matter of a Complaint by Jennifer Buchanan, et al., Bridgeport File No. 2013-130

Recommendation of Counsel

Attorney:

Lead Legal Investigator:

Kevin M. Ahern

Gilberto Oyola

The matter is continued.

4. In the Matter of a Complaint by Gary Fuller, Stratford  
File No. 2013-163  
Recommendation of Counsel  
Attorney: Kevin M. Ahern  
Lead Legal Investigator: Gilberto Oyola

The matter is continued.

5. In the Matter of a Complaint by Christopher Suggs, West Haven  
File No. 2014-020  
Recommendation of Counsel  
Attorney: Kevin M. Ahern  
Legal Investigator: Scott Branfuhr

Attorney Ahern summarized the above referenced Recommendation of Counsel in the above matter. He recommended the Commission authorize a request for Investigatory Subpoena.

It was moved by Commissioner Penny and seconded by Commissioner Bramante to authorize the issuance of an Investigatory Subpoena. So voted by a 4-0 vote.

6. In re: Referral by Secretary of the State, Hartford  
File No. 2014-162  
Recommendation of Counsel  
Attorney: Kevin M. Ahern  
Legal Investigator: Scott Branfuhr

Attorney Ahern summarized the above referenced Recommendation of Counsel in the above matter. He recommended the Commission authorize a request for Investigatory Subpoena.

It was moved by Commissioner Penny and seconded by Commissioner Ajello to authorize the issuance of an Investigatory Subpoena. So voted by a 3-0-1 vote with Commissioner Bramante abstaining. The record reflects that Commissioner Bramante left the room during executive session discussion of this matter.

7. In the Matter of a Complaint by Barbara P. Dahle, Burlington  
File No. 2014-088  
Recommendation of Counsel

Attorney: Patrick Lamb  
Legal Investigator: Scott Branfuhr

Attorney Lamb summarized the above referenced complaint and Recommendation of Counsel in File No. 2014-088. He recommended adoption of the Proposed Findings & Conclusions.

It was moved by Commissioner Penny and seconded by Commissioner Ajello to adopt the Proposed Findings & Conclusions in File No. 2014-088. So voted by a vote 4-0. The Findings & Conclusions are available on our website under Commission Decisions.

8. In re: Referral by Voluntown Democratic Registrar of Voters, Diana M. Ingraham, Voluntown  
File No. 2013-177  
Recommendation of Counsel  
Attorney: Patrick Lamb  
Lead Legal Investigator: Gilberto Oyola

The matter is continued.

9. In re: Referral by Killingworth Assistant Town Clerk Dawn R. Mooney  
File No. 2013-131  
Recommendation of Counsel  
Attorney: Patrick Lamb  
Legal Investigator: Scott Branfuhr

The matter is continued.

10. In the Matter of a Complaint by Marc E. Lubetkin, Simsbury  
File No. 2012-147  
Recommendation of Counsel  
Attorney: James M. Talbert-Slagle  
Lead Legal Investigator: Charlie Urso

The matter is continued.

11. In the Matter of a Complaint by Harold S. Harris *et al*, Glastonbury  
File No. 2012-169  
Recommendation of Counsel  
Attorney: James M. Talbert-Slagle  
Lead Legal Investigator: Charlie Urso

The matter is continued.

12. In the Matter of a Complaint by Kim Fawcett, Fairfield  
File No. 2012-235  
Recommendation of Counsel  
Attorney: James M. Talbert-Slagle  
Lead Legal Investigator: Charlie Urso

The matter is continued.

13. In the Matter of a Complaint by Tom Frenaye, West Suffield  
File No. 2014-038  
Recommendation of Counsel  
Attorney: William B. Smith  
Lead Legal Investigator: Gilberto Oyola

The matter is continued.

14. In re: Request to Initiate Investigations Based Upon Findings Regarding  
Contributions by Employees of “Star Distributors”  
File No. 2014-163  
Recommendation of Counsel  
Attorney: William B. Smith  
Lead Legal Investigator: Charlie Urso

The matter is continued.

15. Recommendation of Counsel: Necessary to Investigate Determination  
pursuant to General Statutes §9-7a, as amended by Public Act 11-48 §300

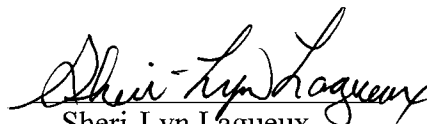
It was moved by Commissioner Penny and Seconded by Commissioner  
Bramante to make a determination that it is necessary to investigate violations  
relating to two (2) complaints in File Nos.: 2014-183 and 2014-205. So voted  
by a vote 4-0.

***VI. Consideration of Matters Discussed in Executive Session***

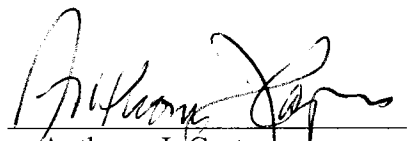
***VII. Adjournment***

It was moved by Commissioner Penny and seconded by Commissioner Ajello at 11:36 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 17<sup>th</sup> day of March, 2015 at Hartford, Connecticut.

  
Anthony J. Castagno  
By Order of the Commission

***The next regular scheduled meeting is February 17, 2015 at 9:00 A.M. in the 5th Floor Conference room.***