

AUG 09 2002

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Tracy Morrissey, West Haven

File No. 2002-106

AGREEMENT CONTAINING CONSENT ORDER TO
PAY A CIVIL PENALTY FOR A VIOLATION OF
CONNECTICUT GENERAL STATUTES §9-410(c).

This agreement, by and between Dolores Scalesse, hereinafter referred to as the Respondent, of the City of West Haven, 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. The Respondent was a petitioning candidate for the position of Democratic Town Committee Member, challenging the endorsed slate in the March 5, 2002 West Haven Democratic Town Committee Primary in the 2nd District.
2. On or about January 30, 2002, the Respondent circulated a petition for her candidacy, as well as four other individuals on her slate challenging the endorsed candidates for town committee. The four other individuals were John F. Bernardo, Michael Blair, Marie Duffy, and John Gambardella.
3. Connecticut General Statutes §9-410 provides, in pertinent part:

(c) Each circulator of a primary petition page shall be an enrolled party member of a municipality in this state who is entitled to vote in the primary for which such candidacy is being filed. Each petition page shall contain a statement signed by the registrar of the municipality in which such circulator is an enrolled party member attesting that the circulator is an enrolled party member in such municipality and is entitled to vote in the primary for which such candidacy is being filed. Unless such a statement by the registrar appears on each page so submitted, the registrar shall reject such page. No candidate for the nomination of a party for a municipal office, town committee member or delegate shall circulate any petition for another candidate or another group of candidates contained in one primary petition for the nomination of such party for the same office or position, and any petition page circulated in violation of this provision shall be rejected by the registrar. No person shall circulate petitions for more than the maximum number of candidates to be nominated by a party for the same office or position, and any petition page circulated in violation of this provision shall be rejected by the registrar. ***Each separate sheet of such petition shall***

contain a statement as to the authenticity of the signatures thereon and the number of such signatures, and shall be signed under the penalties of false statement by the person who circulated the same, setting forth such circulator's address and the town in which such circulator is an enrolled party member and attesting that each person whose name appears on such sheet signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified the signer to the circulator and that the spaces for candidates supported, offices or positions sought and the political party involved were filled in prior to the obtaining of the signatures. Each separate sheet of such petition shall also be acknowledged before an appropriate person as provided in section 1-29. Any sheet of a petition filed with the registrar which does not contain such a statement by the circulator as to the authenticity of the signatures thereon, or upon which the statement of the circulator is incomplete in any respect, or which does not contain the certification hereinbefore required by the registrar of the town in which the circulator is an enrolled party member, shall be rejected by the registrar. Any individual proposed as a candidate in any primary petition may serve as a circulator of the pages of such petition, provided such individual's service as circulator does not violate any provision of this section. [Emphasis added.]

4. The Respondent circulated and submitted a petition for her candidacy, as well as the four other individuals described in paragraph 2, above, which contained the signatures of Albert DeMattie, Jr., Albert DeMattie, Sr. and Elizabeth DeMattie of 79 Anderson Ave. in West Haven.
5. Albert DeMattie, Jr. signed the names of his parents, Albert Sr. and Elizabeth DeMattie, to the petition. He claims that he asked the Respondent whether he could sign their names and she indicated that it was acceptable. The Respondent denies approving his signing of their names, and claims she did not notice it until later because she was in a hurry.
6. It is undisputed, however, that the Respondent did not witness Albert DeMattie, Sr. and Elizabeth DeMattie sign their own names to the petition page in question. Nevertheless, she signed a statement attesting to the fact that she had personally witnessed each signature on the page, and that each individual had satisfactorily identified him or herself to her.
7. It is concluded that the Respondent violated Connecticut General Statutes §9-410(c) by signing a statement that she had personally witnessed each signature on the page, when she, in fact, had not.

8. 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.
9. 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.
10. 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.
11. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter.

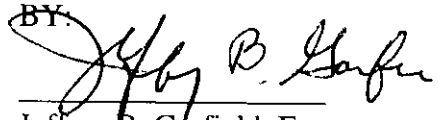
ORDER

IT IS HEREBY ORDERED that the Respondent shall remit a civil penalty of two hundred and fifty dollars (\$250.00), to the State Elections Enforcement Commission, on or before August 15, 2002;

IT IS FURTHER ORDERED that the Respondent shall henceforth strictly comply with the requirements of Connecticut General Statutes §9-410(c).

Dated: 8/19/02

For the State of Connecticut

BY: 

Jeffrey B. Garfield, Esq.
Executive Director
and General Counsel and
Authorized Representative
of the State Elections
Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

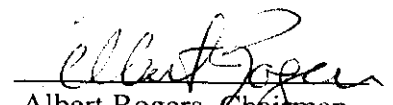
Dated: 8/8/2002

The Respondent



Dolores Scalesse
10 Park Street
West Haven, Connecticut

Adopted this 21ST day of August 2002 at Hartford, Connecticut


Albert Rogers, Chairman
By Order of the Commission