

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Kevin Coughlin,
Branford

File No. 2021-165

AGREEMENT CONTAINING CONSENT ORDER

This Agreement by and between Dennis Flanigan, Town of Branford, State of Connecticut, hereinafter referred to as "Respondent," and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. Complainant Kevin Coughlin filed this complaint alleging that the 2019 municipal candidate committee *Cosgrove for Branford* had failed to file periodic campaign finance reports in the year following the November 2019 election. The candidate committee, which should have been terminated in December of 2019, was finally terminated in May of 2021, using a report that was signed on December 1, 2019.
2. The *Cosgrove for Branford* candidate committee¹ was established to support Jamie Cosgrove's candidacy for the office of first selectman in Branford in 2019. The candidate named Dennis Flanigan and Raymond Ingraham as treasurer and deputy treasurer, respectively.²
3. According to the committee's filings, the candidate committee neither raised nor spent more than \$1,000 until June of 2019. The committee then filed an SEEC Form 20, detailing the contributions it had received and expenditures it had made up to that point. Prior to this filing, the Cosgrove candidate committee had filed the SEEC Form 21 to show that, although it was active, it had not exceeded the \$1,000 threshold. The Cosgrove committee also filed an SEEC Form 21 for its October 10th and 7th Day Preceding Election filings, which is not permissible under General Statutes § 9-608.³

¹ See SEEC Form 1 – Registration by Candidate (*Cosgrove for Branford*) (establishing candidate committee for James Cosgrove of Branford running for first selectman and naming Dennis Flanigan as treasurer and Ray Ingraham as deputy treasurer).

² *Id.*

³ A candidate committee is exempt from filing periodic campaign finance reports as long as it has not exceeded \$1,000 in contributions or expenditures. Once it does exceed that \$1,000 limit, then it must continue to report all expenditures and contributions. Here the candidate committee never exceeded the \$1,000 limit, but it did file an SEEC Form 20, nevertheless. Once the committee filed that Form 20, it should have continued to use the long form report.

4. General Statutes § 9-608(a) lists periodic campaign finance disclosure reports that must be filed by a candidate committee. Candidate committees are required to file periodic campaign finance disclosure statements, including on the tenth day of January, April, July and October of each year, as well as a report seven days prior to an election in which the candidate is competing. *See* General Statutes § 9-608(a)(1)(A). In 2019, candidate committees were required to file on October 10, 2019 (October 10th Filing), October 29, 2019 (7th Day Preceding Election Filing), and termination filing by December 16, 2019.
5. The Cosgrove committee did not file the termination filing by the final deadline for November 2019 candidate committees of December 16, 2019, even though the filing was signed on December 1, 2019. Instead, the candidate committee filed the termination report on May 24, 2021. The termination filing, however, preceded the date of this complaint, which was filed on September 20, 2021.
6. General Statutes § 9-608 (e)(1) requires a candidate committee to distribute any surplus that it may have to a permissible recipient within 90 days of the election. Once that distribution has occurred the candidate committee must file its termination paperwork within 7 days.⁴
7. In this instance, the Cosgrove candidate committee distributed its surplus of \$325.83 to the Branford Republican Town Committee on November 3, 2019. The termination filing should have been filed no later than November 10, 2019, which was a Sunday pushing the deadline to the next business day, November 11, 2019, which would have been within the 7-day period required under General Statutes § 9-608 (e)(3). The filing reporting the surplus distribution is the final filing due from the committee. Because the committee did not have a deficit, the candidate committee was no longer under an obligation to report its activity in periodic filings after it was supposed to have filed its termination filing.⁵
8. The committee, however, was 560 days late in filing the termination report and should attempt in the future to comply with the 7-day filing deadline when terminating a committee.

⁴ *See* General Statutes § 9-608 (e)(1)(A) (creating 7-day deadline for filing termination report).

⁵ *See, e.g.,* General Statutes § 9-608 (e)(4) (imposing reporting obligation on candidate committees in deficit to report monthly when deficit increases or decreases by \$500).

9. The Respondent admits all jurisdictional facts and concurs 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.
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. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by either of the parties in any subsequent hearing, if the same becomes necessary.

ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the committee termination deadline in General Statutes § 9-608 (e)(1)(A).

The Respondent

By: Dennis Flanigan
Dennis Flanigan
14 Brightwood Lane
Branford, Connecticut

Dated: 8/26/22

For the State of Connecticut

By: Michael J. Brandi
Michael J. Brandi Esq.
Executive Director and General Counsel
And Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Dated: 8/29/22

Adopted this 7th day of Sept, 2022 at Hartford, Connecticut by vote of the Commission.

Stephen T. Penny
Stephen T. Penny, Chairman
By Order of the Commission