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Concord, NH  
Boston, MA  
Washington, DC  
Bedminster, NJ  
Salem, MA

June 4, 2014

Mr. Jonathan Wayne, Executive Director  
Maine Commission on Governmental Ethics and  
Election Practices  
135 State House Station  
Augusta, ME 04333

**RE: Response of the Citizens for a Safe Cumberland County PAC to the Request  
for Investigation by the Joyce for Sheriff Campaign**

Dear Mr. Wayne:

I write this response on behalf of the Citizens for a Safe Cumberland County PAC ("CSSC PAC") in response to the request for an investigation by the Joyce for Sheriff Campaign ("Joyce Campaign") that was filed with the Commission on Governmental Ethics and Election Practices ("Ethics Commission") yesterday, June 3, 2014. The apparent reason for this request for investigation is to determine whether the CSSC PAC coordinated with the Campaign for Edes for Sheriff ("Edes Campaign"). However, the Joyce Campaign, in its letter to the Ethics Commission, makes only bare allegations of coordination and provides absolutely no evidence of any wrongdoing by the CSSC PAC. Therefore, we respectfully request that the Joyce Campaign request for an investigation not be granted.

**1. CSSC PAC has properly registered and accurately filed required reports.**

The CSSC PAC originally registered with the Ethics Commission on February 19, 2014 to support the Edes Campaign and oppose the Joyce Campaign. The Treasurer of the PAC is Christine Massengill of Scarborough, Maine, who is appearing today with me before the Commission. Christine is a small business owner with her husband and the Chair of the Scarborough School Board. Brannon J. ("BJ") Carter is the principal officer of the PAC. BJ, who resides in Gray, Maine, is a former executive of a number of companies and entrepreneur.

Working with counsel, the CSSC PAC has accurately filed the required finance reports since its registration in February, including an independent expenditure report.

**2. Request for investigation has not met the standard of review.**

The standard of review for the Ethics Commission to review a request for an investigation is whether the "reasons stated [by proponent] for the request show sufficient grounds for believing that a violation may have occurred." 21-A M.R.S. § 1003(2) (emphasis added). As we will show below, the Joyce Campaign has made a host of bare allegations and provide no evidence showing "sufficient grounds" that a violation may have occurred.

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3. **Responses to each allegation made by the Joyce Campaign demonstrate that there are no grounds for the Ethics Commission to grant the request for investigation.**

We provide responses to each request by the Joyce Campaign in its letter to the Ethics Commission of June 3, 2014:

*1. A review of source funding for the CSCC/PAC to determine any improprieties as to candidate Michael Edes direct or indirect contributions to that entity.*

We have no knowledge of the contributions beyond the name of the donor entity.

*2. A determination if the photographs used by CSCC/PAC in their issue mailers are in fact the same photographs published in political literature distributed by the Campaign for Edes for Sheriff.*

On the advice of counsel, the campaign consultant for the CSCC PAC, Vital Impact, procured all photographs used in campaign materials from publicly available online sources, principally a public Facebook page. See specific examples in Exhibits A, B, and C. Ethics Commission rules do state that

“an expenditure is presumed to be made in coordination, consultation, or concert with, or at the request of a candidate, when...the communication replicates, reproduces, republishes or disseminates, in whole or in substantial part, a communication designed, produced, paid for or distributed by the candidate.”

Ethics Commission Rules 94-270, c. 1, § 6(9)(B)(3). However, this is not what happened in this case. The CSSC PAC simply utilized photographs of Edes from a publicly available website – his Facebook page. This action is specifically presumed not to be coordination in the Ethics Commission Rules:

“An expenditure will not be presumed to have been made in cooperation, consultation or concert with, or at the request or suggestion of a candidate, solely because  the spender has obtained a photograph, biography, position paper, press release, logo, or similar material about the candidate from a publicly available source.”

*Id.* § 6(9)(D)(1) (emphasis added).

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*3. Clarification of the basis of CSCC/PAC expenditures that target the campaign for Sheriff Joyce for the years of 2014 and 2010, the latter being an election cycle when Sheriff Joyce had no challenger.*

The CSCC/PAC has no knowledge of any PAC activities prior to the 2014 primary campaign season, as the PAC was only formed in February of 2014.

*4. Clarification Democrat voter lists purchased by the Edes for Sheriff Campaign were not transferred to CSCC/PAC for their expressed use in distributing mailers to Cumberland County Democratic voters.*

The campaign consultant for the CSCC PAC, Vital Impact, acquired and possesses access to mailing lists in support of its extensive work in Maine politics and utilized its own lists in providing mail house services to the CSCC PAC. Use of the lists was incorporated into the overall charges for Vital Impact's services. Neither the Edes campaign, nor the PAC, nor any person associated with either entity provided data to Vital Impact because Vital Impact already had all necessary data available.

*5. Confirmation that the Treasurer for CSCC/PAC, Christine Massengill was engaged in assisting candidate Michael Edes with campaign signs on Memorial Day.*

Christine did not assist candidate Michael Edes with campaign signs on Memorial Day.

*6. Confirmation that Michael Liberty and or his corporate entities donated \$100,000 to CSCC/PAC without any direct or indirect communication from candidate Edes or his campaign.*

We have no knowledge of the contribution beyond the name of the donor entity.

*7. Clarification of any coordination or direction, provided to an Edes campaign volunteer/worker, who provided his personal vehicle for use in a photograph later incorporated in a mailer distributed by CSCC/PAC.*

As noted in item 2, Vital Impact procured all photographs used in campaign materials from publicly-available online sources, principally a public Facebook page. A screenshot of the public Facebook page from which this photo was procured is attached in Exhibit A.

*8. Clarification on how CSCC/PAC acquired a personal photograph of candidate Edes, depicted in his state police uniform posing in front of the US Capitol; the same photograph also published by the Edes campaign in their political advertisements.*

As noted in item 2, Vital Impact procured all photographs used in campaign materials from publicly-available online sources, principally a public Facebook page. A screenshot of the public Facebook page from which this photo was procured is attached in Exhibit B.

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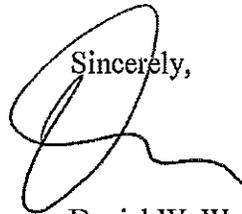
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*9. Clarification as how CSCC/PAC acquired a private photograph, depicting candidate Edes posing with Congressman Michaud, that was featured on candidate Edes personal Facebook account.*

As noted in item 2, Vital Impact procured all photographs used in campaign materials from publicly-available online sources, principally a public Facebook page. A screenshot of the public Facebook page from which this photo was procured is attached in Exhibit C. Also attached in Exhibit C is an example of the CSCC/PAC direct mail piece that includes the photographs referenced in items 7, 8, and 9.

As stated above, the standard of review for the Ethics Commission to review a request for an investigation is whether the "reasons stated [by proponent] for the request show sufficient grounds for believing that a violation may have occurred." Because the Joyce Campaign has set forth merely a series of bare allegations against the CSCC PAC in its letter of June 3, 2014, which do not demonstrate sufficient grounds for an investigation, we respectfully request the Ethics Commission reject the Joyce Campaign's request for an investigation.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel W. Walker", written over the word "Sincerely,".

Daniel W. Walker

DWW:dal

Mike Edes ▸ Michael Edes for Cumberland County Sheriff  
27 March



Guess what just arrived!  
Thank you UPS! — at Home :)

Like Share

👍 175 people like this.  
🗨️ View 36 more comments

Robert Moore Robbie Maletta think it would look good on my front lawn?  
27 March at 18:53 · Like

Robbie Maletta Better than what is usually there!  
27 March at 18:55 · Like

Robert Moore First time I ever moonwalked  
27 March at 18:56 · Like

Elizabeth Manster I want one for in front of my office... or on my suv... gimme  
27 March at 19:25 · Like

Ellen Vaughan I will put one on my lawn!  
27 March at 21:31 · Like · 📌 1

Terry Mitchaud Sweet. We would like one too kinda liking the car magnet too  
27 March at 21:37 · Like · 📌 1

See All

Suggested Groups

Natural Cures Not Medicine Group  
26,575 members  
Join group

Anorexia Support Group  
Jessika Duprey joined  
Join group

SAVE MAINE BEAR HUNTING  
Thomas O'Brien and 6 other friends joined  
Join group

Maine Poultry Connection (Maine Only)  
Louise Gosman joined  
Join group

EXHIBIT  
A  
PENNSAD 300-651-4288





✕

**Jennifer Breton Edes** · **Michael Edes for Cumberland County Sheriff**  
18 January · ·

49 people like this.

**Tomandjen Friske** It doesn't get much better than that night there.  
25 February at 18:51 · · 3

**Donna Perreault** Thanks the man we want in power for the County!  
25 February at 20:19 · · 2

**Popular Pages in Your Area** ·

**Maine Forest Rangers**  
**Katie Lyman** and 14 other friends like this.  
 ·

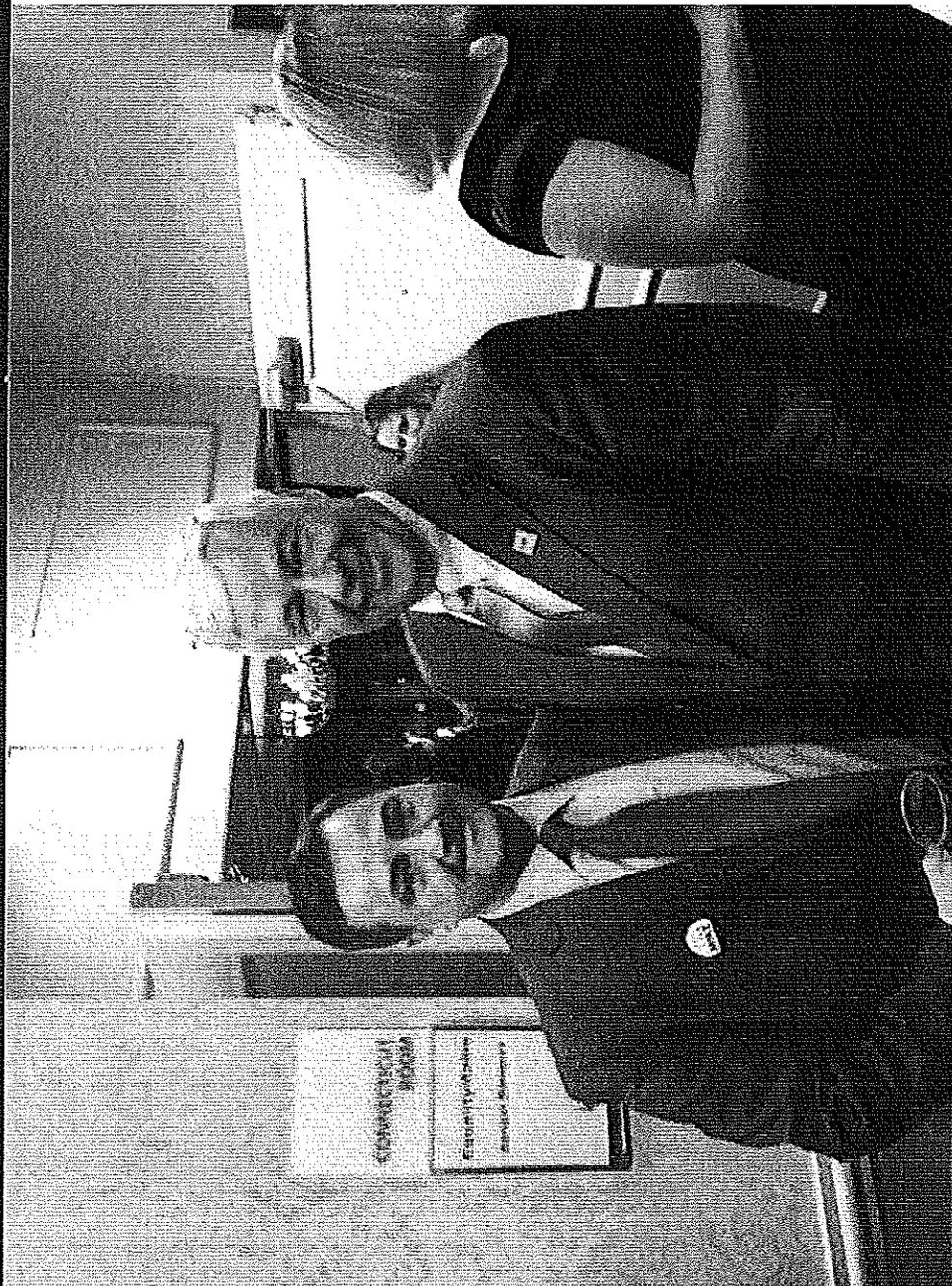
**People you may know:** ·

**Susan Wilson (Susan Wood)**  
22 mutual friends

**Julie Girgis**  
13 mutual friends

**Samantha Cohen**  
10 mutual friends

PHONE: 800-651-6689  
**EXHIBIT**  
    B



 **Mike Edes** · Michael Edes for Cumberland County Sheriff  
25 March near Portland, ME

With my friend Congressman Mike Michaud this past Saturday at the Equality Maine annual dinner.

Like · Share

59 people like this.

 **Norma McKeen Edes** · Shoemaker npe u win mike edes  
25 March at 14:27 · Like

 **Steven Green** · Cricket, cricket, cricket...  
25 March at 15:59 · Like · 3

 **Kevin Donovan** · Good luck to both of you. This State needs a major change.  
25 March at 16:30 · Like · 1

 **Daniel Pierce** · TWO GREAT GUYS!! THEY BOTH BRING WHAT THE STATE AND COUNTY NEED!! A POSITIVE CHANGE WITH OUT THE BULL SHIT!!  
25 March at 17:54 · Like · 2

 **Karthi Twombly** · We need you both!  
25 March at 22:53 · Like

People you may know

 **Chris Erickson** · 8 mutual friends · Add Friend

 **Patrick Dunphy** · 20 mutual friends · Add Friend

 **Joshua Jillson** · 14 mutual friends · Add Friend

See All

PEUGAD 800-631-6989  
EXHIBIT  
C

# Mike Edes



CUMBERLAND COUNTY SHERIFF



A Record of  
**SERVICE**

A Commitment to  
**SAFETY**

A Trusted Leader for Our  
**COMMUNITY**



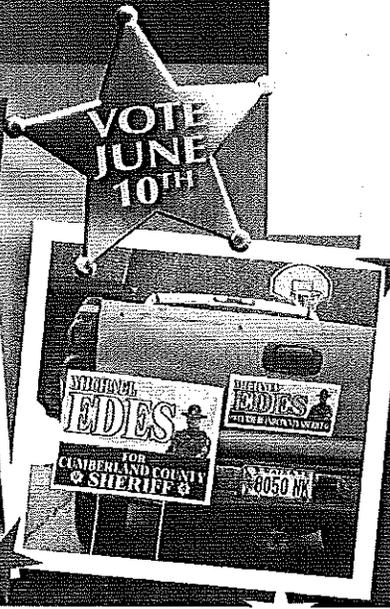
# Mike Edes

CUMBERLAND COUNTY  
SHERIFF

Citizens for a Safe Cumberland County PAC  
60 Mayberry Road  
Gray, ME 04039

PRSR STD  
U.S. Postage  
PAID  
Portland, ME  
Permit No. 503

\*\*\*\*\*AIITO\*\*5-DIGIT 04074



*"Mike has been a tremendous leader for Maine's troopers and we know he will bring the same energy and passion to putting the Cumberland County Sheriff's Office back on track."*

-Paul Gaspar,  
Executive Director of the Maine  
Association of Police

## A Record of Service

- ★ Maine State Police (1986-2014)
- ★ Scarborough Police Department (1982-1986)
- ★ Cumberland Police Department (1979-1982)
- ★ Past Chairman - National Troopers Coalition (2009-2011)
- ★ President - Maine State Trooper Association (1998-2014)
- ★ Maine Police Emerald Society

## A Commitment to Safety

- ★ Maine Criminal Justice Academy Instructor (1987-2014)
- ★ Maine State Police Bomb Team (2000-2006)
- ★ Citation of Bravery (2005)
- ★ Special Award for Commendation (1998)

## A Trusted Leader for Our Community

- ★ Lifelong resident of Cumberland County
- ★ Cumberland Town Councilor (2013-present)
- ★ Falmouth/Cumberland Chamber of Commerce
- ★ Board Member - Jobs for Maine's Graduates (2006-2008)
- ★ Citation for Meritorious Service (1998)
- ★ Troop Commanders Award for Outstanding Service (1991)



**NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE.**  
Paid for and authorized by Citizens for a Safe Cumberland County PAC, 60 Mayberry Road, Gray, ME 04039