

Agenda

Item #7



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commissioners
From: Jonathan Wayne, Executive Director
Date: June 20, 2014
Re: Request for Investigation by Stephen M. Woods

On Monday, June 16, 2014, the Commission on Governmental Ethics and Election Practices received the attached complaint from Stephen M. Woods. Mr. Woods was a candidate for the Democratic nomination for Maine State Senate, District 25 covering Falmouth, Cumberland, Yarmouth, and nearby communities. He ran against Catherine Breen, who won the Democratic nomination in the June 10, 2014 primary election.

Complaint by Steve Woods

Mr. Woods contends that his campaign was disadvantaged by a series of actions by Pam Fenrich, a Democratic Party officer who resides in Falmouth, taken to assist Cathy Breen in winning the Democratic nomination. Ms. Fenrich is the Chair of the Falmouth Town Democratic Committee and the Vice-Chair of the State Committee of the Maine Democratic Party. Mr. Woods expected her to remain neutral between the two candidates and not to favor Ms. Breen.

The most recent action was an endorsement of Ms. Breen by the Falmouth Town Democratic Committee at a meeting on May 28, 2014 and the subsequent June 5th circulation of that endorsement by email to Falmouth Democrats. Mr. Woods believes that the email had a material impact on the outcome of the primary election. His frustration is heightened because in March 2014 he brought concerns about Ms. Fenrich to the attention of leaders in the Maine Democratic Party, including its Chair, and thought he had received assurances that Ms. Fenrich would “stay out” of the race. He suspects that the

endorsement was coordinated with or controlled by the Breen campaign, and asks the Commission to investigate the circumstances of the endorsement.

Although not detailed in the complaint, Mr. Woods complained to me by telephone of a pattern of preferential treatment by Ms. Fenrich toward Ms. Breen. According to Steve Woods, she circulated nominating petitions for Cathy Breen, favored her at one or two party caucuses, and – as a well-known Democratic activist in Falmouth – stood next to Ms. Breen when greeting voters at the polls. He also alleges that on the June 10 primary election, Ms. Breen’s treasurer and one other supporter were present within the voting area at a Falmouth polling place for an extended period of time.

Preliminary Gathering of Factual Information by Commission Staff

Because there is question whether Mr. Woods’ basic grievance is within the Commission’s jurisdiction, I have not asked for a full response from any of the respondents. We assume that they would disagree sharply with his characterization of the facts.

Rather, in the last few days, the Commission staff has requested preliminary information relating to one aspect of the May 28 endorsement. We examined whether there was evidence that Cathy Breen, her agents, or political committee suggested or cooperated with any expenditures of funds outside her campaign which would represent an in-kind contribution under 21-A M.R.S. § 1015(5). We have found no evidence of any coordinated expenditures that would constitute a contribution to Ms. Breen.

Jurisdiction of the Commission on Governmental Ethics and Election Practices

The Commission is an administrative agency within Maine State Government. Its duties and activities are determined by the Maine Election Law (Title 21-A, Chapters 13 and 14) and the Governmental Ethics Law (Title 1, Chapter 25).

Campaign finance. The primary function of the Commission is to regulate the financial activities of individuals and organizations engaged in the election process. We administer the following programs and requirements:

- Disclosure of contributions and expenditures (candidates, party committees, PACs and others are required to make financial reports to the Commission, which we make available to the public.)
- Contribution limits
- Maine Clean Election Act program
- Attribution and disclaimer requirements in campaign communications

Apart from these campaign finance responsibilities, the Commission receives reports of lobbyist activities, personal income statements of legislators and executive branch managers, and has a small role in offering advice and hearing complaints concerning legislative ethics.

Matters not in the Commission's jurisdiction. Members of the public sometimes contact our office concerning political or governmental conduct that they believe is unethical. We advise that our only "ethics" jurisdiction – in the sense of misconduct by public officials – extends to Legislators. This does not diminish the importance of some of the issues raised by the members of the public. They are simply outside the scope of issues that the Legislature has directed the Commission to regulate.

As a general matter, the staff recommends that the Commission avoid investigating alleged misconduct outside the Commission's jurisdiction, for few reasons. The Commission is a creature of the law that exists to carry out the responsibilities assigned by the Legislature. It is not a civic group or advocacy organization that can expand its mission of its own accord. Second, if the Commission issued investigative requests on matters outside the Commission's purview, the respondents could raise legitimate legal objections that might be upheld by the courts. Finally, speech about political candidates is strongly protected by the First Amendment. In general, the Commission should be cautious about investigating the circumstances of political speech unless it is implementing a mandate clearly set by the Legislature.

Exemption for Volunteer Activities and Voters Lists

The Legislature has exempted certain activities from campaign finance regulation. One such exemption is for volunteerism. (21-A M.R.S. § 1012(2)(B)(1)) Volunteerism can take many forms, but one common volunteer activity is designing or distributing communications urging support for a candidate. These activities can have tremendous value in building support for a candidate, but do not count toward disclosure requirements or contribution limits administered by the Commission. Another exemption is for lists of registered voters or voter identification information that a party committee has maintained for party building purposes and that are given by the party committee to a candidate who is a member of that party. (21-A M.R.S. § 1012(2)(B)(6))

Commission's Standards for Requests for Investigation

Under 21-A M.R.S.A. § 1003(2), a person may apply to the Commission to investigate whether an organization has violated campaign finance law. Under this provision, the Commission "shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred."

Recommendation from Commission Staff

This matter was quickly scheduled for your June 25 meeting in order to give Mr. Woods resolution on the question of whether the Commission was a forum that might provide him with any remedy. He has asked for an opportunity to address you in person at the June 25 meeting to urge you to conduct an investigation. In keeping with our customary role at your meetings, the staff comments that we are having trouble seeing a legal violation that is within the jurisdiction of the Commission. This should not be construed as a judgment that Mr. Woods' concerns are unfounded or unimportant. They relate to the internal governance of the Maine Democratic Party, which is outside the Commission's jurisdiction.

As noted above, we have found no evidence of any coordinated expenditures that would constitute a contribution to Ms. Breen. Thank you.

Steve Woods

From: Steve Woods
Sent: Monday, June 16, 2014 1:54 PM
To: 'Jonathan.Wayne@maine.gov'
Subject: FW: Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen
Attachments: Minutes of Falmouth Dems 5-28-2014.docx

Jonathan,

I'm writing to file an official ethics complaint against the following;

- Cathy Breen – State Senate Candidate for State Senate #25
- Pam Fenrich – Chairwoman of the "Falmouth Democratic Committee" and Vice Chair of the Maine Democratic Party
- Ben Grant – Chairman of the Maine Democratic Party
- The Maine Democratic Party, as an organization

In short, since approximately March, 2014 or before, the above mentioned individuals and the MDP as an organization, conspired and acted with deliberate intent to sabotage my campaign for State Senate #25 through multiple acts that will be detailed later.

For now, I'm asking the Maine Commission on Ethics and Governmental Practices to investigate the following act that had a material impact on the June 10, 2014, election for SD#25. (A chain of email correspondence is included below.) On at least one occasion (June 5th, email included below) – the Cathy Breen campaign organized and executed a strategy that included sending out communications (email blasts, etc.) to all known registered Democrats in SD#25 with blatantly false and misleading information. One such communication purported that the "Falmouth Democratic Committee" had officially "endorsed Breen as a candidate."

In "minutes" provided by MDP Chair, Ben Grant, (attached) on June 9th, it is suggested that on May 28th, that the "Falmouth Democratic Committee" met as a formal political organization and "voted" to endorse Breen. It is my contention that this group had no lawful authority to make such an "endorsement" and that both candidate Breen and the MDP knew that at the time – and furthermore, all parties knew that such an "endorsement" absent legal basis – was instead a deliberate campaign act under the control of the Breen campaign itself.

In order to more fully understand the scope and scale of this event, I'm asking the Maine Commission on Ethics and Governmental Practice to investigate and to provide the following information ASAP, as time is of the essence;

- By what legal authority does the "Falmouth Democratic Committee" exist? (Charter, filings, etc.)
- Given that it appears that everyone at the May 28th meeting was directly associated with the Breen campaign, who in total attended this "meeting?"
- At what time of day on May 28th did this meeting start? End?
- Which members in name – actually "voted" to endorse Breen? Exactly who was at this meeting?
- Was candidate Breen in attendance to any part of this meeting where the "endorsement vote" occurred?
- Given that this meeting was presented as being an official function, where did the meeting take place? Cathy's house?

-How was this meeting "noticed" to the public? If it wasn't "noticed" how would my supporters know to attend?

-Was a quorum reached in the vote – and where in the published charter are the quorum requirements?

-What other official "meetings" and votes have been taken by the "Falmouth Democratic Committee" over the last 12-months? Where are those "minutes" and how are those records kept and shared with members and the public?

-Why did Pam Fenrich "recuse" herself as indicated in the "minutes?" For what reason? And, if her reason was to fulfill a directive from the MDP, why then broadcast a destructive email about me – in support of Cathy Breen – just days before the election?

-Does the "Falmouth Democratic Committee" have any recorded revenue or expenditures from the last 12-months? Details?

-Where did the "Falmouth Democratic Committee" attain their email list as referenced below? (Please ask them for a copy of the list used.)

-Who with the "Falmouth Democratic Committee" has access to the contact list used? Did/does anyone associated with the "Falmouth Democratic Committee" have access now (or anytime in the past) to the MDP's "VAN" list of voters – in any part or manner?

-Where did Pam Fenrich receive or acquire her email list that was utilized? (Please ask for a copy of this list.)

I don't believe that the "Falmouth Democratic Committee" meets any reasonable standard for being a legitimate organization. And, it certainly didn't act independent to the Breen campaign – as it appears that everyone in attendance was associated with Breen directly.

Instead, I believe that they functioned over the last month (and longer) as a direct campaign organization for candidate Cathy Breen in direct violation to existing election law and general standards of ethics. And, that Maine Democratic Party Chairman Ben Grant, and the MDP as a whole, was aware of this reality. In addition, after Pam Fenrich "recused" herself – it was recorded that John Brautlgam "presided in her place" (Breen's registered campaign Treasurer) and then later, Bonny Rodden (well established as Breen's active campaign manager) was named "temporary secretary" and then sent out email to all registered Dems in the area.

I believe that answers to the above questions will prove that election law was broken and that Maine ethics violations occurred. I also believe based upon information provided to me through a number of concerned people - that this matter in totality represents a conspiracy in regard to the multiple parties involved and the attempted cover-up and deliberate misstatement of fact(s.)

Given the small voter turnout anticipated and achieved this past election – a turnout comprised of a high concentration of active democrats in SD#25 and in Falmouth (itself approx.. 50% of voters) – an "official" email just days before the primary election – one from the "Falmouth Democratic Committee" and one from "Pam Fenrich" the well-known Vice Chair of the MDP and the Chair of the "Falmouth Democratic Party" – with the subject line notice – "Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen" – had a material impact on the outcome of the election. And, beyond being illegal and blatantly unethical, it was wrong.

Much like on May 27, 2011 in the linked Op-Ed Breen wrote for the PPH about a Falmouth Referendum - <http://www.pressherald.com/2011/05/27/falmouth-needs-the-new-facilities-that-question-1s-approval-will-bring-2011-05-27/> - The "wrong" part, a few days later, her husband (Jay Geller) followed Breen's Op-Ed with a Letter to the Editor that intentionally went out of his way to hide his identity as Breen's husband with the complimentary words, "After reading Councilor Breen's column on Falmouth's Question 1, this question appears to be a well-conceived

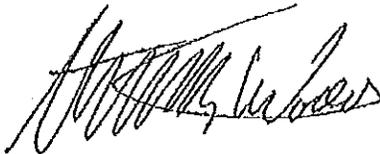
business initiative by the town." <http://www.pressherald.com/2011/06/04/falmouth-town-center-draws-support-from-residents-2011-06-04/> Who does that? Who has their spouse write letters of support behind the veil of seeming anonymity with the added deceit of feigned impartiality? What a clever way to capitalize on having a spouse with a different last name! Also, who ghost-writes multiple "Letters to the Editor" for her "supporters" that barely even know her? (My research is showing - and documenting - a pattern of deceptive practices.)

Finally, this matter is only one area of concern in regard to the Breen campaign. There are numerous other issues that range from impropriety to ethics violations that I will be forwarding in due course - as I compile affidavits, statements, and further details. For now, the timeliness of your Ethics Inquiry associated with my request here - is critical given the election calendar and any hope of remedy. As you'll note below, my attempt at asking Ben Grant and the MDP for assistance here was met with the suggestion that I actually ask the same people that I'm accusing of violations for the actual details needed to prove these specific claims.

Thank you for your prompt action.

Respectfully,

Steve Woods
64 Glen Rd.
Yarmouth, Maine 04096



6/16/14

From: Steve Woods

Sent: Monday, June 09, 2014 5:49 PM

To: Ben Grant (bgrant@mainedems.org); Justin Alfond [REDACTED]; matthewmcclighe [REDACTED]

Subject: FW: Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen

Ben,

Thank you for sending along the minutes. So basically, the "Falmouth Democratic Committee" that "voted" to "endorse" Breen consisted entirely of Cathy Breen's campaign staff/supporters. Great. Nothing stinks about that.

And, then when Cathy Breen sent out an announcement touting the endorsement of the "Falmouth Democratic Committee" - she was really taking credit for her own campaign staff/supporters - endorsing her. (Any wonder how people have lost faith in government?)

The "minutes" provided seems to have some information gaps. Who was there? Was there ever a quorum? Where did the meeting take place (Cathy's kitchen?) My complaint stands - so who can I contact - and by what means to get answers to these questions?

Regardless of how tomorrow's election turns out - this entire Pam Fenrich matter, from March until today, represents something dirty and wrong.

Steve

From: Ben Grant [mailto:bgrant@mainedems.org]

Sent: Monday, June 09, 2014 5:27 PM

To: Steve Woods

Cc: [REDACTED] Matthew McTighe
Subject: minutes

Steve,

Attached are the minutes from the recent Falmouth Dems meeting. Ms. Rodden served as temp. secretary, but as I understand, the regular secretary, Grace Madden, composed and sent the email that is the subject of your complaint.

Your questions regarding attendance should be directed to the officers of the Town Committee. Pam is the Chair, Steve Bloom is the Vice Chair, Beth Franklin is the Treasurer and Grace Madden is the Secretary. John Brautlgam is referenced in the minutes, too, so he could probably help identifying the attendees.

Ben

Benjamin K. Grant, Chairman
Maine Democratic Party
P.O. Box 5258
Augusta, ME 04332
207-622-6233

From: Steve Woods
Sent: Monday, June 09, 2014 11:49 AM
To: 'Ben Grant'; 'Justin Alford'; matthewmctighe [REDACTED]
Subject: RE: Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen

Ben,

You wrote the phrase, "...the facts as I (you) understand them.." twice below. How about "truth?" How about "honor?"

You PROMISED me and Justin Alford PROMISED me last March that you directed Pam Fenrich to "go dark" (silent) in the SD#25 campaign given her previous history of sabotaged my campaign in her capacity as "Vice Chair" of the Maine Democratic Party. You told me that she agreed to stay completely out of my SD#25 race. You know the context and I know the context. It was material to my decision to stay in the race despite Pam's earlier actions.

You underlining the word "personal" in regard to Pam's "contact list" is insulting. The issue in March and the issue today has nothing to do with technology or email service -- and everything to do with the "FACT" that Pam Fenrich is the Vice Chair of the Maine Democratic Party -- second highest ranked Officer in the State Party -- and it doesn't matter what email account she used -- she's still the Vice Chair of the Democratic Party -- and she acted deliberately and with malice, to sabotage my campaign and damage my reputation. A pattern that started many months ago and was brought to your attention in March.

Finally, your sentence below, "I'm not sure how or if this matters to you at this point, with the Election tomorrow." seems a bit bizarre coming from the Party Chair. To be clear -- it "matters" because the Maine Democratic Party, primarily through the actions of Vice Chair Pam Fenrich, has actively worked to sabotage my campaign, cost me goodwill in the community, and cost me financially, due to her willful acts.

As a registered member of Maine's democratic party, a party delegate, an elected municipal official, and as a certified candidate for State Senate, I am formally requesting the following information be sent to me by 3:00pm today;

- Listing of all Officers (as of March 1, 2014 -- and - current) of the "Falmouth Town Democratic Committee"
- Listing of all "Falmouth Town Democratic Committee" members present at the below mentioned "recent meeting."

-Name of the Secretary that presided over the meeting mentioned below
-A copy of the complete and full "Minutes" from the meeting that took place when the vote was taken – as referenced in your email.
-An order from you as Chair of the MDP to both the Falmouth Democratic Committee and to Pam Fenrich herself – to NOT alter or destroy any information pertaining to the meeting that is referenced where the "vote" was taken -- and anything associated with the email (email lists, content, etc.) that was distributed.

My complaint is not specific to local Falmouth Committee and their right to endorse whomever they want -- my complaint at this point is with Pam Fenrich and her role as Vice Chair of the MDP.

Please send the above information to me by 3:00pm so that I can try to effectively mitigate some of the damage that has been done through my own outreach in Falmouth and SD#25. Not having the requested information (which should be publically available, anyway) would further damage my campaign and potentially compound damage already done.

Thank you.

Steve Woods
Maine State Senate Candidate

From: Ben Grant [mailto:bgrant@mainedems.org]
Sent: Monday, June 09, 2014 11:00 AM
To: Steve Woods; 'Justin Alford'; matthewmctighe [REDACTED]
Subject: RE: Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen

Steve,

Yesterday was a family day for me (i.e. no cell phone monitoring), so I did not get your message or email until last night. I spoke with Pam at that point to get the facts from her end, and then wasn't able to reach Justin until this morning. The facts as I understand them are that the Falmouth Town Dem. Committee had a motion from the floor at their most recent meeting to endorse in the SD25 race. At that point, Pam recused herself from the proceeding, and the vote was taken. They voted to endorse Breen, as you know. Then, the Secretary of the Committee (not Pam) wrote and sent out the email you forwarded to me. It was sent to the Town Dem list. Pam then forwarded it to her personal contact list – not the Town Dem list. Someone from her personal contact list then sent it to you, apparently.

I'm not sure how or if this matters to you at this point, with the Election tomorrow.

I just wanted you to have the facts, as I understand them. There is nothing in our Bylaws preventing a local Committee from endorsing in a primary. In fact, several County Committees endorsed in the CD2 primary between Cain and Jackson. I expressed a preference that they do not, but that is the limit of the authority of the State Dem Party. Similarly, there is nothing in our Bylaws governing an Officer's activities in primaries on their own time. Perhaps there should be...but that is not in the Rules/Bylaws at this time.

Best of luck tomorrow,
Ben

Benjamin K. Grant, Chairman
Maine Democratic Party
P.O. Box 5258
Augusta, ME 04332
207-622-6233

From: Steve Woods [mailto:WoodsS@tdesmart.com]

Sent: Sunday, June 8, 2014 10:51 AM

To: Ben Grant (bgrant@mainedems.org); Justin Alfond [REDACTED]; matthewmcloughlin [REDACTED]

Subject: FW: Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen

Ben, Justin, & Matt,

The email attached below is UNBELIEVABLE. It was sent out as an email blast to registered democrats in SD#25 two-days ago.

I literally cannot believe that the Vice-Chair of Maine's Democratic Party sabotaged my primary campaign with a blast email just a few days before the election - when it is most damaging.

On March 3rd, I wrote to each of you voicing a "formal complaint" (attached) against Pam Fenrich in her direct role as Vice Chair of the Party, and her de facto role as a long-time party leader. Back in March I detailed a long list of complaints against Pam. The response from Ben & Justin was; we spoke with Pam and told her to "go dark" during the primary and stay out of the SD#25 race. As recent as last week I expressed concern over Pam's role and again I was assured that she was/is a "non-factor."

-On July 12, 2013 I executed an MOU with MDP in regard to the gubernatorial. Beyond the scope of that MOU was the understanding that going forward, the MDP would not retaliate against me in any other race.

-Since July 12, 2013, I have endorsed MM, supported the MDP with both words and donations, and participated in numerous MDP events (including last week's Convention) all in support of MDP.

-Since commencing my campaign for SD#25 seat, I have kept all messaging positive.

Ben/Justin - back in early March I wrote the attached complaint to you both. And all three of us had follow-up call to discuss the situation in detail. And you both PROMISED me that Pam would be a "non-factor" in my campaign for SD#25 and you encouraged me to continue my campaign. Well, now where are we? Not only is Pam clearly not "dark" (silent) now - she has taken a step as the second highest "officer" (Vice Chair) of Maine's Democratic Party to publicly "endorse" my opponent - and to make matters worse - she parleys her own endorsement with those from others too. And by inference, she suggests that Cathy Breen is "Clearly Superior" - "has a better chance of winning in November" - "has a better chance of getting things done in Augusta." Given her position and her long MDP tenure, her email blast has effectively ended any chance of success that I have on Tuesday - knowing that voter turnout will be light and mostly limited to voters active in the party - the very people Pam's message was sent to.

(Any argument made by Pam suggesting that her "personal endorsement" was separate and removed from her role and function as Vice-Chair of MDP - or that it came from her "personal email" - should be immediately dismissed. "Pam Fenrich" is a visible and promoted leader in the MDP and she speaks, organizes, etc. in that role that effectively removes any pretense of her personal views being separate from Party views. In effect - her email below sent out the message that "Maine's Democratic Party" supports Cathy Breen - and voters should NOT vote for Steve Woods. (Along with the action request "Please forward to your friends and neighbors.")

Options at this point:

-I'm asking the MDP through a Media Announcement to be released by 4:00pm today to publicly endorse my candidacy in SD#25 with mutually agreeable language and quotes from Ben Grant. (The MDP will then send out that announcement by email to all SD#25 voters with knowable addresses, along with addresses used by Pam Fenrich on June 5th.)

-I'm asking Congressman Mike Michaud to send out a similar Media Announcement endorsing my candidacy later today.

Please let me know by 4:00pm today of those two options are viable.

Right this minute, my wife Katie and my two kids are walking door-to-door for me. Over the last three months I've spent thousands of dollars running a positive campaign. Over the last year I've generously donated to the MDP whenever asked, why? Since last July I've supported, collected signatures and campaigned actively for Mike Michaud, why? I've actively fought to keep a viable GOP challenger out of the SD#25 race, why? It now seems quite apparent that Pam Fenrich and other Party members have fixed this race for many months now, with the outcome preordained. Why?

So that Pam Fenrich, Vice Chair of the Maine Democratic Party can publically disparage me to friends and neighbors? So that Pam Fenrich, Vice Chair of the Maine Democratic Party can actively sabotage my campaign at events? So that Pam Fenrich, Vice Chair of the Maine Democratic Party can publically embarrass me?

Sombody owes me more than an apology.

I'm available at either my desk phone [REDACTED] or on my cell ([REDACTED]) if anyone care about any of this.

Steve Woods

Candidate for Maine State Senate District #25

Begin forwarded message:

From: "Pam Fenrich" [REDACTED]
Date: June 5, 2014 at 9:59:39 AM EDT
To: "Pam Fenrich" <[REDACTED]>
Subject: FW: Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen

Please forward to your friends and neighbors.

Elected officials don't like to publicly throw their support to one candidate over another in their party's primary. Independent groups usually save their endorsements for the general election. Unless one candidate is clearly superior. Unless one candidate has a better chance of winning in November. Unless one candidate has a better chance of actually getting things done in Augusta.

Cathy Breen is such a candidate. She has been endorsed by the mayor of Westbrook and five state legislators representing Falmouth, Cumberland, Gray and Westbrook. She has been recently endorsed by the Maine's Peoples Alliance and Planned Parenthood Action Fund PAC.

Cathy is running in the contested Democratic Primary for the State Senate seat vacated by Sen. Dick Woodbury, an Independent. District 25 encompasses Falmouth, Yarmouth, Cumberland, Gray, Long Island, Chebeague Island and the northern section of Westbrook.

Westbrook Mayor Colleen Hilton has cited Breen's leadership in getting the Open Space referendum passed in 2007 in Falmouth when Cathy chaired Falmouth's Town Council. "It was the result of years of hard work where Cathy listened to competing needs and priorities of environmentalists, landowners, developers, and taxpayers," Hilton said. Rep. Anne Peoples of Westbrook has also endorsed Cathy.

Rep. Steve Moriarty endorsed her because she is a strong advocate for revenue sharing, which reduces the burden on property taxes.

Rep. Mark Dion said Breen is "sensitive to the needs of Maine's working families" and "will add vision, value and insight to Democratic leadership in our Statehouse."

Rep. Mary Nelson noted Breen's support of high-quality public schools, and Rep. Ann Peoples lauded Breen's support of mass transit.

Rep. Anne Graham said Breen "will work for health care for all and particularly for families who struggle to make ends meet."

Our elected leaders and activists know what it takes to get the job done in Augusta and the Falmouth Democratic Committee agrees with them all. Please vote for Cathy Breen on June 10.

This e-mail may contain information proprietary to the sender and is intended only for the use of the intended recipient(s). If the reader of this message is not the intended recipient(s), you are notified that you have received this message in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. All e-mail sent to this address is subject to archival and may be reviewed by someone other than the recipient. If you have received this electronic message in error, please notify us immediately and destroy the original message and all copies.

This footnote also confirms that this email message has been scanned for the presence of computer viruses.

Minutes from the Falmouth Democratic Committee

May 28, 2014

Meeting opened by Committee Chair Pam Fenrich.

Discussed upcoming GOTV event Monday, June 9 from 5:30-8:30 p.m.

Discussed low absentee voting to-date. More Democrats than others have submitted ballots.

Analiene Larson moves endorsement of Cathy Breen for State Senate.

Pam Fenrich recuses herself and John Brautigam presides in her place.

Allen Evans seconds Larson's motion.

Endorsement of Cathy Breen is unanimously approved with one abstention.

Pam Fenrich resumes the chair.

Discussion ensues about campaign flyer in the sheriff's race.

Bonny Rodden moves to endorse Kevin Joyce for Camden County sheriff.

Pam recuses herself. John Brautigam presides.

Rodden's motion seconded by Allen Evans.

Endorsement of Kevin Joyce is unanimously approved with one abstention.

Pam motions to adjourn. Seconded by John. Unanimously approved.

Recorded by Bonny Rodden

Temporary Secretary



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

June 17, 2014

Pamela Fenrich
3 Fox Hall Road
Falmouth, ME 04105

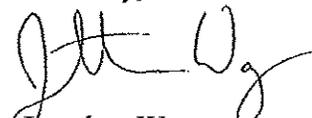
Dear Ms. Fenrich,

To assist the Maine Ethics Commission in deciding whether it should conduct any investigation in response to Steve Woods's request, please provide the following information no later than 10:00 a.m. on Friday, June 20, 2014. A letter format emailed or faxed to me at 287-6775 would be preferable, if that is practical.

1. Did the Falmouth Town Democratic Committee make any expenditures in connection with its endorsement of Catherine Breen in the State Senate primary election?
2. Please describe which email lists were used to distribute the endorsement, including who maintains the lists.
3. Was data from the the NGP VAN or a similar database used to distribute the endorsement?
4. Has the Falmouth Town Democratic Committee make any expenditures to promote Ms. Breen's nomination in the June 10th primary election?

Thank you in advance for your response to this request. If you have any questions, please feel free to telephone me at (207) 287-4179.

Sincerely,



Jonathan Wayne
Executive Director

/enclosures

Pamela Fenrich

3 Fox Hall Road, Falmouth, ME 04105 ~ 207.797.4571 ~ [REDACTED]

June 20, 2014

State of Maine
Commission on Governmental Ethics
And Election Practices
135 State House Station
Augusta, ME 04333-0135

Attention: Jonathan Wayne, Executive Director

Re: Request for Investigation by Stephen M. Woods, dated June 16, 2014

This responds to Mr. Wayne's letter to me dated June 17, 2014.

1. The Falmouth Town Democratic Committee made no expenditures in connection with its endorsement of Catherine Breen in the State Senate primary election. The endorsement was moved from the floor and voted on at a duly-called Committee meeting held in the Falmouth Town Council Chambers.
2. The e-mail list used to distribute the Committee's endorsement is a list developed and maintained by the Falmouth Town Democratic Committee. The list consists of individuals who have signed up at various Falmouth Democratic functions to receive messages from the Falmouth Town Democratic Committee. The list is maintained by the Committee Secretary, Grace Madden, who used it to make the Breen endorsement distribution, as she does for all communications from the Committee.
As a point of clarification, the e-mail from me copied in Mr. Woods's Request was not the Committee endorsement e-mail. My e-mail was sent to approximately 30 friends from my personal contact list.
3. No data from the NGP VAN, or similar database, was used to distribute the endorsement.
4. The Falmouth Town Democratic Committee has made no expenditures to promote Ms Breen's nomination in the June 10th primary election.

Sincerely,



Pamela Fenrich

Wayne, Jonathan

From: John Brautigam <jblaw@maine.rr.com>
Sent: Friday, June 20, 2014 8:35 AM
To: Wayne, Jonathan
Subject: RE: Request to Breen Campaign for Information

Dear Director Wayne:

This is to reply to your email requesting information from the Breen Campaign.

Ms. Breen's campaign was run entirely by volunteers.

Bonny Rodden was designated as the campaign's "Communications Director." In that role she wrote and distributed a half dozen press releases and assisted with Ms. Breen's participation in a local candidate forum, among other tasks. Bonny Rodden was never Ms. Breen's campaign manager, contrary to the allegation in Mr. Woods' email.

Pam Fenrich did not have a title or position in the Breen campaign. She provided occasional advice to the candidate.

I hope this is responsive to your request.

Sincerely,

John Brautigam

From: Wayne, Jonathan [<mailto:Jonathan.Wayne@maine.gov>]
Sent: Thursday, June 19, 2014 11:38 AM
To: 'jblaw@maine.rr.com'
Cc: [REDACTED]; Gardiner, Phyllis; Lavin, Paul; 'Steve Woods (WoodsS@tidesmart.com)'; 'bgrant@mainedems.org'; [REDACTED]; 'CATHYBREEN@ME.COM'
Subject: Request to Breen Campaign for Information

Mr. Brautigam,

As the treasurer for Cathy Breen, I am emailing to request limited information from the Breen campaign for the purpose of assisting the Commissioners in deciding whether or not to conduct any investigation as requested by Steve Woods:

- Please identify whether Pam Fenrich or Bonnie Rodden had any position or role in Cathy Breen's election campaign. By requesting their "position or role," I am asking that the campaign please disclose any campaign title that they had ("campaign manager" or "chair"), and a brief description of any activities they conducted as part of her campaign.

The request is relevant to the issue of whether there is any possibility that Ms. Breen received a contribution in the form of a coordinated expenditure of non-campaign funds. I understand that no such expenditures may have been made, but the information concerning Ms. Fenrich and Ms. Rodden would be helpful nevertheless.

Thank you for your cooperation. If possible, please respond by 12:00 noon on Friday, June 20.



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Benjamin K. Grant, Esq., Chair, Maine Democratic Party
Pamela Fenrich, Chair, Falmouth Town Democratic Committee
Ms. Catherine Breen, Candidate for Maine Senate, District 25
John Brautigam, Esq., Campaign Treasurer for Cathy Breen

cc: Assistant Attorney General Phyllis Gardiner, Commission Counsel
Mr. Stephen M. Woods
Mary-Erin Casale, Executive Director, Maine Democratic Party

From: Jonathan Wayne, Executive Director

Date: June 17, 2014

Re: Request for Investigation by Stephen M. Woods

Yesterday, the Maine Commission on Governmental Ethics and Election Practices (the Commission) received the enclosed request for investigation from Steve Woods concerning his State Senate primary election opponent Cathy Breen and the activities of the Falmouth Town Democratic Committee in endorsing her. This memorandum is to provide preliminary notice of Mr. Woods' request and the procedures the Commission staff preliminary intends to use in handling the request.

Among other things, Mr. Woods argues that it was improper for the Falmouth Town Democratic Party to endorse Cathy Breen in the June 10, 2014 primary election and for Pam Fenrich, an officer of the Maine Democratic State Committee and Falmouth Town Democratic Committee, to distribute the endorsement by electronic mail. In the opinion of the Commission staff, these matters relate to the internal governance of political parties and are outside the jurisdiction of the Commission. Nevertheless, the request also asks the Commission to investigate whether there were campaign activities undertaken by the State and/or Falmouth Democratic Parties to promote Ms. Breen's nomination, issues within the Commission's jurisdiction as the State's campaign finance agency.

At this time, the Commission staff *preliminarily* intends to present Mr. Woods' request to the Commissioners at their next regularly scheduled meeting on Wednesday, June 25, 2014 at 9:00 a.m. (one week from tomorrow) The meeting will be held at the Commission's Office at 45 Memorial Circle in Augusta. At that meeting, Commission staff will seek direction from the Commissioners as to whether the staff should conduct any investigation. *These procedures are subject to change as the complaint was received yesterday, and the Commission staff is continuing to study the issues involved and to confer with the Commission's Counsel.*

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By tomorrow morning, the Commission staff will request very limited information from some of the individuals involved concerning the email distribution of the Falmouth committee's endorsement and the leadership of Ms. Breen's campaign. The requests will be directed to Pam Fenrich and the Breen campaign. This information is requested for purposes of assisting the Commissioners in deciding whether to authorize any further investigation, as requested by Mr. Woods. Your prompt cooperation would be greatly appreciated. If the Commissioners decide on June 25 to direct the staff to conduct further investigation, the staff would pursue that after the Commission's meeting.

In setting these pre-meeting procedures, the Commission staff is guided by Chapter 1, Sections 4(2)(C) and 5(1) & (2) of the Commission's rules.

Mr. Woods may wish to attend the June 25 meeting to speak to the Commissioners in support of his request for an investigation. The Breen campaign and the party committees may wish to make comments as well, but at this time the Commission staff is not requesting any comments on June 25th.

Thank you in advance for your cooperation with these procedures. If you have any questions, please feel free to telephone me at (207) 287-4179.

/enclosures