



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

ADDITIONAL MATERIALS

Item # 3

November 30, 2011

To: Commissioners  
Cc: William P. Logan, Esq., Counsel for Rep. David R. Burns  
From: Jonathan Wayne, Executive Director  
Date: November 23, 2011  
Re: Additional Falsified Document Submitted by Rep. David Richard Burns

---

This letter is to provide you with additional information that has come to light after the completion of the November meeting packet. In the opinion of the Commission staff, it further supports a referral of the audit findings for Rep. David R. Burns to the Maine Attorney General. By copy of this memo, I am also providing this information to Rep. Burns' attorney. He is welcome to respond at the Commission's November 30 meeting, if he would like.

In March 2011, I asked Rep. Burns to explain some of his reported campaign expenditures in response to a complaint that we received from a private citizen residing in Shapleigh, Maine. Among other things, I requested an explanation for a payment of \$475 of Maine Clean Election Act funds that Rep. Burns reported making to Tim Guinard on September 8, 2010 for "Sign Painting and Materials."

Rep. Burns sent to me by e-mail a pdf of a one-page letter dated March 13, 2010 purportedly from Tim Guinard, explaining that he had painted campaign signs for Rep. Burns for which Rep. Burns paid him \$475. This letter is among the materials I mailed to you for agenda item #3 and is also attached to this memo. Also included in the meeting materials is a four-page letter from Rep. Burns dated March 12, 2011, in which he explains on the second page that he paid Tim Guinard \$475 for making him 10 hand-painted signs.

The letter from Tim Guinard and the written explanation from Rep. Burns appear to have been fabricated. On November 21, 2011, Tim Guinard telephoned the Commission's office and spoke

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE  
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

with the Commission's Assistant Director Paul Lavin. Mr. Guinard said that he did not wish to cause any further difficulties for Rep. Burns, but he felt morally compelled to set the record straight because his name had been brought up in connection with the audit of Rep. Burns' campaign. He said that he did not paint campaign signs for Rep. Burns in 2010 and did not receive any payment from Rep. Burns. Mr. Guinard said that, in March 2011, Rep. Burns asked him to write a letter to document a payment he had reported making. Rep. Burns told him that he needed the letter because of a technicality in the law about paying someone more than \$50. Mr. Guinard told Rep. Burns three times that he would not write or sign a letter and did not want to be involved.

Nevertheless, in March 2011, Rep. Burns submitted a letter in Mr. Guinard's name that had purportedly been signed by Mr. Guinard. (See attached letter.) Mr. Guinard told Paul Lavin that he did not write or sign the letter which Rep. Burns submitted. He said that he had never seen the letter until his wife downloaded the meeting materials last week from the Commission's website. He also said that he signs his name "Timothy," not "Tim," and that his home address is 62 Burns Lane, not 1 Burns Lane, as contained in the letter.

Assistant Director Paul Lavin found Mr. Guinard to be credible. We believe this new information further underscores the need for a referral to the Attorney General. It means that on two occasions in March 2011, Rep. Burns submitted falsified documents to the Commission to support reported campaign expenditures which he had not made. Moreover, when he filed his 42-day pre-election campaign finance report on September 20, 2010, it contained at least two false entries (a 9/6/2010 payment of \$635.33 to Signs on the Cheap for "200 Signs w/Stakes, and a 9/8/2010 payment of \$475.00 to Tim Guinard for "Sign Painting and Materials"). (See the attached relevant page from the report.) The candidate has offered no explanation for these false entries. In that report, Rep. Burns also reported making a payment of \$350.00 to Kyle Raine, which Rep. Burns has attempted to support through a letter purportedly from Mr. Raine. The Commission staff has proposed disallowing this \$350 payment, but has not had an opportunity to investigate whether that payment actually occurred in light of the information from Tim Guinard.

The new information does not alter the repayment of public funds to the State proposed by the Commission staff. We had already proposed disallowing the reported \$475 payment to Mr. Guinard because of the lack of any documentary proof that he received Maine Clean Election Act funds (e.g., a cancelled check, or debit or credit card statement).

Thank you for your consideration of this memo.

Attachments: March 12, 2011 Letter Submitted by Rep. Burns  
Page from Rep. Burns' 42-Day Pre-Election Report

March 13, 2011

I am sending this letter in regards to a request made of me by David Burns from Alfred, ME. During the month of September David asked me if I would paint some signs for his campaign, as I have painted signs for people in the past. He asked me to paint 10 signs. He first brought some old plywood from his parents farm but it was to weathered and warped because it had sat outside for some time. I still attempted to paint a couple of signs with a blue on red scheme. I was unhappy with the results because the material was in poor condition. He then brought me some new plywood that I think he purchased at Home Depot and the sheets were already cut. When the signs were completed I was not happy with the results because the color scheme, navy blue on dark red was not the best choice and they did not show up very well from a distance especially at night. I know he put a couple of signs out at the end of Kennebunk road but again he was not happy with how they just looked and they did not show up the way he expected. He paid me \$475 and said that is basically what the quotes were for hand painted signs he got. Basically that was the end of our deal. I know David was not happy with the results because the color scheme he chose was pretty much wrong for viewing at a distance.

I guess David then chose to have the signs redone by someone who was better suited to paint the signs faster and used a different color scheme which was a blue on white that matched his printed signs.

If I can be of any further assistance please let me know.

Sincerely,



Timothy R. Guinard  
1 Burns Lane  
Alfred, Me 04002

**SCHEDULE B  
 EXPENDITURES**

EXPENDITURE TYPES	
CNS Campaign consultants	POL Polling and survey research
CON Contribution to other candidate, party, committee	POS Postage for U.S. Mail and mail box fees
EQP Equipment (office machines, furniture, cell phones, etc.)	PRO Other professional services
FND Fundraising events	PRT Print media ads only (newspapers, magazines, etc.)
FOD Food for campaign events, volunteers	RAD Radio ads, production costs
LIT Print and graphics (flyers, signs, palmcards, t-shirts, etc.)	SAL Campaign workers' salaries and personnel costs
MHS Mail house (all services purchased)	TRV Travel (fuel, mileage, lodging, etc.)
OFF Office rent, utilities, phone and internet services, supplies	TVN TV or cable ads, production costs
OTH Other	WEB Website design, registration, hosting, maintenance, etc.
PHO Phone banks, automated telephone calls	

*Only these expenditure types require a remark: CNS, EQP, FND, OTH, PRO, SAL, TRV.*

DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
→ 09/06/2010	SIGNS ON THE CHEAP	200 Signs w/ Stakes	LIT	\$635.33
08/10/2010	SPECTRUM MARKETING	Palm Cards	LIT	\$700.00
→ 09/08/2010	TIM GUINARD	Sign Painting and Materials	LIT	\$475.00
09/03/2010	KYLE M RAINE	Lit Drops and Sign Placement 35 Hours	SAL	\$350.00
08/10/2010	DAVID RICHARD BURNS	Lit Pick Up	TRV	\$58.96
07/17/2010	DAVID RICHARD BURNS	Door to Door	TRV	\$24.20
07/21/2010	DAVID RICHARD BURNS	Door to Door 71 Miles	TRV	\$31.24
07/22/2010	DAVID RICHARD BURNS	Door to Door 65 Miles	TRV	\$28.60
07/31/2010	DAVID RICHARD BURNS	Door to Door 89 Miles	TRV	\$39.16