

Agenda

Item #1



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

Minutes of the August 25, 2008, Meeting of the  
Commission on Governmental Ethics and Election Practices  
Held in the PUC Hearing Room, 242 State Street, Augusta, Maine

Present: Michael Friedman, Esq., Chair; Hon. Francis C. Marsano; Hon. Edward M. Youngblood; Hon. Mavourneen Thompson; Walter F. McKee, Esq. Staff: Executive Director Jonathan Wayne; Phyllis Gardiner, Counsel.

At 9:00 a.m., Chair Michael Friedman convened the meeting and welcomed new Commission member, Walter McKee from Hallowell.

The Commission considered the following items:

**Agenda Item #1. Ratification of Minutes of the July 28, 2008, Meeting**

Mr. Marsano made a motion, seconded by Mr. Youngblood, to accept the July 28 minutes as drafted. The motion passed by a vote of 5-0.

**Agenda Item #2. Request for Waiver of Late-Filing Penalty/Candidate Mark Remick**

Mr. Wayne explained that Mr. Remick, a Senate candidate for District 28, was two days late filing his 42-Day Post-Primary campaign finance report which was due on July 22. Mr. Remick attempted to file the report on July 23, but experienced difficulty because he was using an internet browser that was not compatible with the e-filing system. Mr. Wayne said Mr. Remick filed the report two days late on July 24. Mr. Wayne said that, based on the statute, the amount of the penalty is \$386.51; however, the staff recommendation is to reduce the penalty to \$50, because the statutory penalty is disproportionate to the harm suffered by the public due to the late disclosure and also because of the internet browser issue.

Mr. Friedman asked what the penalty would be for one day late since Mr. Remick did attempt to file one day late and then ran into the browser problem.

Mr. Wayne said the penalty would be half of the two-day amount.

Mr. Marsano moved that the Commission assess a \$50 penalty as recommended by the staff. Ms. Thompson seconded.

Mr. Marsano said that the reasons for reducing the penalty were valid but would not support waiving the penalty.

Mr. Friedman stated that Mr. Remick did not provide a reason for being late on the first day after the filing deadline. He said browser problems would be a legitimate reason for being late; however, Mr. Remick did not attempt to file until the second day. He said he supported assessing a penalty for being late one day.

Ms. Thompson agreed with Mr. Friedman and asked for past practice when a candidate is one day late filing a report without a legitimate excuse.

Mr. Wayne explained that six months ago, this Commission would have supported Mr. Friedman's view; however, each membership of the Commission determines matters differently.

Mr. Marsano stated he felt the overriding issue was there is little public harm due to the late report.

The motion passed by a vote of 3-2. (Mr. Marsano, Mr. Youngblood and Mr. McKee in favor; Mr. Friedman and Ms. Thompson opposed.)

**Agenda Item #3. Permissibility of MCEA Expenditures/Candidate Dana Kadey**

Mr. Wayne explained that Mr. Kadey is a Senate candidate for District 29 in Washington County. To date, he has received approximately \$21,000 from the MCEA fund. Mr. Wayne said a routine review of Mr. Kadey's expenditures found that he had spent over \$2,000 of his Clean Election funds on a truck cap, roof rack for his truck, a GPS device, and a plug-in cooler for his truck. Mr. Wayne said that the staff was not originally aware of the purchase of the roof rack because the purchase was not reported in Mr. Kadey's report, which only listed the purchase of the roof rack. It was not until the staff received the vendor invoice that it was aware of the roof rack. Mr. Wayne said Mr. Kadey's explanations for his expenditures contained in his campaign finance reports were vague and the staff felt these particular expenditures were

more personal in nature than legitimate items for his campaign. Mr. Wayne noted that Mr. Kadey did inform the Commission that he does have a medical condition and that he claimed that the roof rack and truck cap were medically related. Mr. Wayne said there were expenditures during Mr. Kadey's 2006 campaign that have also caused the staff to be concerned about their appropriateness. Mr. Wayne also requested advice from the Commission as to whether the staff should conduct a full audit of Mr. Kadey's 2006 campaign.

Ms. Thompson asked whether an audit had been done on Mr. Kadey's 2006 campaign.

Mr. Wayne said a full audit has not been conducted at this point; however, Mr. Kadey reported over \$3,700 in materials for signs and travel reimbursements to himself which seemed excessive.

Ms. Thompson asked for clarification on protocol for auditing procedures.

Mr. Wayne explained that in 2006, approximately 60 random audits were conducted and three audits were conducted for cause. The staff did not seek the Commission's prior approval for those audits.

Mr. McKee asked for clarification as to whether the staff needed the Commission's approval to conduct audits.

Mr. Wayne stated if the Commission determines that public funds were used for personal purposes, this matter may turn into an enforcement matter.

Mr. McKee felt a determination should be made today on the 2008 campaign expenditures and then turn to the consideration of whether a full audit of Mr. Kadey's 2006 campaign should be done.

Mr. Wayne said this case is different than the usual audit process because these types of issues are discovered after the election during the audit process and they are brought before the Commission at that time. Mr. Wayne said in this case the questionable expenditures have been brought before the Commission prior to the election and the question is whether the expenditures are within the MCEA guidelines. He said if they are determined not to be within campaign expenditure guidelines, then the violation must be

rectified. Mr. Wayne said the staff's concern is the possibility that Mr. Kadey could continue to exercise bad judgment in making expenditures and possibly misuse MCEA funds.

Mr. Dana Kadey from Princeton read from a prepared statement (attached). In summary, Mr. Kadey stated that he believed that in order for his expenditures for the questioned items not to be considered as an in-kind contribution, he needed to purchase the items with his public campaign funds. He said his medical condition forces him to have to lie down while he is campaigning, so he purchased the truck cap and rack, GPS and cooler in order to be comfortable while campaigning. He further stated he did not intend to enrich himself when making the purchases.

Ms. Thompson asked Mr. Kadey what his miscellaneous expenses were.

Mr. Kadey said he has not had a chance to put together the Commission's request for his 2006 campaign expenses. He also stated the Candidate Guidebook, which he referred to during his campaign, was difficult to understand. He said he was depending on the Commission staff to determine if his reported expenditures were acceptable. He recalled that in his 2006 campaign he purchased a backpack, a pup tent and a professionally printed sign which may have been the items under miscellaneous.

Ms. Thompson asked for clarification on the rules for making purchases by candidates once they have been certified.

Mr. Wayne confirmed that, once certified, Maine Clean Election Act candidates must only use public funds for campaign-related purchases and expenses. If a candidate were to use personal funds for campaign purposes, that candidate would be making an impermissible in-kind contribution to the campaign. Mr. Wayne said the staff's point of view is that these purchases in 2008 – the cooler, truck cap, etc. – are personal items and not campaign-related items; therefore, it would be appropriate for Mr. Kadey to use his personal funds to make these purchases. These items would not be in-kind contributions because they are not campaign-related.

Mr. Friedman said the items being discussed are more personal in nature than campaign-related. He said that he thought that a GPS device was more personal than campaign-related. He said that there are many things that may have a mixed use, for example, a new suit could be used for campaigning, but it would be

more personal in nature than campaign-related. No one would assume that the purchase of a new suit would be an in-kind contribution to the campaign. He said that, in this case, Mr. Kadey may use some of these items for his campaign but that does not necessarily make them a campaign expense.

Mr. McKee agreed with Mr. Friedman. He said that the example of the suit was very appropriate. The guidelines state specifically that clothing is not a campaign expense because it is too personal in nature.

Mr. Marsano stated he agreed with Mr. Friedman and Mr. McKee and asked Mr. Kadey if he wanted the outcome today to result simply in Mr. Kadey using his personal funds to pay his campaign back for the personal items he purchased with public funds.

Mr. Kadey said that would be fine with him.

Mr. Marsano said Mr. Kadey could have called the Commission staff and asked about the validity of the purchases before he made them.

Mr. McKee said that the Commission staff does its best to provide guidance to candidates. Ultimately, the staff cannot provide advice regarding every inquiry about an expenditure. Mr. Kadey needs to be more accountable for what he reports to the Commission, without assuming the staff will check to be sure he is purchasing within the guidelines.

Mr. Kadey said he did not call the Commission staff as often this time around as he did during his 2006 campaign and decided on his own that these purchases were within the guidelines and he was up-front about reporting them.

Mr. McKee said this was a risky way to proceed, especially considering the amount of money that was paid out. He further stated that the Commission should not have to go over every expense individually with him.

Ms. Thompson asked what the staff was requesting regarding the 2006 expenditures.

Mr. Wayne explained that there were questionable purchases made at sporting goods stores which total \$1,302 and were reported as expenditures related to Mr. Kadey's "campaign walk" without any further explanation as to what was purchased and 13 expenditures totaling \$3,737 with an explanation only of "materials for sign." Mr. Wayne expressed concern that it was not always clear what exactly was purchased because of how Mr. Kadey reported his expenditures, which is why the staff feels a closer look at his 2006 expenditures is necessary.

Mr. Friedman stated that regarding the purchases in 2008, he does not believe Mr. Kadey was intentionally trying to deceive the Commission when he reported the purchase of these items. He said he did not see evidence of ill intent. Mr. Friedman also explained that since the items are more personal in nature, they would not be considered an in-kind contribution and could have been purchased from Mr. Kadey's own funds.

Mr. Youngblood stated he felt the GPS device should be put in a different category, similar to a computer or printer, since it does save time and mileage when on the road campaigning. He said it would then be sold at the end of the campaign at fair market value.

Ms. Thompson asked Mr. Kadey about the computer he purchased for over \$2,900 in 2006 and sold after the election for \$850. Ms. Thompson said the requirement is to reimburse the fund for the fair market value and she expressed concern that Mr. Kadey would think \$850 was fair market value. She asked where Mr. Kadey came up with the \$850 amount.

Mr. Kadey explained that he contacted a computer store and asked what a computer would be worth if he took the hard drive out of it and he was told \$850. Mr. Kadey said he was concerned about selling the computer because the hard drive had information on it that he did not want to get into the wrong hands. He expressed concern over who would purchase items after a campaign and said he had no interest in the items after the election.

Mr. Marsano stated that the use of a personal GPS device and a personal computer for campaign purposes are similar in nature. He said that there are probably many candidates who use their home computer for campaign purposes and do not report that use as an in-kind contribution. He said that he thought that would be appropriate. The issue is that when a candidate uses public funds to purchase a computer or GPS

device or similar equipment, there ought to be stricter standards regarding those types of purchases and the candidates and public ought to be aware of them. Mr. Marsano said candidates would perhaps be better off to purchase a computer with their own money and keep it instead of having to sell the computer after the election at fair market value and then be accountable for the sale amount.

Mr. Marsano moved that the purchases of the truck cap and rack for \$1,363.95, the additional \$109.62 for travel to make the purchase, the GPS device for \$414.94, and cooler for \$188.10 be found by the Commission to be personal expenses, and that Mr. Kadey be required to reimburse those funds to his campaign. Mr. Youngblood seconded the motion.

Ms. Thompson asked if this motion passes, would that limit the staff from investigating further expenditures in 2008 as well as 2006. Mr. Wayne said it would not.

Mr. Youngblood asked if this motion would mean purchases of GPS devices further down the road would automatically be considered not allowed as expenditures. He said candidates have the right to claim a GPS device as a campaign expense and then sell it after the campaign. He was concerned about limiting legitimate purchases.

Mr. Marsano said this determination, if the motion is approved, puts the public and candidates on notice that the burden of proof to justify the expenditure as campaign-related is on the candidate. He did not think that the motion, if passed, would preclude candidates from making similar purchases but would indicate that in this particular instance, the Commission found that the purchase was more personal than campaign-related.

Mr. Friedman said this determination sends the message that these kinds of items, specifically a GPS device, are initially considered personal expenses and if MCEA money is used, the candidate will be held by a very strict standard to prove it is justified as campaign-related.

Ms. Thompson said common sense should prevail with this type of expenditure. She said medical expenses are not campaign-related expenses. She used the example that crutches to help a candidate walk would not be considered a campaign expense.

The motion passed unanimously (5-0).

Mr. Marsano spoke to the issue of how to proceed regarding the investigation of Mr. Kadey's 2008 and 2006 campaigns.

Mr. McKee stated that he felt the staff should be able to conduct audits as they see fit.

Mr. Marsano agreed with Mr. McKee. He said he believes decisions to conduct audits should be left to the staff's determination.

Ms. Thompson moved to support the staff's continued efforts to audit the 2008 and 2006 campaigns of Dana Kadey. Mr. Marsano seconded.

Mr. Marsano expressed concern over making a motion that would appear to indicate that the staff needs approval from the Commission to conduct the audits.

Ms. Thompson commented that the staff requested the Commission's approval regarding the interim audit of the 2008 campaign and an audit of the 2006 campaign. She said if Commission's consensus on that question, rather than formal approval, is what is needed, she would withdraw her motion.

Mr. McKee moved that the Commission provide the staff its consensus in favor of the audit of Mr. Kadey's campaigns. Ms. Thompson seconded.

The motion passed unanimously (5-0).

**Agenda Item #4. Maine Clean Election Act Violation/Candidate Gary Pelletier**

Mr. Wayne explained that Gary Pelletier was a MCEA candidate in the 2008 primary election who spent more than he was authorized to spend. Mr. Pelletier received the initial payment for a contested Senate race and received matching funds. He spent \$245.23 over his authorized amount of matching funds. Mr. Wayne stated that Mr. Pelletier seemed honestly confused about the amount of authorized funds he was allowed to spend. He said the staff recommends that the Commission find Mr. Pelletier in violation of the

MCEA and assess a civil penalty of \$50 for the violation. Mr. Wayne also noted that Mr. Pelletier has already paid his penalty.

Mr. Friedman clarified that this is a civil fine which is different from a penalty.

Ms. Gardiner said there is a strict formula in the statute for late filing and under §1127 of Title 21-A there is a wide range for assessing a penalty.

Mr. Friedman said he is more opposed to reducing penalties than he is to reducing fines.

Mr. Wayne confirmed that Mr. Pelletier was not present at the meeting.

Mr. Marsano moved that the Commission find Mr. Pelletier in violation of the provisions of the MCEA and assess a civil fine of \$50. Mr. McKee seconded. The motion passed unanimously (5-0).

#### **Agenda Item #5. Report on Funding for Maine Clean Election Act Program**

Mr. Wayne explained that in the 2008 legislative session, the Legislature approved unallocated language in the Governor's FY 2009 budget bill directing the State Treasurer to transfer a total of \$4,425,000 in two installments to the Maine Clean Election Fund in May and July, 2010. The Commission brought this issue before the Legislature earlier this year. Mr. Wayne explained that the Legislature had transferred funds out of the Maine Clean Election Fund in previous years and the anticipated shortfall is the result. Mr. Wayne said the staff is preparing the Commission's budget for FY 2010 and 2011 for consideration by the State's Bureau of the Budget, and wishes to include the \$4,425,000 transfers.

Mr. Marsano raised the question regarding constitutionality of legislative action with respect to funds being used during a year which the legislators voted upon, making for a conflict of interest.

Mr. Wayne said that the Legislature will be revisiting the issue for the 2010 and 2011 budget in the next session.

Alison Smith, co-chair of the Maine Citizens for Clean Elections, stressed the importance of having these transfers take place. She said that the funding mechanism that was established in the citizen's initiative

was responsible and reasonable. She said the past borrowing shows how Legislatures have used MCEA funds for other purposes. The intent of the voters was to fully fund this program, not to provide “just in time” funding.

Ms. Smith also addressed the issue of the method by which the Commission determines the amount of the distribution of MCEA funds and urged the Commission to employ a method that did not allow for unwarranted increases due to outliers while still making reasonable adjustments in order to allow MCEA candidates to run a competitive race. Ms. Smith discussed other steps that the Commission could take to reduce the cash flow problem resulting from advancing the full amount of the matching funds.

**Agenda Item #6. Advance Planning for 2008 Legislative Ethics Seminar**

Mr. Wayne provided the Commission members an overview of the legislative ethics seminar. The Attorney General and the Commission are required to provide a seminar every two years on the legislative ethics law to the members of the Legislature. This typically is scheduled for the first week in December after a general election. The staff would like to confer with the Commission concerning preparations for the 2008 seminar. Mr. Wayne said that in the past the Attorney General and a member of the Commission conducted the seminar.

Ms. Gardiner said these seminars, which are required for all Legislators, could be made more effective. She said some new options that have been discussed include a round-table approach perhaps later in the year and which would have several sessions over a period of time after Legislators have had a chance to get familiar with some of the issues.

After a discussion regarding possible changes to the format of the seminar, Mr. Friedman told Mr. Wayne that he should confer with Legislative leadership about options to improve the ethics seminar.

There being no further business, Mr. Youngblood moved that the meeting be adjourned. Mr. McKee seconded the motion, which passed unanimously. The meeting was adjourned at 10:50 a.m.

Respectfully submitted,

Jonathan Wayne, Executive Director

... Transcribed by [unclear]

Agenda Item 3  
1 8/25/08

I thank the commission for allowing me to speak to you today. I also thank Jonathan Wayne for supplying me with a copy of the concerns he has. On the phone he expressed that this could be an adversarial encounter and he wanted me to have all the information in advance. This was the act of a gentleman and again I thank him.

I present to you a copy of emails back and forth from your staff and myself. The email of 06-05-06 from Mr. Brown assured me that reports I submitted would be reviewed so that I could immediately correct any errors of my judgment.

In fact, a gentlemen at the commission called me 3 or 4 times. He told me that I needed to make amendments. One time, I couldn't get the computer to obey, so the gentleman was kind enough to amend the report for me.

Now concerning 2008 expenditures.

First, I strongly state that I have no intention, nor have I used campaign funds to enrich myself. I have experienced my share of bumps in life but I have been blessed in the area of financial resources. A few 100 dollars or a few 1000 dollars are insignificant to me. Items such as a truck-cap, a GPS device and an electric cooler I would gladly purchase with my own funds. That would give my campaign an extra couple of thousand dollars with which I could purchase more radio spots.

I purchased those items with MCEA funds because if I had purchased them with my own funds I would have been violation of the MCEA regulations.

“Once certified, MCEA candidates are prohibited from accepting any contributions—cash or in-kind. It is important that candidates understand this restriction, because acceptance of a contribution is a violation of the MCEA” (p75, upper inset—2008 Candidate Guide).

Now the purpose of the purchases.

1 .The GPS device.

Senate District #29 is made up of parts of Hancock and Penobscot and all of Washington County. Washington County alone comprises 3,225 sq. miles.

If I leave my office on 8 days in succession as follows (round trips with only one stop at each place.)

- |                       |            |
|-----------------------|------------|
| 1. W Great Pond       | 148        |
| 2. NW Drew Plantation | 118        |
| 3. N Danforth         | 70         |
| 4. NE Vanceboro       | 78         |
| 5. SE Lubec           | 84         |
| 6. S Beals            | 162        |
| 7. SW Waltham         | 176        |
| 8. SW Steuben         | <u>188</u> |

That adds up to 1034 miles

District #29 includes:

7SD

DTT9

T10

T3ND

Devereaux Township

You don't know where Devereaux Township is? The GPS knows!

In the last election I spent 10s of hours and 100s of miles lost. I spent far in excess of \$400. So far this time I have not been lost.

Mr. Wayne wrote that the staff knows of no other candidate in Maine who has purchased a GPS device with campaign funds.

I am a partner in TemPerWal, LLC. We have a top-shelf waterfront development in Princeton. When I told Eastern Maine Electric we were going to put in underground utilities, their reply was we could not do that. When asked why, their reply was, "It has never been done before around here."

Black Cat Point Waterfront Development has underground utilities!

No other candidate has purchased a GPS device before? Someone had to be the leader!

2. Truck cap + roof rack and cooler.

Approximately 5 years ago I had the disease Membranous Nephropathy added to my list of life experiences.

According to my doctor Membranous Nephropathy is an idiopathic disease with no known cure. The immune system for some unknown reason attacks and eats up the kidneys. Seldom does the disease go away but medical personal have discovered sometimes, with medication, it can be retarded. The afflicted is given Chemo to put down the immune system, blood pressure medication to take pressure off the kidneys and steroids to assist the kidney in the process of healing.

In the fall of 2003 through the spring of 2004 in a span of 10 months I went through that process and was fortunate enough to put the bugger back into the woods. But about a year ago, when my back was turned, it snuck up and bit me again. For the last 6 months I have been treading the medication trail once more. I look forward to thrashing the disease once again, but the side effects of the medication provides for an experience which is far from pleasant. The main affects are constant tiredness, "why was I born" muscle spasms, and the huff-and puff of trying to do anything more strenuous than thinking.

I have discovered with a lot of grit and some adjustments I can continue to do a lot of things and still derive great pleasure in life. One fellow said concerning his chemo experience, "I never walked by a bed." I find I have to take 3 or 4 naps a day. It's like I run into to a wall and need to lie down then! (Not in 15 minutes, but right then.) Many times I have an onset of muscular spasms while resting. I have discovered the only way I can get relief from them is with ice. I sometimes chuckle when I see myself packing a picnic playmate with ice as a preparation for bed at night.

Hence the truck cap and the cooler. I have a bed in the back of the truck and I have frozen bottles of ice I place in the cooler when I head out on the campaign trail. This gives new meaning to the expression "Have a cold one."

I have discovered in life when faced with an obstacle you can choose one of two tacks. You can curl up in a corner and feel sorry for yourself, or you can make the necessary adjustments and keep right on trucking. A broken leg? Adjustments—cast, crutches, wheelchair?

I am a trucker.

Because of my disease I now have more compassion for the handicapped. You have a better understanding of thistles after you have stepped on one in your bare feet.

In my mine I cannot justify the cap as a personal expense. With the cap I can't haul 1/3 cord of firewood. I can't haul a refrigerator from Sears. I can't have my utility box on back.

I can think of only one thing I could do with it for personal use. I am an eleventh generation Native Mainer, starting in 1644. I come from a long line of poachers. With the cap I could put two loins, and 4 quarters under the bed, stop and chat with the Warden. He would neither see nor smell the venison. Of course, I would never do that.

### 3. Roof Racks:

I understand you must treat every campaign as a separate event. I am not so constrained. When I started this adventure, I assumed it would take 4 or 5 attempts before I experienced success.

I am reminded of the story of the fellow in who went into a local establishment.

When he stepped up to the bar to order a beer a big fellow came along and grabbed him by the scruff of the neck and the seat of his pants and threw him out into the street.

He got up, dusted himself off and went back to the bar. Another big fellow came along and grabbed him by the scruff of the neck and the seat of his pants and threw him out into the street.

He got up, dusted himself off and went back to the bar. Another big fellow came along and grabbed him by the scruff of the neck and the seat of his pants and threw him out into the street.

As he was dusting himself off a lady came along and asked him, "What is the matter?" He replied, "I'm starting to think they don't want be in there."

I will not start to think that way as quickly.

Because I have the 4/5 attempts perspective, I have planned that way. My signs are homemade and designed to be functional over many elections. You will note in the 2008 reports that I have spent no money on signs.

[Picture]

My large signs are constructed from a 4'x 4' piece of OSB framed in pine and painted on both sides in distinctive colors. They are mounted to stay in place with 3/80 inches long cedar poles.

I used to be able to haul them on the back of my truck. Because of the cap I no longer can. Thus the racks.

Concerning the Cabal's purchase.

I had a problem in 2006 with stolen signs. I reported the theft to the police a number of times. It got so when they would see me coming they would turn on their blue lights and speed off in the other direction. I got the message. I remembered a fellow telling me about how he caught the crook who was breaking into his camp by setting up a motion sensor camera in his outhouse.

I followed his example. I had no luck last time. But I have everything all set this time, hopefully, I will catch the perpetrator.

Now concerning equipment. It appears I have an understanding different from the Commission. Up in Washington County, when we talk equipment we are talking grapple skidders, feller branchers, low-beds, cranes, graders, bulldozers, etc. Stuff like the things I purchased for my campaign would just be miscellaneous expenses.

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One day, I was kind of downing myself as just being a hayseed from Washington County unable to understand the Maine Clean Election procedures. A few days later I received correspondence from the Commission containing this.

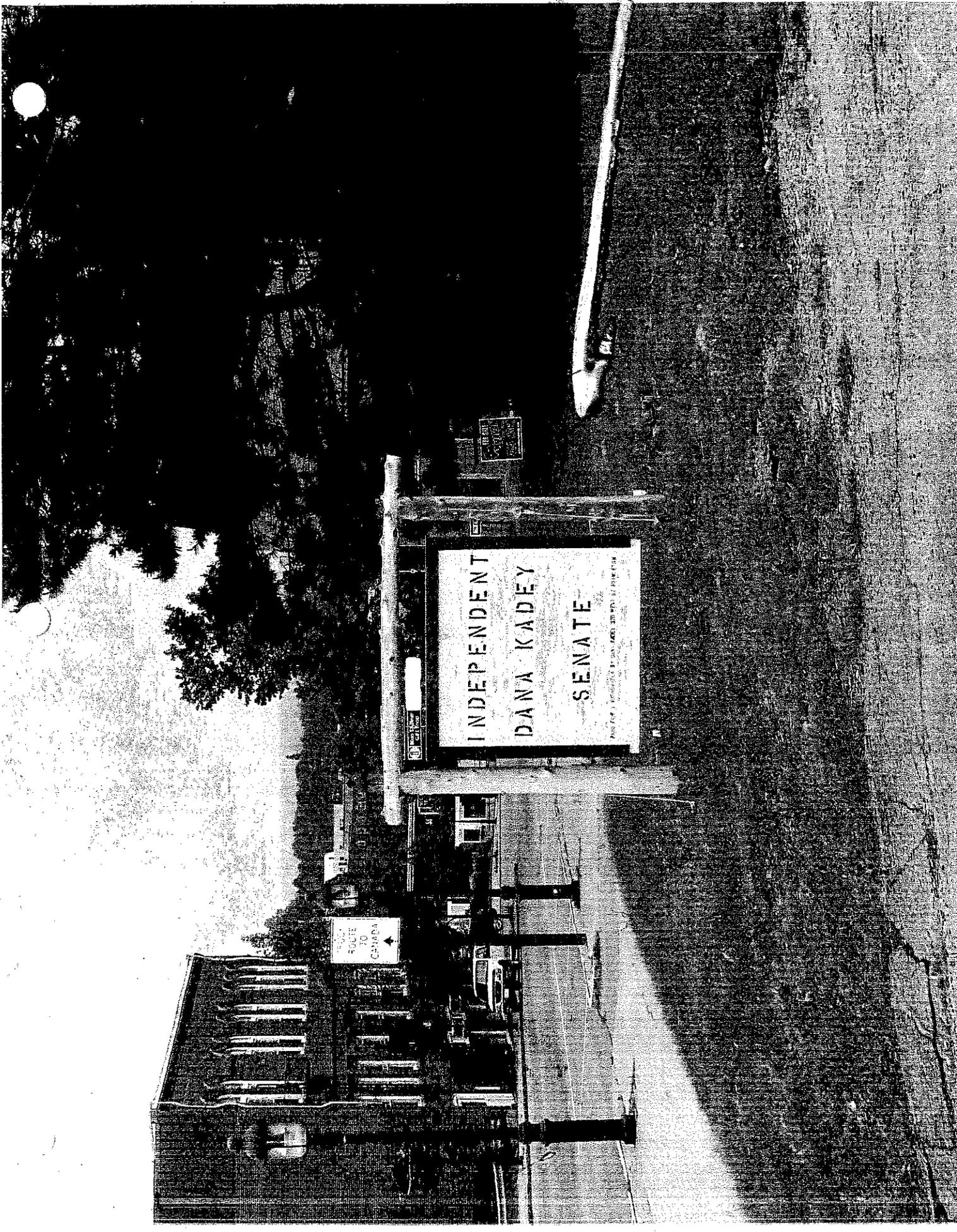
[read it]

I said, "Dana, don't be too hard on yourself. The Commission staff doesn't understand it either!"

Earlier, I mentioned the fact that Jonathon Wayne thought our meeting might be adversarial.

It appears to me that Mr. Wayne is intelligent, articulate and diligent in his pursuit to protect every penny of taxpayer money. He is willing to take the heat in that pursuit and I applaud him. I wish that was the case in all areas of taxpayer money: Methadone Clinics, LIHEAP, Research Grants to the University of Maine, Corporate Welfare, etc. Jonathan Wayne is not my adversary; he is my ally.

In closing, we have the privilege of living in the Greatest Nation in the history of the world. We also have the privilege of living in the best state of that nation. Together, let us continue to strive to make the best better. Again, I thank you.



INDEPENDENT  
DANA KADEY  
SENATE

PAID FOR BY DANA KADEY 300 W. 34th ST. PHOENIX, AZ 85018

ROUTE TO  
CANADA

THE CITY OF...



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

Minutes of the September 2, 2008, Special Meeting  
of the  
Commission on Governmental Ethics and Election Practices  
Regarding Brent Hutchins  
Held in the PUC Hearing Room,  
PUC Building, 242 State Street, Augusta, Maine

Present: Michael Friedman, Esq., Chair; Hon. Francis C. Marsano; Hon. Mavourneen Thompson, and  
Walter F. McKee, Esq. Staff: Executive Director, Jonathan Wayne.

At 9:00 a.m., Chair Michael Friedman convened the meeting.

The Commission considered the petition of Brent Hutchins to remain eligible for certification under the  
Maine Clean Election Act.

Mr. Wayne said that Mr. Hutchins is a replacement candidate for Senate District 25 for the upcoming  
general election. Mr. Wayne explained that Mr. Hutchins made an error regarding seed money  
contributions he collected during his qualifying contribution period. Mr. Hutchins mistakenly collected six  
contributions of \$100 each from businesses instead of individuals. Mr. Hutchins deposited the \$600 into  
his campaign account and within two days of doing so realized his error. He requested the bank issue six  
\$100 checks to those businesses who contributed and he mailed or hand-delivered the money back to them.  
Mr. Hutchins did not spend any of the money received from those businesses. Mr. Wayne said Mr.  
Hutchins did collect the maximum amount in seed money from individuals and spent nearly all of that  
money. Mr. Wayne also said Mr. Hutchins has documentation from the bank proving his deposit of the  
\$600 contributions and the issuance of the bank checks to refund the non-compliant contributions to the  
businesses.

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Mr. Friedman confirmed that Mr. Hutchins was requesting a waiver due to unintentional error. Mr. Friedman asked Mr. Hutchins about the process for replacement candidates, and whether Mr. Hutchins was instructed by the party on the MCEA process.

Mr. Hutchins explained to the Commission members that no one explained the process to him.

Mr. Marsano confirmed that Mr. Hutchins was petitioning the Commission to restore eligibility for certification as a MCEA candidate.

Mr. Hutchins explained he was asked to be a replacement candidate by the Republican Party and was surprised at the request. He said within three or four days of accepting the nomination, he met with someone from the Republican Party. He was told that he needed to raise seed money and collect qualifying contributions. He further stated that once he realized his error, he immediately took steps to refund the money to the businesses.

Mr. Marsano moved that the Commission approve Mr. Hutchins' petition to restore his eligibility for certification as a MCEA candidate under 21-A M.R.S.A. § 1125(2-A)(B) and Chapter 3, Section 2(3)(E) of the Commission's rules and further recognize that Mr. Hutchins complied with the conditions therein.

Ms. Thompson seconded the motion. The motion passed unanimously (4-0).

There being no further business, the meeting was adjourned at 9:07 a.m.

Respectfully submitted,

Jonathan Wayne, Executive Director