

Agenda

Item #5



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

To: Commission Members

From: Jonathan Wayne, Executive Director

Date: January 21, 2009

Re: Recommended Penalty against Frank Weatherhead for Failing to File an Independent Expenditure Report

The staff recommends assessing a civil penalty against Frank Weatherhead, a resident of Caribou, Maine, for not filing a financial report of an independent expenditure in opposition to a 2008 candidate for State Senate. I have spoken to Mr. Weatherhead twice about the requirement to file the report, and he is refusing.

October 29, 2008 Advertisement in the Aroostook Republican Newspaper

Two candidates ran in the 2008 general election for State Senate, District 1: Democrat Troy Jackson (then a member of the State House of Representatives) and Republican Daniel Deveau. Rep. Jackson won the election, and is now a member of the State Senate.

On October 29, 2008, I was telephoned by Troy Jackson concerning the attached advertisement with the heading of "Troy Jackson in Action ..." that ran in that day's Aroostook Republican newspaper. The ad contains a photograph of Troy Jackson in the chamber of the House of Representatives, apparently asleep. (The photo in the faxed copy of the ad that I received is not clear.) The ad contained a disclosure statement that it was paid for by Frank Weatherhead of Caribou, Maine.

Later on October 29, Mr. Weatherhead telephoned me to complain about some advertising by Troy Jackson that he believed was not factual. I told him the Commission had no authority to take action on false candidate advertising, and I took the opportunity to ask him about the ad in the Aroostook Republican. He told me that the advertisement cost him \$787.50, and he authorized me to speak to the Aroostook Republican newspaper to confirm the cost of the ad. He stated that he had paid for the ad with his personal funds and had not been reimbursed by anyone.

That day, I also spoke with Pam Lynch, the business manager for the newspaper chain that includes the Aroostook Republican. She provided me with the attached receipt and accounting record, which confirms that Mr. Weatherhead made a payment of \$787.50 on October 28 to purchase the ad. She told me that Mr. Weatherhead had paid for the ad with a personal check from his bank account. Ms. Lynch said that she had personally

authorized the publication of the ad, and that Mr. Weatherhead had come to the office of the Aroostook Republican on October 28 to arrange for the ad and to discuss the layout.

On the basis of the information provided by Frank Weatherhead and Pam Lynch, on October 29 the Commission staff authorized Rep. Jackson to spend \$787.50 in matching funds. So, his campaign funding was not disadvantaged by Mr. Weatherhead's refusal to file an independent expenditure report.

Frank Weatherhead's Duty to File a Report

Under 21-A M.R.S.A. § 1019-B(1)(B), the advertisement is presumed to be an independent expenditure because it clearly identifies Troy Jackson, a Maine Clean Election Act candidate. In my opinion, the timing of the advertisement six days before the general election and the references to Rep. Jackson's performance in Augusta would make it very hard for Mr. Weatherhead to convince the Commission that he did not intend to influence the election. Under subsection 3 of the statute, Mr. Weatherhead was required to file an independent expenditure report on a form prescribed by the Commission. I have attached a copy of the blank reporting form. To date, he has not filed the report.

Staff Requests to Mr. Weatherhead to File the Report

During the October 29 telephone conversation, I explained to Mr. Weatherhead that he was required to file an independent expenditure report concerning his payment for the ad. He appeared to understand that a report was required. He told me that he might pay for another advertisement in the Bangor Daily News. On October 29, I mailed him the attached letter requesting that he file the independent expenditure report.

To make sure Mr. Weatherhead had full notice of his legal responsibilities and possible assessment of a civil penalty for not filing the report, I sent him additional written notices on:

- November 23, 2008
- December 23, 2008 (signed for by Brooke Weatherhead)
- January 16, 2009 (signed for by Frank Weatherhead)
- January 21, 2009

Telephone Conversation with Frank Weatherhead on January 20, 2009

Frank Weatherhead telephoned me yesterday (January 20) in response to the January 16 notice. Mr. Weatherhead said that he had told me the accurate cost of the advertisement in the Aroostook Republican during our conversation on October 29. He questioned why the Commission needed him to report the expenditure on a paper form. I responded that the Election Law required the report to be in writing on a form developed by the Commission. He brought up again advertising by Troy Jackson which he believed was not factual, and I told him again that the Commission could not take action on false campaign advertising.

I asked Mr. Weatherhead whether he would file the independent expenditure report. He said that he would not. He said something to the effect that he didn't want to "give in" to the Commission. He also said that he would not pay any fine to the Commission -- "not five cents or five thousand dollars."

Mr. Weatherhead asked if the Commission would postpone its meeting because he had a court date on the same day as the Commission meeting. He said something about wanting to find a lawyer. I said to Mr. Weatherhead that if he requested a postponement of the penalty matter because he wanted to attend the Commission's January 29 meeting and would be prevented by a conflict with a court date, I would postpone the penalty matter until the Commission's March 24, 2009 meeting. When he said that the court date was on a Monday, I pointed out to him that the Commission's January 29 meeting was on Thursday. I asked him whether he could come to the Commission meeting on January 29. He told me that he would call me back.

After not hearing from him for two hours, I left him a voicemail message yesterday asking to confirm whether he wanted the Commission to postpone the penalty matter until the March meeting. I have not heard back. Accordingly, I am presently leaving this matter scheduled for your January 29 meeting.

November 10, 2008 Complaint by Troy Jackson (Partly Withdrawn)

Troy Jackson filed a complaint on November 10, 2008 that is partly concerned with Aroostook Republican newspaper advertisement. As it relates to the newspaper ad, Mr. Jackson writes:

I am requesting that you do an investigation into my State Senate race. I believe that there were events that transpired that were unfair and unethical. I am confident that in one instance, a Mr. Frank Weatherhead was supplied a picture of me by the Maine Republican party. He then went on to have the picture used in an advertisement that was paid for from money from the Republican Party.

A former Senate Republican leader acknowledged in an October 31, 2008 press article (attached) that Senate Republicans had spoken to Mr. Weatherhead. It would not be surprising if Mr. Weatherhead received assistance from some politically experienced source regarding the content of the ad. That does not necessarily mean, however, that the Senate Republican caucus or the state party paid for the ad.

Sen. Jackson's complaint also concerns a mass mailing of a handwritten note (attached) purportedly signed by Mr. Weatherhead that includes photographs of Sen. Jackson. The mailing was sent to residents of District 1 in envelopes bearing Mr. Weatherhead's name and address. The mailing was financed by a political action committee (PAC) of another 2008 Senate Republican leader. The PAC filed a timely independent expenditure report stating that the total cost of the mailing was \$2,400. In the complaint, Sen. Jackson

asserts that the PAC did not report the full cost of the mailing. After the PAC responded to the complaint by submitting written materials supporting the reported cost of \$2,400, Mr. Jackson withdrew his complaint as it relates to the PAC's reporting of the cost of the mailing, so that issue is not presently before you.

I expect that Mr. Jackson continues to have doubts that Mr. Weatherhead was the ultimate source of the financing for the Aroostook Republican advertisement. He may attend the January 29 meeting and express those doubts to you directly. If you wish me to conduct further investigation regarding the issue of who paid for the ad, I am happy to perform whatever actions you believe would be fruitful.

Staff Recommendation

The Commission is authorized under 21-A M.R.S.A. § 1020-A(8-A) to assess a penalty when a person fails to file an independent expenditure report required under 21-A M.R.S.A. § 1019-B(3). The maximum penalty is \$5,000, which is listed in § 1020-A(5-A)(A). The statute does not list any factors in § 1020-A(8-A) that the Commission must consider when assessing a penalty for failing to file a report. You could choose to consider some of the circumstances listed as mitigating factors in § 1020-A(2) when a report is filed late, but you are not bound by those factors. For my part, I find the following considerations to be relevant:

Mitigating factors

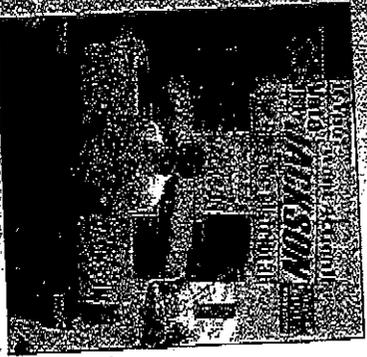
- After speaking to Mr. Weatherhead twice, he strikes me as someone who does not have much experience with campaigns or campaign finance reporting requirements.
- Mr. Weatherhead cooperated with me on October 29, 2008 by providing me with the cost of the advertisement.
- As a result, Troy Jackson received the correct amount of matching funds on the correct date.

Aggravating factors

- Mr. Weatherhead is intentionally refusing to file the report. I cannot think of another example in my tenure of any individual or organization which has failed to file an independent expenditure report once they were apprised of the legal requirement to do so. He does not dispute that the report is due.
- The duty to file the independent expenditure report for the newspaper ad lies with Mr. Weatherhead (provided that he is the party that ultimately financed the ad), not with any individuals who helped him with the content of the ad. Nevertheless, if Mr. Weatherhead had been genuinely interested in understanding his legal

responsibility to file a report, those individuals may have been able to serve as a source of information for Mr. Weatherhead about the legal requirement.

Based on these considerations, the Commission staff recommends the assessment of a \$250 penalty against Mr. Weatherhead, but we recognize that you may weigh these factors differently.



Troy in the County
Troy in Augusta



Photo for by Frank Weatherhead, Coddage Ave., Caribou

Political Advertisement

Troy Jackson in Action...

- X Missed 91 votes in last session
- X Voted for school consolidation
- X Voted to raise taxes on beverages
- X Voted to raise taxes on Health Care claims
- X Absent for vote on bill to allow Mainers to buy cheap health care outside of Maine

RECEIVED

2-2-08

MAINE ETHICS COMMISSION

For Jonathon Wayne

CASH RECEIPT

AROOSTOOK  REPUBLICAN Houlton Pioneer Times
 The Piscataquis Observer THE STAR-HERALD

Date 10-28-08

Rec'd of Frank Weatherhead

Cash Classified \$ _____ Charge Classified \$ _____

Display \$ 787.50 Account # 9-7

Photocopies: _____ Explanation 1/2 page AR

Photo Reprints: _____ WK #44

Circulation \$ _____ Rate: _____

Misc. \$ _____

Counter Sales Wk # _____ Check # 896

Job Prtg: _____ Total \$ 787.50

156611

By Hayes

DATE: 10/31/08

NORTHEAST PUBLISHING CO.
MANIFEST INQUIRY REPORT

PAGE: 1

PREPAID DISPLAY

ACCOUNT: 999997

AD REFERENCE NUMBER: 423351

JACKET: 306764

PRODUCTION PAPER: 02 AR

START: 10/29/08 STOP: 10/29/08

POSITION CODE:

TRANSACTION CODE: 08 POLITICAL

WED

POSITION:

TAG LINE: WEATHERHEAD/TROY JACKSON

WEEKLY CYCLE: 1

ACTUAL POSITION:

SALESREP: 01 GAYLE JACKSON AR

TIMES ORDERED: 1 BILLED: 0

SIZE: 6 X 10.50 63.00 INCHES

----- SPECIAL CHARGES -----

PROOF REQUIRED: N

BILLING SIZE: .00 INCHES

COUPON: N

BILLING PAPER: 02 AR

COLOR:

OPEN RATE: 12.500

COMMENT:

AD PRICE: 787.50 PREPAID

21-A M.R.S.A. § 1019-B - REPORTS OF INDEPENDENT EXPENDITURES

1. Independent expenditures; definition. For the purposes of this section, an "independent expenditure":

A. Is any expenditure made by a person, party committee, political committee or political action committee, other than by contribution to a candidate or a candidate's authorized political committee, for any communication that expressly advocates the election or defeat of a clearly identified candidate; and [2003, c. 448, §3 (NEW).]

B. Is presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5 to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 21 days, including election day, before a primary election; the 35 days, including election day, before a general election; or during a special election until and on election day. [2007, c. 443, Pt. A, §20 (AMD).]

[2007, c. 443, Pt. A, §20 (AMD) .]

2. Rebutting presumption. A person presumed under this section to have made an independent expenditure may rebut the presumption by filing a signed written statement with the commission within 48 hours of making the expenditure stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate, supported by any additional evidence the person chooses to submit. The commission may gather any additional evidence it deems relevant and material and must determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.

[2003, c. 448, §3 (NEW) .]

3. Report required; content; rules. A person, party committee, political committee or political action committee that makes independent expenditures aggregating in excess of \$100 during any one candidate's election shall file a report with the commission. In the case of a municipal election, a copy of the same information must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements and matching fund provisions under chapter 14. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2003, c. 448, §3 (NEW).]

B. A report required by this subsection must contain an itemized account of each contribution or expenditure aggregating in excess of \$100 in any one candidate's election, the date and purpose of each contribution or expenditure and the name of each payee or creditor. The report must state whether the contribution or expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation whether the contribution or expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate. [2003, c. 448, §3 (NEW).]

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. [2003, c. 448, §3 (NEW).]

[2003, c. 448, §3 (NEW) .]

21-A MRSA § 1020-A. FAILURE TO FILE ON TIME

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$10. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

[1995, c. 483, §15 (NEW) .]

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; [1999, c. 729, §5 (AMD) .]

B. An error by the commission staff; [1999, c. 729, §5 (AMD) .]

C. Failure to receive notice of the filing deadline; or [1999, c. 729, §5 (AMD) .]

D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service. [1999, c. 729, §5 (NEW) .]

[2007, c. 443, Pt. A, §21 (AMD) .]

3. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.

[1995, c. 625, Pt. B, §5 (AMD) .]

4. Basis for penalties.

[2001, c. 470, §7 (AMD); T. 21-A, §1020-A, sub-§4 (RP) .]

4-A. Basis for penalties. The penalty for late filing of a report required under this subchapter, except for accelerated campaign finance reports required pursuant to section 1017, subsection 3-B, is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

A. For the first violation, 1%; [2001, c. 714, Pt. PP, §1 (NEW); 2001, c.

714, Pt. PP, §2 (AFF).]

B. For the 2nd violation, 3%; and [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]

C. For the 3rd and subsequent violations, 5%. [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.

The penalty for late filing of an accelerated campaign finance report as required in section 1017, subsection 3-B may be up to but no more than 3 times the amount by which the contributions received or expenditures obligated or made by the candidate exceed the applicable Maine Clean Election Fund disbursement amount, per day of violation. The commission shall make a finding of fact establishing when the report was due prior to imposing a penalty under this subsection. A penalty for failure to file an accelerated campaign finance report must be made payable to the Maine Clean Election Fund. In assessing a penalty for failure to file an accelerated campaign finance report, the commission shall consider the existence of mitigating circumstances. For the purposes of this subsection, "mitigating circumstances" has the same meaning as in subsection 2.

[2007, c. 443, Pt. A, §22 (AMD) .]

5. Maximum penalties.

[2001, c. 470, §8 (AMD); T. 21-A, §1020-A, sub-§5 (RP) .]

5-A. Maximum penalties. Penalties assessed under this subchapter may not exceed:

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D or F; section 1017, subsection 4; and section 1019-B, subsection 3; [2003, c. 448, §4 (AMD).]

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E; [2003, c. 628, Pt. A, §4 (AMD).]

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; [2003, c. 628, Pt. A, §4 (AMD).]

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B; or [2003, c. 628, Pt. A, §4 (AMD).]

E. Three times the unreported amount for reports required under section 1017, subsection 3-B, if the unreported amount is less than \$5,000 and the commission finds that the candidate in violation has established, by a preponderance of the evidence, that a bona fide effort was made to file an accurate and timely report. [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]

[2003, c. 628, Pt. A, §4 (AMD) .]

6. Request for a commission determination. Within 3 days following the filing deadline, a notice must be sent to a candidate and treasurer whose registration or campaign finance report is not received by 11:59 p.m. on the deadline date, informing them of the basis for calculating penalties under subsection 4 and providing them with an opportunity to request a commission determination. The notice must be sent by certified United States mail. Any request for a determination must be made within 10 calendar days of receipt of the commission's notice. The 10-day period during which a determination may be requested begins on the day a recipient signs for the certified mail notice of the proposed penalty. If the certified letter is refused or left unclaimed at the post office, the 10-day period begins on the day the post office indicates it has given first notice of a certified letter. A candidate or treasurer requesting a determination may either appear in person or designate a representative to appear on the candidate's or treasurer's behalf or submit a notarized written explanation of the mitigating circumstances for consideration by the commission.

[2007, c. 443, Pt. A, §23 (AMD) .]

7. Final notice of penalty. If a determination has been requested by the candidate and made by the commission, notice of the commission's final determination and the penalty, if any, imposed pursuant to this subchapter must be sent to the candidate and the treasurer.

If no determination is requested, the commission staff shall calculate the penalty as prescribed in subsection 4-A and shall mail final notice of the penalty to the candidate and treasurer. A detailed summary of all notices must be provided to the commission.

[2007, c. 443, Pt. A, §24 (AMD) .]

8. Failure to file report. The commission shall notify a candidate who has failed to file a report required by this subchapter, in writing, informing the candidate of the requirement to file a report. The notice must be sent by certified mail. If a candidate fails to file a report after 2 notices have been sent by the commission, the commission shall send a final notice by certified mail informing the candidate of the requirement to file and that the matter may be referred to the Attorney General for criminal prosecution. A candidate who fails to file a report as required by this subchapter after the commission has sent the notices required by this subsection is guilty of a Class E crime.

[2007, c. 443, Pt. A, §25 (AMD) .]

8-A. Penalties for failure to file report. The penalty for failure to file a report required under this subchapter may not exceed the maximum penalties as provided in subsection 5-A.

[2003, c. 628, Pt. A, §6 (NEW) .]

9. List of late-filing candidates. The commission shall prepare a list of the names of candidates who are late in filing a report required under section 1017, subsection 2, paragraph C or D or section 1017, subsection 3-A, paragraph B or C within 30 days of the date of the election and shall make that list available for public inspection.

[1995, c. 483, §15 (NEW) .]

10. Enforcement. The commission staff has the responsibility for collecting the full amount of any penalty and has all necessary powers to carry out this responsibility. Failure to pay the full amount of any penalty levied under this subchapter is a civil violation by the candidate, treasurer, political party or other person whose campaign finance activities are required by this subchapter to be reported. Thirty days after issuing the notice of penalty, the commission shall report to the

Attorney General the name of any person who has failed to pay the full amount of any penalty. The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the penalty. This action must be brought in the Superior Court for Kennebec County or the District Court, 7th District, Division of Southern Kennebec.

[1999, c. 426, §33 (AMD) .]



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

October 29, 2008

Frank Weatherhead
15 Coolidge Avenue
Caribou, ME 04736

Dear Mr. Weatherhead:

I have attached two blank independent expenditure reporting forms, and two return envelopes. Please fill out the report for the ad that ran today in the Aroostook Republican. The report is already late, so please file it right away. Please feel free to fax it to 287-6775, and mail the original.

If you place an ad in the Bangor Daily News, please fill out the form so that we receive it within one day of when you order the ad in the newspaper. You can file the form by fax, provided that we receive the original by mail. I would also appreciate you telephoning me at 287-4179 and telling me the cost of the Bangor advertisement if you decide to run it.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Wayne".

Jonathan Wayne
Executive Director



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

November 19, 2008

Frank Weatherhead
15 Coolidge Ave
Caribou, ME 04736

Dear Mr. Weatherhead:

On October 29, 2008, you confirmed by telephone that you had placed the attached advertisement regarding Rep. Troy Jackson in the Aroostook Republican newspaper costing \$787.50. You stated to me that you had paid for the ad yourself and were not reimbursed by any candidate or other person.

During the last 35 days before an election, advertisements mentioning a Maine Clean Election Act candidate are presumed to involve an independent expenditure that must be disclosed on a financial report filed with the Commission. On October 29th, I mailed to you two blank independent expenditure reporting forms and requested that you file a report concerning the Aroostook Republican ad. The independent expenditure report was due in our office on October 29, 2008, which was the day after you made an obligation to pay for the advertisement. **The Election Law imposes a civil late-filing penalty which increases daily, so I urge you to file the report as soon as you can.** Please note that the second page of the form must be notarized. (If it was not your intention to influence the November 4, 2008 election, please file a written statement explaining the purpose for the advertisement.)

Also, the Commission received the attached request for investigation from Troy Jackson suggesting that the money for the advertisement was provided by the Maine Republican Party. His complaint likely will be considered by the Commission at its meeting on Monday, December 29th at 9:00 a.m. When you file the independent expenditure report, please include a written note verifying whether or not you received reimbursement from any other source for the cost of the advertisement.

Thank you for your cooperation. If you have any questions, please telephone me at 287-4179.

Sincerely,

Jonathan Wayne
Executive Director

cc: Rep. Troy Jackson



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

December 23, 2008

BY CERTIFIED MAIL/RETURN RECEIPT REQUESTED & REGULAR MAIL

Frank Weatherhead
15 Coolidge Ave
Caribou, ME 04736

Dear Mr. Weatherhead:

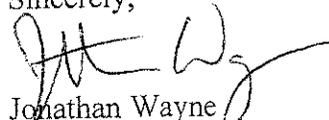
This is to notify you that the Maine Ethics Commission will consider your failure to file an independent expenditure report disclosing the cost of your October 29, 2008 advertisement in the Aroostook Republican newspaper concerning Troy Jackson.

Although you telephoned me on October 29 and told me the cost of the ad, Maine Election law required you to file a report of the expenditure on a form prepared by the Commission within one day of making the expenditure. The report was required to include a sworn statement that you made the expenditure independently of the candidates listed in the report. (21-A M.R.S.A. § 1019-B) During our telephone conversation on October 29, I requested that you file the report, and I wrote you on October 29 and November 19 requesting the report. To date, we have not received it.

At the meeting of the Commission on Thursday, January 29, 2009 at 9:00 a.m., the Commission staff will recommend the assessment of a civil penalty against you under 21-A M.R.S.A. § 1020-A(8-A) for your failure to file an independent expenditure report. The maximum penalty for failing to file this report is \$5,000, but the staff expects to recommend a penalty of \$500 or less in light of your cooperation with the Commission staff by telephone on October 29. You may respond to the proposed violation and penalty in person at the Commission meeting on January 29, which will be held at the Public Utilities Commission Hearing Room, 242 State Street in Augusta. You may also respond in writing to the proposed penalty by submitting a response no later than Monday, January 19, 2008.

Please call me at 287-4179 if you have any questions regarding this matter.

Sincerely,



Jonathan Wayne
Executive Director

cp

cc: Hon. Troy Jackson
Daniel Deveau

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Frank Weatherhead
 15 Coolidge Ave
 Cairborn
 04736

2. Article Number
 (Transfer from service label)

7007 0710 0000 0935 7855

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 X *Frank Weatherhead* Addressee

B. Received by (Printed Name) C. Date of Delivery
Frank Weatherhead *12-26-05*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: NO

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes



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

January 16, 2009

BY CERTIFIED MAIL/RETURN RECEIPT REQUESTED & REGULAR MAIL

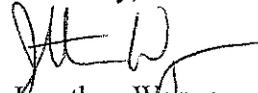
Frank Weatherhead
15 Coolidge Ave
Caribou, ME 04736

Dear Mr. Weatherhead:

This is to notify you that the Maine Ethics Commission will consider your failure to file an independent expenditure report disclosing the cost of your October 29, 2008 advertisement in the Aroostook Republican newspaper concerning Troy Jackson. At the meeting of the Commission on Thursday, January 29, 2009 at 9:00 a.m., the Commission staff will recommend the assessment of a civil penalty against you under 21-A M.R.S.A. § 1020-A(8-A) for your failure to file an independent expenditure report. The maximum penalty for failing to file this report is \$5,000, but the staff expects to recommend a penalty of \$500 or less in light of your cooperation with the Commission staff by telephone on October 29. You may respond to the proposed violation and penalty in person at the Commission meeting on January 29, which will be held at the Public Utilities Commission Hearing Room, 242 State Street in Augusta.

Please call me at 287-4179 if you have any questions regarding this matter.

Sincerely,


Jonathan Wayne
Executive Director

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Frank Weatherhead
15 Coolidge Ave
Caribou, ME 04736

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
Frank Weatherhead Addressee
B. Received by (Printed Name) C. Date of Delivery
Frank Weatherhead *1-20-09*
D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes No

2. Article Number 7007 0710 0000 0935 8029
(Transfer from service)
PS Form 3811, February 2004 Domestic Return Receipt



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

January 21, 2009

BY CERTIFIED MAIL/RETURN RECEIPT REQUESTED & REGULAR MAIL

Frank Weatherhead
15 Coolidge Ave
Caribou, ME 04736

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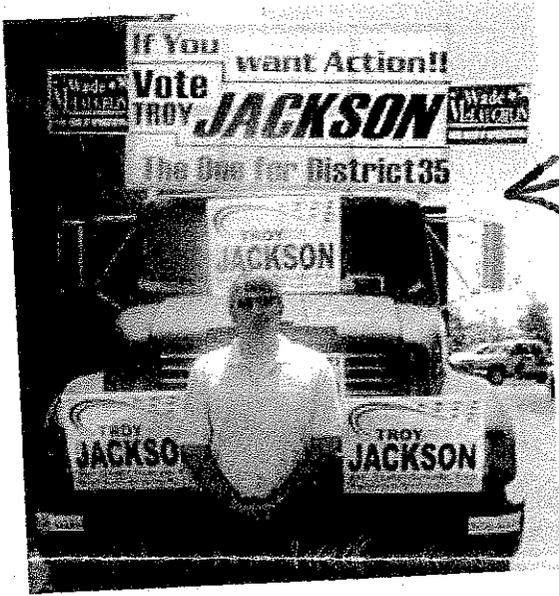
If you have any questions, please telephone me at 287-4179. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Wayne".

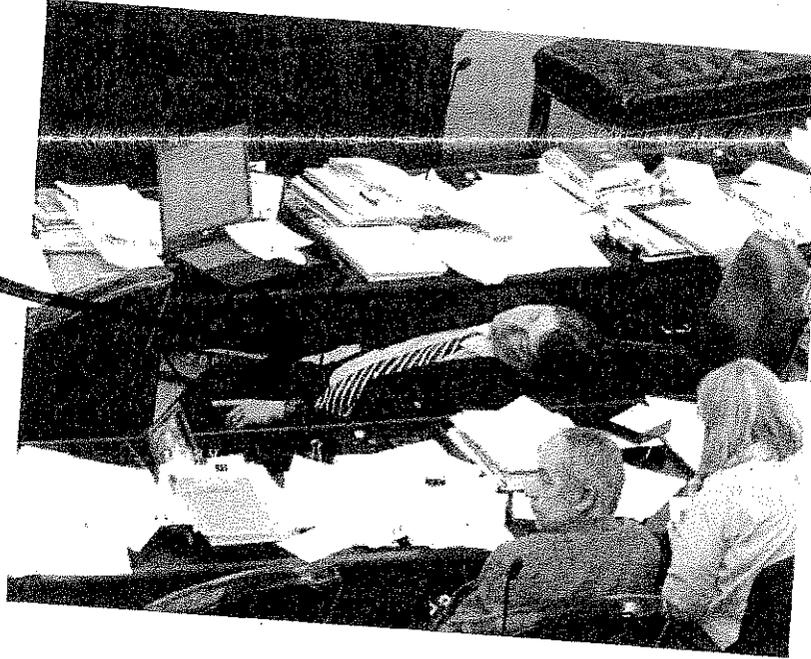
Jonathan Wayne
Executive Director

Is Troy Jackson Ready For the State-Senate!

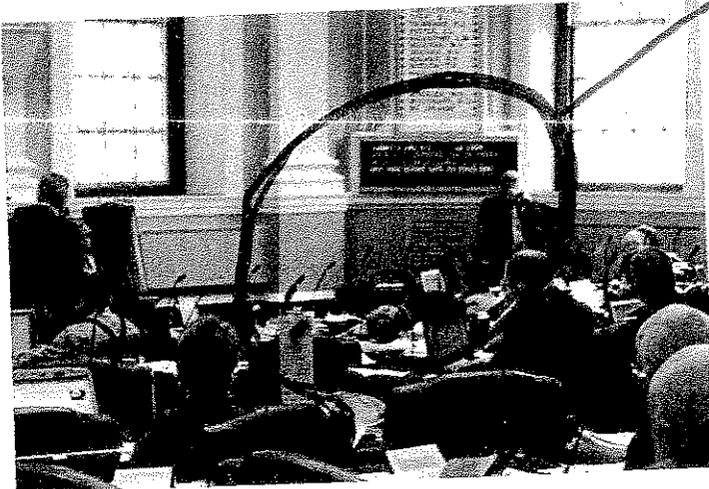


Troy in Arrostook County.
It looks like he's ready to lead.

Here is Troy in the
Maine House of Representatives.
Not much action out of
him there...



While Troy was napping away,
the House was debating a bill.

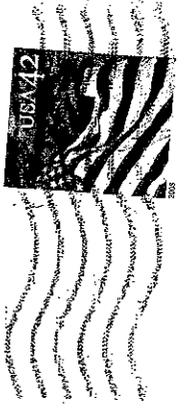


Nap time is over.

It's time to elect a real
leader who is up to the job.

Vote for Danny Deveau for State Senate on Nov 4

Bank Weatherhead
Coolidge Ave.
Limestone, ME 04736



SO. MAINE. F58DC 040
31 OCT 2006 PM 5 T

[REDACTED] FAMILY
14 GARDEN CT
LIMESTONE, ME 04750-6330

04750+6330



Login

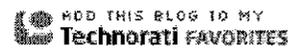
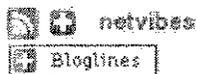
SEA

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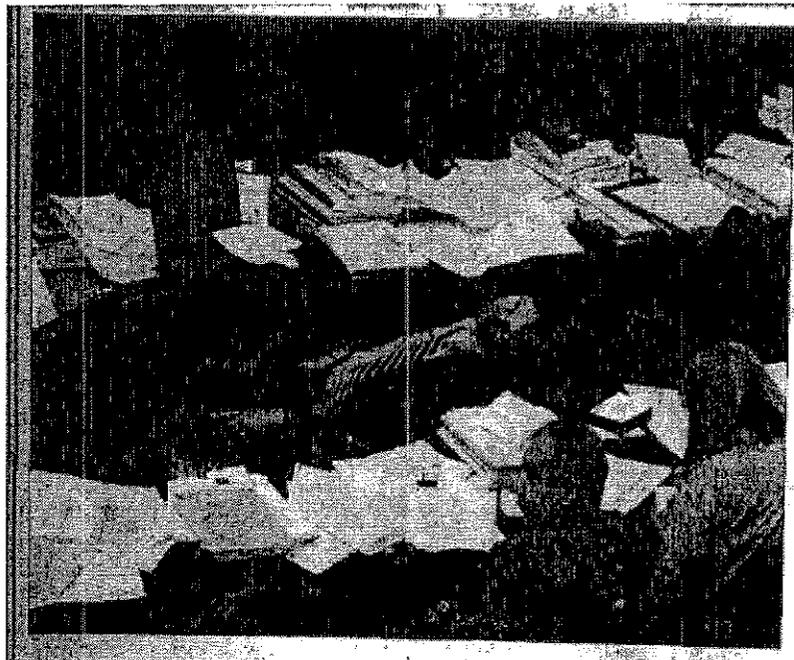
THE NEW YORK OBSERVER

NEWS

October 31, 2008 - 1:54am

Newspaper ad shows Jackson snoozing in chamber

By JESSICA ALAIMO, PolitickerME.com Reporter



A newspaper ad showing a picture of Rep. Troy Jackson (D-Fort Kent) asleep in the House chamber is causing a stir in Maine's northernmost district.

It also may become an issue in Jackson's current bid for the Senate – not for the content itself but for the initial explanation he gave.

Jackson is running for Senate District 1 against Danny Deveau (R-Cyr Plantation). The seat is being vacated by John Martin (D-Eagle Lake) who is termed out and going back to the House.

The ad shows Jackson asleep, with the text accusing him of missing votes

WA

Sign

Most A
READ

1. Prop rule
2. Autc sho
3. Mair
4. Pres
5. Inau
6. Wha
7. Busi leas
8. I hav
9. Inau
10. Cha

and voting to raise taxes.

Jackson told WAGM in Presque Isle that the House wasn't in session when the picture was taken, and it was when he was suffering health problems and awaiting heart surgery. Deveau told the station that he had nothing to do with the ad.



Senate Minority Leader Carol Weston (R-Montville) said that the Senate Republicans were speaking with Frank Weatherhead of Caribou, who purchased the ad, and also talking to the individual who took the picture.

She said the House was in session when it was taken, they have another shot that shows the screen behind him.

This makes it an issue for the Senate Republicans – that he lied about the circumstances of his nap.

"Why say that if it wasn't true," she said.

House majority leader Hannah Pingree (D-North Haven) said that the Democrats have pictures of people from both parties sleeping in the chamber, but won't use them. With the new cameras in the House, staff or anyone watching online can take a picture if someone is on screen sleeping.

"Debates get long, and many representatives get tired," Pingree said.

She added that she was disappointed that someone would use this against Jackson, given that he had a serious health problem at the time.

Jessica Alaimo is a PolitickerME.com Reporter and can be reached via email at jessica.alaimo@politickerme.com.

RELATED TOPICS: TROY JACKSON, DANNY DEVEAU, CAROL WESTON

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Comments

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Pathetic

posted by YOU WORK FOR ME

Pathetic individual (Cough Cough) working to raise taxes while sleeping on the job. Then he lies about it. What's worse is the gagle tax and spend dems defend him. Ofcourse they have to say that both parties do it, BS.

Dock his pay for everyday he was sleeping on the job.

10/31/08 8:27 am
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- Michaud S
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- Oct 27 2008

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INDEPENDENT EXPENDITURE REPORT – 2008 GENERAL ELECTION

Name of Person/Committee Making Expenditure(s) _____

Mailing Address _____

City, Zip Code _____ Telephone _____

Please check the appropriate box for the report you are filing and complete the notarized affidavit and attached schedules. Reports must be filed on Saturday or Sunday if that is when they are due by faxing the report to the Commission (287-6775). The Commission must receive the signed original report within 5 days after the fax was received.

INDEPENDENT EXPENDITURES OF MORE THAN \$250 PER CANDIDATE

- Independent expenditures of more than \$250 per candidate per election must be reported to the Commission within 24 hours of making the expenditure.
 - Once the aggregate amount per candidate exceeds \$250, any additional expenditures, regardless of amount, must be reported within 24 hours.
- Report of Independent Expenditure over \$250 per Candidate**

INDEPENDENT EXPENDITURES OF MORE THAN \$100 AND UP TO \$250 PER CANDIDATE (SELECT ONE REPORT)

- If the total of expenditures per candidate exceeds \$100 but is not more than \$250, the expenditures must be reported according to the schedule below.
- Once the amount per candidate exceeds \$100, all subsequent expenditures must be reported, regardless of amount, up to \$250 per candidate. Once the amount spent per candidate exceeds \$250 in the aggregate, independent expenditures must be reported within 24 hours.
- Do not include expenditures that you listed in previously filed reports.
- During the 13-day period before an election, all independent expenditures must be reported within 24 hours.

GENERAL ELECTION REPORTS

Reporting Period	Filing Deadline
<input type="checkbox"/> Through July 5	July 15
<input type="checkbox"/> Through September 30	October 10
<input type="checkbox"/> Through October 21	October 24
<input type="checkbox"/> October 22 - November 4	Within 24 Hours
<input type="checkbox"/> Through December 9	December 16

OTHER

- Amendment to report dated: _____
- Other (specify): _____

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

 Signature of PAC or Party Treasurer, or
 Other Authorized Person Making Expenditure(s)

 Date



INDEPENDENT EXPENDITURE REPORT – 2008 GENERAL ELECTION

AFFIDAVIT

STATE OF _____

COUNTY OF _____

_____, being duly sworn, attests that he/she made each of the expenditures listed in the attached report independently, and not in cooperation, consultation, or concert with, or at the request or suggestion of, the candidates named in the report or the authorized committees or agents of the candidates.

(Signature of Affiant)

Sworn to before me, this _____ day of _____ 2008

(Notary Public/Attorney at Law)

Schedule B-IE-2

PAYMENTS AND OBLIGATIONS

- Please indicate the date, payee, expenditure type, and amount of each expenditure.
- If you are reporting an agreement or obligation to make a future payment, please check (✓) the box next to the expenditure type.

Expenditure Types			
LIT	Printing and graphics (flyers, signs, palmcards, etc.)	PRT	Print media ads only (newspapers, magazines)
MHS	Mail house (all services purchased)	RAD	Radio ads, production costs
PHO	Phone banks, automated telephone calls	TVN	TV or cable ads, production costs
POL	Polling and research survey	WEB	Website design, registration, hosting, maintenance, etc.
POS	Postage for U.S. Mail and mail box fees	OTH	Other (include description)

Date of expenditure	Payee, address, zip code	Expenditure type	✓	Amount
A. Expenditures for this page ⇒				
B. Total for all other Schedule B-IE-2 pages (if any) ⇒				
C. Total independent expenditures for this reporting period (A+B). ⇒				
<i>This amount should equal the total amount for all candidates listed on Schedule B-IE-1.</i>				

Schedule B-IE-3

EXPENDITURE DETAILS

- If you file an independent expenditure report after October 27, 2008 for the general election, you must provide the following information.

<p>1. The date on which the person making the expenditure placed the order with the vendor for the goods or services</p>	
<p>2. The approximate date when the vendor began providing design or any other services in connection with the expenditure</p>	
<p>3. The date on which the person making the expenditure first learned of the total amount of the expenditure</p>	
<p>4. A statement why the expenditure could not be reported by the eighth day before the election</p>	