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December 13, 2019

***Via Email: Jonathan.Wayne@maine.gov
and U.S. Mail***

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

Re: Portland Mayoral Complaint

Dear Jonathan:

This is in response to your email of December 10 asking the following, with respect to Dory Waxman and Elliot Vrana:

- Have they ever served as a treasurer of a political action committee or a party committee in the context of a candidate election?
- If so, did those PACs or party committees spend money on communications to voters that required the committees to file independent expenditure reports with the Commission or local municipal clerk?

The answer to the first question, which also answers the second, is no. Although Dory has been involved over the years in numerous political campaigns in a variety of capacities, those campaigns were the campaigns of candidates (including several campaigns of Ethan Strimling); she has never served as the treasurer of a political action committee or a party committee in the context of a candidate election. Similarly, Elliot Vrana has never served in either such capacity. His only previous experience prior to this year's Portland mayoral race was as the treasurer of a ballot committee working on a single referendum issue in 2017.

We would also urge the staff and Commission to take into account the absence of any failure to report here. Although the Strimling Campaign hyperventilates about disclosure in its December 9 letter, asserting that the people of Portland were "left in the dark" for over a month about who was funding UnitePortland, nothing could be further from the truth—as the Strimling Campaign's own emails demonstrate, they were fully aware of who was funding UnitePortland and used it aggressively in their campaign. For example, as far back as August, the Strimling Campaign put out a fundraising blast announcing "BREAKING NEWS"—the creation of the

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PAC—and an attack on its leadership. They put out a similar fundraising pitch on September 2. On October 8, they solicited contributions based on UnitePortland's *filed* campaign finance report: "Nearly 100% of the PAC's funds are coming from just **FOUR** Portland **developers**." And on October 25th, after another report had been filed, they put out yet another fundraising blast about both the contributors and the expenditures:

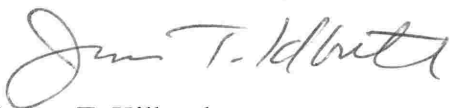
"[T]he Republican-led attack PAC trying to defeat our campaign has just dumped **ANOTHER** \$15,000 into attack ads over the final 12 days of the campaign.

That is over \$1,000 a day."

Thus, it could not be clearer that, not only were the people of Portland not "left in the dark," but also they were aggressively informed about the PAC and its contributions and expenditures by the Strimling Campaign itself. Copies of these fundraising emails are attached. *See* Exhibit A.

Finally, in evaluating the Strimling Campaign's complaint, the Commission should be aware of recent fundraising efforts by the former Mayor. Copies of those efforts are attached. *See* Exhibit B. It appears from both the tone and content of their submission--as amplified in these emails--that they are more interested in boosting a fundraising effort for some unknown entity than in a serious evaluation of the matter before the Commission.

Sincerely,



James T. Kilbreth

JTK/sab

Enclosures

cc: Dory Waxman (w/enclosures)

BREAKING: Big money PAC launched to stop us Inbox x



Mayor Ethan Strimling <info@email.actionnetwork.org> [Unsubscribe](#)
to me =

Thu, Aug 29, 4:45 PM ☆ ↶ ⋮

BREAKING NEWS: We've gotten word that a big money PAC has just been launched to defeat our campaign for re-election.

The head of the PAC is one of the leaders of a campaign to block badly needed repairs for our crumbling elementary schools, and one of the most conservative and pro-developer former members of the city council is helping them raise money.

Will you rush an urgent donation to help make sure we have the resources to help fight back and win?

I'll be honest, I'm not surprised that these attacks are coming. Our opponents have raised tens of thousands of dollars from Republicans and luxury condo developers, and the Chamber of Commerce has been signaling for months that they plan to go big to defeat us.

They simply can't stand the results we're getting for workers, the environment, our schools, and affordable housing.

But it's now clearer than ever that this election is going to be a battle for the future of Portland. Will we have a mayor who brings the people's voices into City Hall--or a mayor who only listens to high-end condo developers and the Chamber of Commerce?

We can win--but I CANNOT do it alone. I need you with me.

Will you rush an urgent donation to help make sure we have the resources to counter the special interest attacks that we know are coming at us? Whatever you can afford is great. Every little bit helps.

Our big money corporate opposition will do whatever it takes to regain control of City Hall. There's too much at stake for Portland to let that happen.

--Ethan



Ethan has spent his career— as Mayor of Portland, director of LearningWorks, and Maine State Senator, working fearlessly to get **results that matter** to everyday people and will not waiver from fighting for those values. He will stand up and advocate for those without a voice even when others will not.

CONTRIBUTE

We have a problem Inbox x



Ethan Strimling <info@email.actionnetwork.org> [Unsubscribe](#)
to me ▾

Mon, Sep 2, 10:16 AM ☆ ↶ ⋮

Last week, a big money PAC was launched with the sole purpose of defeating our grassroots campaign for re-election, and they've already cut their first attack ad.

But the news is even worse than that. **You see, there are NO LIMITS on campaign contributions to PACs. So the wealthiest special interests in Portland can spend literally any amount of money to attack us.**

If the luxury condo **developers**--who support my opponent, real estate attorney Spencer Thibodeau--want to spend \$300,000 to defeat us like they did to stop rent stabilization in 2017, there's nothing stopping them.

Now more than ever I'm counting on your help. Will you make a donation to help me stand up to the big money PACs and keep your voice in City Hall?

We know that the big money special interests in Portland are desperate to stop our re-election campaign. Real estate lawyer Spencer Thibodeau's campaign has raised 70 percent of his money from Republicans, **developers**, lawyers, real estate interests, and the finance industry.

It's obvious why these special interests would back Spencer over us:

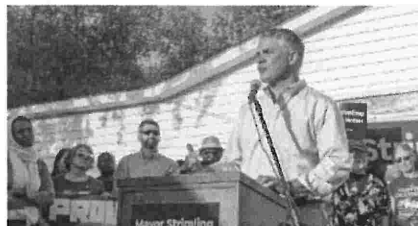
- I voted for the ordinance to extend earned paid sick days to all Portlanders. Spencer cast the deciding vote to kill it.
- I voted against cutting \$1 million from the school budget in 2018. Spencer voted for the cuts.
- I voted to strengthen the city-wide pesticides ban by increasing protections around waterways and removing loopholes for pesticide applicators to exploit. Spencer voted against those pro-environment amendments.
- I voted to require more workforce housing in new developments. Spencer voted with the luxury condo **developers**.
- I voted to limit AirBnBs to one listing per household, while Spencer voted to allow up to five per household, taking hundreds of units off the rental market and worsening the housing crisis.

The PAC trying to defeat us was started by one of the leaders of the campaign to kill the bond to repair the city's four crumbling elementary schools, Longfellow, Lyseth, Presumpscot, and Reiche. A pro-**developer** former city councilor and health care industry lobbyist is helping them raise money.

This election is a battle for the future of Portland. Will you stand with me?

[Click here to make a donation to help make sure we have the resources to stand up to the special interest attacks and win.](#)

--Ethan



Headline: Landlords Buy Portland Election, Again! Inbox x



Mayor Ethan Strimling <info@email.actionnetwork.org>
to me

Tue, Oct 8, 2:51 PM ☆ ↶ ⋮

Mayor Strimling Results that Matter

Today's headline in the paper was no surprise:



Landlords, developers spending to unseat mayor

The shady, big-money PAC that formed two months ago is being funded by powerful **developers**, multi-million dollar hotel moguls, and those directly responsible for the city's lack of affordable housing.

And...their donors are also almost all connected to my opponent Spencer Thibodeau.

Can you contribute today and help us fight back against this negative corporate PAC? Ours is a grassroots campaign, and we rely on contributions from supporters like you.

It's now clearer than ever that this election is going to be a battle for the future of Portland. Will we have a mayor who brings the people's voices into City Hall--or a mayor who only listens to high-end condo **developers** and the Chamber of Commerce?

Nearly 100% of the PAC's funds are coming from just **FOUR** Portland **developers**. These same four donors are also big contributors to my opponent, Spencer Thibodeau.

And now they have a PAC that they can dump **UNLIMITED** money into.

They simply can't stand the results we're getting for workers, the environment, our schools, and affordable housing.

We can win--but I CANNOT do it alone. I need you with me.

CONTRIBUTE

Our big money corporate opposition will do whatever it takes to regain control of City Hall. There's too much at stake for Portland to let that happen.

--Ethan

BREAKING: Major attack ad campaign against us Inbox x



Ethan Strimling <info@email.actionnetwork.org>
to me -

Fri, Oct 25, 1:14 PM ☆ ↩ ⋮

Mayor Strimling Results that Matter

Yesterday we learned that the Republican-led attack PAC trying to defeat our campaign has just dumped ANOTHER \$15,000 into attack ads over the final 12 days of the campaign.

That is over \$1,000 a day.

\$1,000 a day to stop the \$15 an hour minimum wage.

\$1,000 a day to block Universal Pre-K.

\$1,000 a day to build even more luxury condos, multi-million dollar hotels, and AirBnB's.

\$1,000 a day to hand City Hall over to the luxury condo **developers** trying to over-gentrify our city at the expense of working Portlanders.

We always knew this race was going to be tough, but we didn't know the lengths to which landlords, **developers**, and Republicans would go to stop us.

Please donate whatever you can to help beat back this onslaught of false attack ads. Together we can keep getting results that matter.

If you've saved your payment information with ActBlue Express, your donation will go through immediately:

EXPRESS DONATE: \$5

EXPRESS DONATE: \$10

EXPRESS DONATE: \$25

EXPRESS DONATE: \$50

OTHER AMOUNT

-Mayor Ethan Strimling

Ethan has spent his career -- as Mayor of Portland, director of LearningWorks, and Maine State Senator -- working fearlessly to get **results that matter** to everyday people and will not waiver from fighting for those values. He will stand up and advocate for those without a voice even when others will not.

CONTRIBUTE

Holding them accountable ▶



Ethan Strimling <info@email.actionnetwork.org>
to me -

Thu, Nov 21, 3:50 PM ☆ ↶ ⋮



For the first time in Portland's history a PAC was formed to oppose a sitting Mayor, and it was run by a Susan Collins' operative.

They spent tens of thousands of dollars attacking our work banning pesticides, building housing, and increasing worker wages, all while failing to disclose who they were and what they were spending their money on.

In fact, the Maine Ethics Commission staff has now recommended that they be **fined thousands of dollars** for their misdeeds and is prepared to launch an investigation into whether they committed multiple other violations.

I need your help today to make sure this PAC is held accountable. If a Collins' operative can get away with breaking the law attacking the sitting Mayor of the largest city in Maine, imagine what they will do to those trying to unseat her next year.

Unfortunately, despite the fact that the PAC clearly violated the law, they can continue accepting unlimited donations from Republicans and real estate developers to spend on attorneys to argue for a dismissal or reduction of their fines.

Will you help with a donation today to make sure we can hold this Collins operative accountable? We cannot allow their illegal conduct to go unchecked.

This would indeed be a dangerous precedent to set and would have implications not just in future Portland elections but elections in municipalities across Maine.

If you've saved your payment information with ActBlue Express, your donation will go through immediately:

EXPRESS DONATE: \$5

EXPRESS DONATE: \$10

EXPRESS DONATE: \$25

EXPRESS DONATE: \$35

EXPRESS DONATE: \$50

EXPRESS DONATE: \$100

OTHER AMOUNT

Help us hold them accountable.

-Ethan

Team Susan Collins dirty tricks Inbox x



Ethan Strimling <info@email.actionnetwork.org>
to me >

Sat, Nov 23, 10:59 AM ☆ ↶ ⋮



Wanna know how Susan Collins has gotten re-elected in a blue state year after year?

Dirty tricks. Deception. And a lot of money from special interests.

We just caught one of her top political operatives violating campaign laws in an effort to defeat the strong-progressive mayor of Portland, Maine. And if we can get ethics authorities to hold him accountable, it'll be a major blow to her re-election.

Will you donate today to help fund our legal team's efforts to hold Team Collins accountable for their illegal dirty campaign tricks?

This summer, the Collins operative started making shady attack videos without filing the required expense disclosures. Last month, Ethics Commission staff recommended the largest fine in Portland elections' history.

But now they have lawyered up in an attempt to block the fine.

We know their Republican and real estate donors will spend anything they can to intimidate the commission into backing down.

Will you help us make sure that doesn't happen?

If you've saved your payment information with ActBlue Express, your donation will go through immediately:

EXPRESS DONATE: \$5

EXPRESS DONATE: \$10

EXPRESS DONATE: \$25

EXPRESS DONATE: \$35

EXPRESS DONATE: \$50

EXPRESS DONATE: \$100

OTHER AMOUNT

-Ethan Strimling

Don't let Team Collins get away with it



Ethan Strimling <info@email.actionnetwork.org>
to me

Mon, Nov 25, 5:02 PM ☆ ↶ ⋮

The Maine Ethics Commission staff has recommended the largest fine in Portland history against a shady PAC operated by one of the highest paid operatives on Susan Collins' last re-election campaign.

Ethics staff has now recommended that the PAC be fined over \$7,000 because of their failure to disclose tens of thousands of dollars in spending.

We understand why Team Collins doesn't want a progressive firebrand leading Maine's largest city going into Senator Collins re-election year. She and Mitch McConnell need Maine cities like Portland to forget her votes supporting Trump and Brett Kavanaugh.

But what they didn't expect is that they would be caught breaking laws and that someone would actually hold them accountable when they got busted.

Well, they better believe that is what is happening and that is why I need your support. Please rush a contribution today so we can deal an early blow to Team Collins.

The staff recommendation is only that. In a few weeks, the commission will take up the complaint and decide whether to impose the recommended fine.

We know the PAC, with it's deep pockets of Republican and real estate donors, is gearing up its legal team to get us and the Ethics staff to back off.

But we wont back down. And that is why we need your help. Please make a donation today, so our legal team has the resources to push for the recommended fine.

Holding Team Collins accountable is always hard. That is why she wins every time. But if we can win this one, it will send an early signal that they better play by the rules.

If you've saved your payment information with ActBlue Express, your donation will go through immediately:

EXPRESS DONATE: \$100

EXPRESS DONATE: \$50

EXPRESS DONATE: \$35

EXPRESS DONATE: \$25

EXPRESS DONATE: \$10

EXPRESS DONATE: \$5

OTHER AMOUNT

-Ethan

Susan Collins operative BUSTED



Ethan Strimling <info@email.actionnetwork.org> [Unsubscribe](#)
to me

Tue, Dec 3, 3:26 PM (7 days ago)



We caught a top Susan Collins operative breaking campaign finance laws. Will you chip in to help hold them accountable with the Maine Ethics Commission?

In her 2014 re-election, Susan Collins paid Lance Dutson over \$125,000 to help smear progressive Democratic hero Shenna Bellows.

In 2019, this same operative was hired by a shady PAC to smear all the progressive work we accomplished in Portland over the last four years.

And now his PAC has been busted for breaking the law and we have a chance to stop him in his tracks.

We know in 2020 he'll be smearing the Democratic nominee for US Senate again, in order to try and distract us all from remembering Collins' vote for Brett Kavanaugh.

Please help us hold their feet to the fire so that this Collins' operative knows he can't continue getting away with these slimy, and illegal, tactics.

The Ethics Commission is poised to fine them thousands of dollars this month, but their lawyers are trying to get the commission to waive the fines. They are pleading ignorance of the rules, if you can believe it!

But we won't lay down and let them win, and we certainly won't let them win without a fight. Stopping Team-Collins is simply too important this year.

I hope you will make a donation today, so our team has the resources to fight these smear tactics and stop them in their tracks.

If you've saved your payment information with ActBlue Express, your donation will go through immediately:

EXPRESS DONATE: \$100

EXPRESS DONATE: \$50

EXPRESS DONATE: \$35

EXPRESS DONATE: \$25

EXPRESS DONATE: \$10

EXPRESS DONATE: \$5

OTHER AMOUNT

-Ethan

Dining with Trump inbox x



Ethan Strimling <info@email.actionnetwork.org> [Unsubscribe](#)
to me

Thu, Dec 5, 5:14 PM (5 days ago) ☆ ↶ ⋮



Recently, Susan Collins had a private lunch with President Trump and a small group of Senators.

This, after stating publicly for months that she had to avoid discussing impeachment because she would soon be a juror.

She can't discuss the impeachment inquiry with the public, but she can have lunch with the potential defendant?

This is the Susan Collins we know. She says one thing and then does another.

Will you make a donation to hold Susan accountable?

We know the press simply won't hold her accountable to these contradictions. But I will.

Right now, we have a golden opportunity to shed light on how Team Collins operates. We've caught one of her top lieutenants violating campaign finance laws with an illegal smear PAC. We want to make sure the Maine Ethics Commission throws the book at him.

And that's why I need your help today. Please make a donation, so we can hold Team-Collins accountable.

If you've saved your payment information with ActBlue Express, your donation will go through immediately:

EXPRESS DONATE: \$100

EXPRESS DONATE: \$50

EXPRESS DONATE: \$35

EXPRESS DONATE: \$25

EXPRESS DONATE: \$10

EXPRESS DONATE: \$5

OTHER AMOUNT

-Ethan