



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

Minutes of the March 31, 2011, Meeting of the  
Commission on Governmental Ethics and Election Practices  
Held at the Commission Office, 45 Memorial Circle,  
2<sup>nd</sup> Floor, Augusta, Maine

Present: Walter F. McKee, Esq., Chair; André G. Duchette, Esq.; Margaret E. Matheson, Esq., Michael T. Healy, Esq. Staff: Executive Director Jonathan Wayne; Counsel, Phyllis Gardiner

At 9:00 a.m., Commissioner McKee convened the meeting.

The Commission considered the following items:

**Agenda Item #1. Ratification of Minutes o-f the January 27, 2011 Meeting**

Mr. Healy moved to accept the minutes as drafted. Ms. Matheson seconded.

Motion passed unanimously (5-0).

*In consideration of the Commission's practice to address agenda items out of order to accommodate the attendance of public participants regarding particular items, the following agenda item was taken out of order:*

**Agenda Item #4. Policy Issue Concerning Maine Clean Election Act Program**

Seth Berner was a Green-Independent candidate for the State House of Representatives in 2010. He believes that the Maine Republican and Democratic Parties encourage candidates to purchase printed campaign materials from certain vendors, thereby providing the candidates with a financial advantage in their races. He argues that the practice subverts the intent of the Maine Clean Election Act program, which is to maintain an even playing field among candidates in a race.

OFFICE LOCATED AT: 45 Memorial Circle, Augusta, Maine  
WEBSITE: WWW.MAINE.GOV/ETHICS

Seth Berner said he ran as the Green Independent candidate in District 115 against Democratic candidate Stephen Lovejoy and Republican candidate James Martin who did not raise or spend any money at all. He said that Mr. Lovejoy and he ran essentially the same kind of campaign – lawn signs, mailings, door-to-door communications with voters, etc. Mr. Berner said that based on his own experience in paying for mailings during the campaign, Mr. Lovejoy would have had to receive a substantial discount from the printer, Bridge Communications, in order to get the price for the mailings reported in Mr. Lovejoy's campaign finance reports. He said that in addition to the postage costs, which are fixed costs, there are other fees and costs associated with producing the type of communication used by Mr. Lovejoy. Mr. Berner said he believes the price paid by Mr. Lovejoy was less than the prevailing market rate due to a bidding process by the Democratic Party to get the lowest cost possible for combined campaigns of Democratic candidates.

Mr. McKee asked Mr. Berner if it would be a problem if three or four candidates got together to maximize their ability to get the most for their dollar.

Mr. Berner said it would be a problem because the idea behind the Clean Election Act is to level the playing field. He said it is not necessary for candidates to go out of state to save money in order to reach their constituents. He said Maine has printers available to candidates and if all candidates paid the same amount for their communications, it would be fairer and would level the playing field.

Mr. Healy asked if Mr. Lovejoy's printing costs were less than costs for the printer.

Mr. Berner said no, but the costs were less than market costs. He said Bridge Communications offered a price based on a volume purchase which was not available to an individual. He said 107 House candidates bought from this company out of 130 House Democratic candidates.

Mr. Healy asked if the company was charging less due to the large volume, what, if anything, the Commission could do about it.

Mr. Berner said the Commission could outlaw these coordinated campaigns and require elections to be candidate vs. candidate. He said candidates should be required to negotiate with vendors as individuals.

Mr. Healy asked Mr. Berner if he should be addressing the Legislature for a remedy, not the Commission.

Mr. Berner said he believed it was something the Commission should decide because it is an issue about how Clean Election money is spent. He said the purpose of the Act was to level the playing field. He said if a candidate receives a benefit from a party, then the opponent would be able to receive matching funds.

Mr. Duchette asked whether Mr. Berner was asking the Commission to equalize the parties instead of the candidates. He questioned where the regulation would stop if the Commission were to start regulating party activities.

Mr. Berner suggested telling the parties they are allowed to provide logistical support but cannot negotiate a price advantage for their candidates. He said as a result of this low price, Mr. Lovejoy was able during the final week of the campaign to purchase \$1,000 worth of lawn signs and do another mailing. He said this last minute blitz by Mr. Lovejoy made a huge impact on the election result and if he had received matching funds it could have made a difference in his response strategy.

Mr. Healy asked if Mr. Berner had gotten together with other Green Independent candidates to negotiate a lower price for their campaign mailings.

Mr. Berner said they were not interested in playing by improper rules as other candidates were doing. He said five Green Independent candidates could not have equaled the same buying power that over 100 candidates had.

Mr. Healy said the candidates are free to get together to negotiate a lower rate. The Commission cannot tell candidates that they are not free to associate with one another to get the best price available.

Mr. Berner said that was what the Clean Election program was designed to do, to eliminate special rates for some and not others.

Mr. McKee asked Mr. Berner if he had any additional factual information that he wanted to present. He said this issue was in a preliminary stage and that the Commission would look to Commission staff to see what options are available for further consideration of this issue.

Mr. Berner encouraged the Commission to enforce the Clean Election Act concept of leveling the playing field.

David Bright from Dixmont, Maine, said that when a political party coordinates campaign materials with its candidates it is not an independent expenditure. He said that the party is paying for the costs of negotiating the printing rates and the design services for the mailings used by the candidates. These expenses are not independent of the candidates and they are not being reported by the party committee. He suggested that some Clean Election money may be going to the parties to do organizational and consulting work for their candidates' campaigns. He also said the Commission should consider the policy issue about whether Clean Election candidates should be required to spend Clean Election funds in-state rather than use out-of-state vendors. In addition, he said there is an issue of Clean Election candidates not paying Maine sales tax on campaign materials purchased out of state. Candidates are supposed to self-report those non-taxed purchases to the Maine Revenue Service. He said he suspects that candidates are not doing this.

Mr. Wayne explained that issue presented by Mr. Berner is not one within the Commission's power to remedy. Rather, as Mr. Healy pointed out, the matter should be brought before the Legislature, not the Commission. He said that one element of the Act ensures that Clean Election candidates receive additional funds so that they have roughly the same amount of money as their opponents, but the Act never was intended to equalize all MCEA candidates in every aspect of campaigning. He said currently the courts are reviewing whether it is appropriate for a state government to equalize campaign spending and control finances of candidates. He said it appears that Mr. Berner is asking the state of Maine to tell candidates what they have to pay for certain campaign goods and services. He said that is a very strong regulatory step for the state to take. It is outside the intent of the Maine Clean Election Act and outside the Commission's purview.

Mr. Duchette stated that this issue is really more about whether the printing company made a contribution by giving a discount. That was an issue within the Commission's jurisdiction.

Mr. Wayne agreed. He said this matter could be approached in terms of whether a contribution to a candidate was made but Mr. Berner did not choose to bring it forward in that manner. Whether something is or is not a contribution depends on whether it was intended to support or oppose a candidate's election. He said it appears that this was a business decision on the part of Bridge Communications not intended to be a contribution.

Mr. Healy stated what bothered him was it was possible for a printing company to enter into an agreement to provide goods and services to candidates at less than cost and take a loss. The company then would make up that loss by charging for other services to other customers. This would give a large advantage to a group of candidates. He said if Mr. Berner were alleging that, it would be a legitimate complaint but he is not making that allegation. Candidates have the right to negotiate to get the best price possible as long as the vendor does not provide that service for less than cost which would be a contribution.

Mr. McKee moved that the Commission take no further action. Mr. Healy seconded.

Motion passed unanimously (4-0).

#### **Agenda Item #5. 2011 Legislation**

Mr. Wayne explained the staff encouraged the Commission to support L.D. 848 which was sponsored by Senator John Patrick. This is a resolve that directs the Commission to study the options for modifying the Maine Clean Election Act if a decision in *McComish v. Bennett* before the U.S. Supreme Court invalidates the matching funds part of the program. He said if changes to the law are required, they would need to be made for the 2012 election as early as possible. The U.S. Supreme Court is expected to issue its decision in June. The Commission would study possible options and report any findings to the VLA Committee by October 15, 2011, and then the VLA Committee would report a bill by December 1, 2011. He said the goal is to establish how the program will operate so that candidates running in 2012 understand the rules which would mean consideration by the Legislature in early 2012.

Mr. Wayne confirmed for Mr. Healy that the resolve does not suggest any substance itself. He said that he envisioned that the Commission would hold one or two public hearings and that the staff would present the

Commission with a proposed report to the VLA Committee. The final report as adopted by the Commission would be presented to the VLA Committee in October.

With regard to the other bills, Mr. Wayne explained that L.D. 1245, An Act to Modify the Responsibilities of the Commission came about from a sense that it would be helpful if the Commission could render an opinion about whether a particular course of action would be compliant with campaign finance. In particular, in the last election, the Maine Democratic Party wanted to know if certain campaign communications it intended to use would constitute express advocacy. In the past, some Commissioners have expressed reluctance about ruling on questions about communications prior to the communication actually being sent to the voters. He said he would encourage some advice from the Commissioners on this issue.

Mr. McKee stated this was a policy issue and impacts the Commission directly. He said the Commission staff provides advice on a regular basis to candidates that many regulatory commissions do not provide. He said he feels the Commission currently goes beyond the call of duty as it is.

Mr. Healy asked if this LD 1245 would make it mandatory for the Commission to give advisory opinions. He said if it were mandatory, he would vote against it.

Ms. Gardiner said the statute reads “the general duties of the commission shall be” and this bill would add an additional duty to the current list. She did not think it meant the Commission would have to consider a request for an advisory opinion in every instance but may have to have a reason for declining to do so.

Mr. McKee stated it would be beneficial to retain the ability to give advisory opinions; however, he would not support being told he had to do it under every circumstance.

Mr. Duchette stated that he could sympathize with the need for advisory guidance because in the practice of administrative law having clear advice from an agency or commission helps to assist clients. However, he would not support the need for advisory opinions on express advocacy. He said people can follow prior examples of communications. Issues arise when the line is pushed a little further than where it was during the previous election.

Mr. McKee said there is already plenty of advice and guidance out there – guidelines, a handbook, Supreme Court cases. These are all ways to find examples for acceptable communications.

Mr. Wayne asked for clarification of the Commission's position. He asked if this were mandatory, the Commission would oppose it. However, if the Commission had the discretion to refuse to provide a request if there was good reason, the Commission would be able to live with it.

Mr. McKee stated he would be completely opposed to L.D. 1245 because it would significantly change everything the Commission currently does.

Regarding L.D. 659 and L.D. 120 which would significantly impact the Clean Election program, Mr. Wayne said the public hearings have been held. The work sessions will be held later and he wondered whether the Commission would want to take a position on either one of these bills.

Mr. Duchette said he felt the Commission should not weigh in one way or another on these two bills. It should be up to the Legislature and the public to decide these kinds of policy issues.

Mr. McKee said he was torn. He said he is a strong supporter of the program; however, he felt this was a policy issue best left to the Legislature.

Mr. Healy agreed but felt there were two separate issues: a policy issue about the program and a fiscal issue about how public money should be spent during times when other programs are being cut.

Mr. Wayne stated he would not take any action on these two bills.

#### **Agenda Item #6. Statutory Proposal by Commission**

Mr. Wayne explained that the staff proposes two additional changes to the bill which the Commission already approved. The two changes affect internet and e-mail activities and communications in political campaigns by providing exemptions to the disclosure laws under certain conditions. He further explained that these changes have come about due to the Cutler Files website issue. He said the staff feels that these

exemptions pertain to independent people who voice opinions, free from influence by a candidate or political committee and spending a small amount of their own money. He said the requirements to put a disclaimer on the political communications of these individuals and to file reports may have an impact on their ability to engage in political speech. The arguments for the exemptions are that the state of Maine should not inhibit grassroots discussions of political candidates and issues by ordinary individuals and that the changes would protect Maine's disclaimer statute from attack. Mr. Wayne pointed out the disclaimer statute is currently being challenged by the Maine Civil Liberties Union in the Cutler Files case. He said the argument against the exemptions is that the disclaimers do have a valuable role informing the public who is speaking about candidates and issues and exempting certain communications could lead to a less informed public. Mr. Wayne said that he would not be in favor of broad exemptions as a few other states have adopted. He suggested crafting narrow exemptions and rules that bring the disclaimer statute up to date with new media and that will allow individuals who spend a limited amount of their own funds to speak without being required to comply with the disclaimer and reporting statutes.

Mr. Healy stated for clarity that under this exemption, someone could create a website and remain anonymous unless they were directly affiliated with a candidate.

Mr. Wayne said that would be the case as long as the cost did not exceed \$100.

Ms. Matheson asked whether the proposed exemption in paragraph (6)(C) regarding internet and e-mail activities raised a question about agency. As written, the exemption would apply to a staff member of a candidate's campaign who acted independently and without the authorization of the candidate or campaign.

Mr. Wayne agreed that the exemption could be interpreted that way.

Ms. Gardiner said the exemption could be drafted such that it would not apply to individuals who are affiliated with a campaign. However, the term "affiliated" would also need to be defined.

In response to a question from Mr. Duchette, Ms. Gardiner said that a campaign staff member could put an editorial in the newspaper without the disclaimer because that communication would be covered under the existing media exemption.



Mr. Duchette said that was the issue in the Cutler Files matter - why should a newspaper be exempt but a blog is not exempt.

Mr. Healy expressed his view that if someone was a paid consultant for a political campaign and created a website, or other communication, costing over \$100, they should disclose their name and not be able to hide behind anonymity. He stressed that he would not support an exemption for that scenario.

Ms. Gardiner suggested that concern may be addressed by changing paragraph 6(C) to be clear that the exemption does not apply to an individual who is compensated by any campaign.

Mr. Duchette said there are fewer newspapers and that the trend is that more people are getting news online rather than the traditional newspaper or magazine. He said that whether someone was working for a campaign or not, the online communication should fall under the same exemption that covers editorials or commentaries appearing in newspapers. He said he realized this may be a slippery slope and that some campaigns could put large amounts of money into a website and claim they fall under the exemption.

Ms. Matheson said the cost limit of \$100 would address that.

Mr. McKee said he liked the staff's proposal and appreciated the opinions of other stakeholders on this issue. He said this may not be a perfect solution, however it does provide a balance from all sides and he would support the proposal.

Mr. Healy asked whether the Commission should wait on making a decision on this matter until the results of the Maine Civil Liberties Union lawsuit against the Commission is final.

Ms. Gardiner said the Commission could address some aspects of the issue in this proposal and wait to address other areas after the final decision by the Court is reached. She said MCLU was open to the idea that if legislation was going to be put forward addressing this type of communication, they would consider not following the lawsuit through to the end.

Ms. Gardiner said they were appealing the Commission's decision in the Cutler Files case and adding independent claims to the constitutionality of the statute as applied to the Cutler Files, specifically that the media exemption is not broad enough and that the disclaimer statute does not have a de minimus threshold.

Mr. McKee said he would be open to tinkering with some areas of the proposal to address concerns, but he recommended going forward with this staff's recommendation.

Mr. Wayne explained that the bill has not been printed and has not come back from the Revisor for review. He said the Revisor's Office may be open to allowing for a few changes during the red line review and then it would go to public hearing. Mr. Wayne also asked for clarification as to whether the Commission wanted the staff to make a change to paragraph 6(C) to include Mr. Healy's suggestion that the exemption would not apply to an individual who is compensated by a campaign or has some other direct connection with a campaign.

Mr. McKee said the staff should make that change.

#### **Agenda Item #7. Commission Rule-Making**

The Commission staff recommends that the Commission initiate a rule-making to address topics of contributions, coordinated expenditures, the definition of express advocacy, and the schedule for filing independent expenditure reports. If the Commission agrees, the staff will distribute an invitation to comment and will investigate whether it is possible to hold a public hearing at the April 26 meeting. It may not be possible due to the requirement to publish a notice in newspapers 17-24 days before the public hearing.

Mr. McKee moved that the Commission propose the rule changes as recommended by the staff and hold a public hearing at the April meeting or the May meeting, if necessary. Mr. Healy seconded.

Motion passed unanimously (4-0).

**Agenda Item #8. Report from Commission Auditor**

The Commission's auditor completed the audit of Sen. Richard Rosen's 2010 campaign. No exceptions (violations) were found.

*Mr. McKee recused himself and left the meeting. The Commission resumed the scheduled order of agenda items at this point.*

**Agenda Item #2. Maine Clean Election Act Expenditure – 2010 Candidate Patricia R. Jones**

Mr. Wayne said that at issue in this matter is what constitutes acceptable expenditures under the Maine Clean Election Act. He said the Act requires candidates to spend funds for campaign-related purposes only and directs the Commission to establish guidelines on what is and is not acceptable expenditures. He said the staff does not recommend penalizing Ms. Jones in any way or find her in any violation. He said Ms. Jones called the staff for advice on this air fare expenditure for her son and received incorrect information from a former employee. He explained that had the employee come to seek further advice from him or Assistant Director Paul Lavin, they would not have recommended this expenditure. Mr. Wayne said moving forward Maine Clean Election Act candidates will not be allowed to use public funds for air fare.

Mr. Wayne said the staff recommends Ms. Jones repay the amount of the air fare to the Fund.

Mr. Healy asked, for clarification, if the ticket had been purchased before asking for the advice.

Mr. Wayne confirmed this and reviewed the chronology of events. He said the roundtrip ticket was purchased on October 7 with Ms. Jones' personal funds, the travel commenced on October 31, her son worked on the campaign for four days, and he left after the election. Ms. Jones called the Commission in December to ask for advice whether she could use her remaining Clean Election funds to pay for the air fare.

Patricia Jones of Mount Vernon introduced her campaign treasurer, Warren Bartlett. She arranged for her son to fly home during the last week of her campaign to help her with final activities. She said near the end of the reporting period in December she called the Commission to see if she could use the remaining balance of her matching funds to pay for the air line ticket she purchased in October for her son. She said

the staff person asked if her son was working on the campaign and she said yes. The staff person approved the expenditure. She said when she told Warren about her phone call and that it was approved, he said he would call also to verify this was acceptable. Warren got the approval also and was told to list the expenditure under Other Expenses. In January, the Commission staff wrote to her and asked her to list the times her son worked for her and she did so. She said on March 4 she received a letter from the Commission stating she had been wrongly informed about this expenditure and she owed the Clean Election fund the cost of the ticket. She said she has been very upfront and accountable about this expenditure. She explained she had managed five campaigns over the last six years and each time Clean Election funds were used. She said she has been very careful and accountable with these funds and never had a complaint. She said she is a strong supporter of this program and proud to live in a state where anyone can run for office no matter what their income. She said she finds it difficult to be asked to pay this expense so long after the reporting and after she was told it was acceptable by staff. She expressed concern that in the future other candidates may not be able to rely on advice from Commission staff. She requested the Commission acknowledge she was advised by staff this was acceptable and that the expense was properly reported.

Mr. Healy asked when her son returned to his home.

Ms. Jones said he flew back on November 3.

Mr. Duchette asked how old her son was and how often her son traveled home.

Ms. Jones said he is 43 and tries to get back twice a year, once in the summer and at Christmas.

Warren Bartlett said this staff member was always very helpful and knowledgeable. He explained that he looked through the guidelines when he was filing Ms. Jones' last report and was puzzled as to how this expenditure this should be reported and the staff person told him to file it under "Other." He also had questions regarding the dates of the purchase and tried to be very upfront about the timing of the expenditure as well.

Mr. Healy stated that there was no question that every attempt was made to comply with the law and file correctly.

Mr. Healy said the statute states that funds can be spent for campaign-related purposes only and the guidelines say expenditures for campaign-related purposes are those that are traditionally accepted as necessary to promote the candidate. He said that following the language in the statute this was a campaign-related purpose. However, under the “traditionally accepted” standard in the guidelines, he was not as certain that the expenditure was necessary to promote the election of the candidate. He said he saw the Act and the guidelines establishing two different tests and he asked which test should apply.

Mr. Wayne said Ms. Jones makes a very good argument for considering the expenditure campaign-related since it appears her son was only here for the last few days of the election. Mr. Wayne said that the guidelines establishing the “traditionally accepted” standard were developed prior to his tenure. He said past Commissioners and staff have developed policies on expenditures to reassure the public that public campaign funds will not be used for personal expenses even if they may have some relationship to a campaign.

Mr. Duchette said that area was unclear for him as well because determining what is traditionally campaign-related may not always be easy. Something that was not traditional five years ago may be considered acceptable today. He said he was uncomfortable applying a “traditional” standard in this case. He said the facts in this case show that the expenditure was allowable because it had a campaign-related purpose. He would not support a repayment to the fund.

Mr. Healy said the “campaign-related purpose” standard in the statute is the appropriate standard to use and under that standard the expenditure was proper. The statute does not say “necessary” campaign-related purpose. He said the facts show it was campaign-related. It was not a vacation. He said for future purposes, the standard needs to be clear. He views the guidelines as advisory and the statute is controlling in this case. Ms. Jones should not have to reimburse the fund for the expenditure.

Ms. Gardiner agreed the statute controls; however, the Act requires the Commission to provide guidelines to candidates as to what constitutes permissible campaign-related expenditures. The guidelines are easier

to change than statutes in order to keep up with campaign practices. She said guidelines are in place to set parameters for what candidates can reasonably claim to be campaign-related expenditures without placing too many restrictions on how candidates can run their campaigns.

Ms. Matheson said she was not completely convinced that the expenditure was a permissible campaign-related expenditure under the guidelines; however, she said in this case the candidate and treasurer have tried to comply and relied on staff advice.

Ann Luther, of Trenton, spoke as an interested citizen and not as a representative of the Maine Citizens for Clean Elections. She said there should be no inference that Ms. Jones' campaign engaged in any wrongdoing simply because she was asked to repay the campaign funds spent on the plane ticket. A repayment only restores what would have been the right course of action to begin with, if that is how the Commission decides. However, some questions arose in her mind that she thought may be relevant to the Commission as it considers this matter. She said if the expenditure was committed before getting the advice of the Commission, did Ms. Jones believe it would be reimbursable as a campaign-related expenditure when she purchased the ticket or did she decide to ask about it when she discovered she had a remaining balance left over? If Ms. Jones had paid the expense out of personal funds, would that have been a contribution to her campaign or simply a personal expense?

Mr. Healy asked whether Ms. Luther thought this law was too broad and she agreed.

Joseph Greenier, concerned citizen from Stockton Springs, said a case came before the Commission a few years ago regarding a candidate wishing to make an expenditure for a band at a campaign-related event. He said the Commission at that time decided it was permissible. He said when advice is given from the staff it should stand.

Ms. Matheson asked Ms. Jones what the balance was in her funding prior to this expenditure.

Mr. Bartlett said there was \$13 in addition to the \$395.

Ms. Matheson asked when the candidate decided to seek reimbursement.

Mr. Bartlett said it was early in December while filling out the final report.

Mr. Wayne said staff would support the Commission's decision not to seek repayment.

Ms. Matheson said she would support a motion that stated because of the facts in this case, that the Commission not seek repayment.

Mr. Duchette moved that the Commission find the expenditure was campaign related. Mr. Healy seconded.

Motion passed unanimously (3-0).

**Agenda Item #3. Request for Waiver of Late-Filing Penalty/Patricia R. Jones**

On December 9, 2010, former State Representative Patricia R. Jones registered as a lobbyist for the Maine Dental Hygienists Association. She was required to file her first monthly lobbyist report on January 18, 2011. She filed the report two days late. The preliminary penalty is \$100. Ms. Jones requests a waiver of the penalty because she is new to filing lobbyist reports and had difficulties accessing the electronic reports on-line.

Ms. Jones said she had difficulty with her computer at that time and once she did have access, she had difficulty understanding how to do it. She contacted the staff to received help and got it filed soon after that.

Ms. Healy asked when she made an effort to find out when the first report was due.

Ms. Jones said it was in the Lobbyist Handbook and she did know she was required to file but cannot remember what was going on at the time. She contacted staff as soon as she realized she was not going to be able to file the report herself.

Mr. Healy asked how many years Ms. Jones served in the Legislature.

Ms. Jones said she served three years over two sessions.

Mr. Healy confirmed that as a Legislator, Ms. Jones was aware that lobbyist must file reports with the Commission and she agreed.

Mr. Duchette said there are many of these requests that come before the Commission and most always it is a result of waiting until the last minute to file the report.

Ms. Matheson confirmed with Mr. Wayne that staff does a reminder e-mail a week or so before the filing deadline.

Mr. Wayne said it is not required by statute to send out reminders, but there are reminders sent as standard practice. He said a reminder was sent on January 7.

Mr. Duchette asked if Ms. Jones could recall when she first made an attempt to report online.

Ms. Jones said she believed around the 18<sup>th</sup> and she was having difficulty so realized she was not going to be able to file it without assistance.

Mr. Healy moved to deny the request for waiver. Mr. Duchette seconded.

Motion passed unanimously (3-0).

Mr. Duchette moved to adjourn. Mr. Healy seconded. The motion passed unanimously (3-0).

Meeting adjourned at 11:15 a.m.

Respectfully submitted,

Jonathan Wayne, Executive Director