



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

Additional Material
Agenda Item #5

To: Commissioners
From: Jonathan Wayne, Executive Director
Re: Request for Investigation from Lin Jen Corp.
Date: June 28, 2016

On Friday, June 24, 2016, the Ethics Commission received the attached request for investigation of the Horseracing Jobs Fairness BQC (“the BQC”) from Jennifer Breslin of Lin Jen Corp. (“Lin Jen”). Lin Jen Corp. is in a position that is analogous to Encore Political Services. Both Lin Jen and Encore were subcontractors hired by Silver Bullet to collect petition signatures in support of the York County casino initiative.

Similar to Encore, Lin Jen contends that

- In the course of providing petition services, Lin Jen made expenditures totaling \$119,000, which have not been reimbursed by the BQC.
- It was improper for the BQC to report these expenditures in its April quarterly campaign finance report, because Lin Jen made the expenditures – not the BQC.

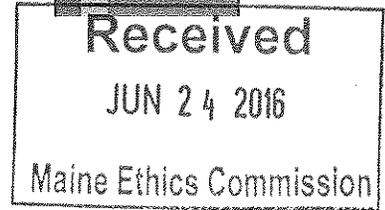
I propose adding this matter to agenda item #5 for the June 29 meeting.

The BQC responded today. It acknowledges that Lin Jen made expenses totaling \$126,525.36 during the months of January – March 2016. According to the BQC, all of these expenses have been disclosed in the April quarterly campaign finance report as amended in June. (When originally filed in April, the report contained expenses of Lin Jen totaling \$81,928.46. The report was amended in June to add another \$44,596.90 of Lin Jen’s expenses, for a total of \$126,525.36.)

The Commission staff does not see that Lin Jen Corp. has provided sufficient grounds to conclude that a campaign finance reporting violation may have occurred, so we recommend conducting no further investigation.

Thank you for your consideration of this item.

Jennifer Breslin
1324 Seven Springs Blvd. #307
New Port Richey, Florida 34655



June 21, 2016

Benjamin Dyer, Political Committee and Lobbyist Registrar
Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333

Dear Mr. Dyer,

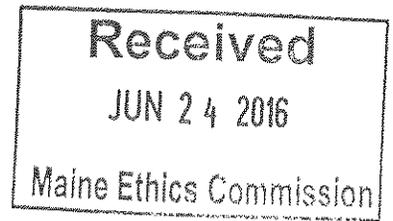
My name is Jennifer Breslin, and I am the Vice President Lin Jen Corp. and President of JSM Inc.

I am writing you to inform you of multiple Campaign Finance Report violations and fraud committed by the Horse Racing Jobs and Fairness (hereafter "HRJF") in their most recent report concerning their initiative drive in support of a petition to establish a casino in York County.

I do have documents supporting the information I am giving you, and am willing to comply with any requests for such information, including copies of my bank statements for the period in question.

All documents and receipts were submitted to the accountant Tetiana Glebkivska, who forward all balance receipts, which included travel, hotels, notaries and rental cars to Cheryl Timberlake. After she received the receipts I was contacted by e-mail that they acknowledge and approved all of the expenses with the exception of \$5400.00 dollars paid to petitioners for delivering signatures to townships and a miscellaneous food expense leaving a balance due to Lin Jen Corp. of (\$119,000.00) dollars. Cheryl then stated that the records showed they sent me a wire for \$100,000.00 dollars for expenses and that the outstanding balance due to Lin Jen Corp. was only \$19,000.00. At no time did Len Jen Corp receive \$100,000.00 dollars from Lisa or Cheryl Timberlake, for expenses nor have I received \$19,000.00 dollars. And why would they have sent me \$100,000.00 dollars at that time if I have not yet submitted the expense receipts. Again, my records show that we have not been paid the \$119,000.00 dollars.

HRJF has claimed in their Campaign Finance Report to have spent \$2,674,844.93 in support of the initiative drive. That amount contains many charges that were documented and reported by the Lin Jen Corp to HRJF and listed as expenditures paid. They have not been paid. In this report, they combined charges of all three offices and did not differentiate other than by the company that the payment was made to, which makes it difficult to ascertain the exact amount of the reported charges by Lin Jen Corp. We paid all of the



expenses and was to be reimburse within 48 hours per conference call held by Cheryl Timberlake, it included Lisa, Cheryl, Tim Mooney, and all field leaders.

Lin Jen Corp is still owed \$119,000.00 dollars for expenses, and it is a disgrace for businesses like HRJF to almost bankrupt small businesses like EPS and Lin Jen Corp. We in good faith paid the expenses believing they would honor their word.

Please contact me if you need access to any documentation, or proof of non-payment and I will provide you all information requested. I can be reached at 714-448-7000.

Warm regards,



Jennifer Breslin





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

June 24, 2016

By Email and First-Class Mail

Bruce M. Merrill, Esq.
Law Offices of Bruce M. Merrill
225 Commercial St, Suite 501
Portland, ME 04101

Dear Mr. Merrill:

Today, the Ethics Commission received the attached request for investigation of the Horseracing Jobs Fairness BQC ("the BQC") from Jennifer Breslin of Linjen Corp. ("Linjen"). She contends that

- In the course of providing petition services, Linjen made expenditures totaling \$119,000, which have not been reimbursed by the BQC.
- It was improper for the BQC to report these expenditures in its April quarterly campaign finance report, because Linjen made the expenditures – not the BQC.

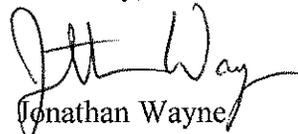
Ms. Breslin's request has been added to agenda item #5 for the June 29 meeting.

Please provide any relevant information you can by 11:00 a.m. on Tuesday, June 28 (if not earlier). In particular, please address the following:

- In its April quarterly campaign finance report, did the BQC report payments made by Linjen, as Ms. Breslin contends? (If you can provide any further explanation, such as the total of these expenditures, that would be helpful.)
- I have attached expenditures itemized in the April report indicating money paid to Linjen. Are these expenditures accurate and complete, to the best of the BQC's knowledge?

Thank you for your consideration of this request.

Sincerely,


Jonathan Wayne
Executive Director

cc: Cheryl Timberlake, BQC Treasurer
Jennifer Breslin
Hiram Asmuth (by email only)



Commission on Governmental Ethics and Election Practices
Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

2016 CAMPAIGN FINANCE REPORT FOR BALLOT QUESTION COMMITTEES

COMMITTEE		TREASURER	
HORSERACING JOBS FAIRNESS 126 WESTERN AVENUE #157 AUGUSTA, ME 04332 PHONE: (207) 482-9115 EMAIL: HORSERACINGJOBSFAIRNESS@YAHOO.COM		CHERYL TIMBERLAKE 96 STATE STREET, SUITE 2 AUGUSTA, ME 04330 PHONE: (207) 623-3800 EMAIL: CTIMBERLAKE@CAPITOLINSIGHTS.COM	
REPORT	DUE DATE	REPORTING PERIOD	
APRIL QUARTERLY REPORT	04/11/2016	01/01/2016 - 03/31/2016	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR THIS PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$2,955,365.22	\$2,955,365.22
2. OTHER CASH RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS	\$2,955,365.22	\$2,955,365.22
EXPENDITURES		
5. EXPENDITURES (SCHEDULE B)	\$2,362,823.05	\$2,362,823.05
6. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
7. TOTAL PAYMENTS	\$2,362,823.05	\$2,362,823.05
CASH SUMMARY		
8. CASH BALANCE AT BEGINNING OF PERIOD	\$21,904.03	
9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$2,955,365.22	
10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 8)	\$2,362,823.05	
11. CASH BALANCE AT END OF PERIOD	\$614,446.20	
OTHER ACTIVITY		
12. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
13. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
14. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

I, BEN DYER, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: BEN DYER
REPORT FILED ON: 04/07/2016
LAST MODIFIED: 06/16/2016
PRINTED: 06/21/2016
COMMITTEE ID: 8705

1/19/2016	CVS 510 CONGRESS STREET PORTLAND, ME 04101	SUPPLIES PAYMENT OF \$96.65 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	OFF	\$96.65
1/19/2016	DELORME 2 DELORME DRIVE YARMOUTH, ME 04096	SUPPLIES PAYMENT OF \$6.32 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	OFF	\$6.32
1/19/2016	ENCORE POLITICAL SERVICE LLC 1717 NE 42ND AVE #400 PORTLAND, OR 97213	FIELD WORKERS PAYMENT OF \$200,000.00 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	SAL	\$200,000.00
1/19/2016	ENCORE POLITICAL SERVICE LLC 1717 NE 42ND AVE #400 PORTLAND, OR 97213	Offset due to update of filed item PAYMENT OF (\$200,000.00) TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	SAL	(\$200,000.00)
1/19/2016	ENCORE POLITICAL SERVICE LLC 1717 NE 42ND AVE #400 PORTLAND, OR 97213	FIELD WORKERS REIMBURSEMENTS / EPS PAYROLL PAYMENT OF \$33,549.65 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	SAL	\$33,549.65
1/19/2016	LINJEN 1324 SEVEN SPRINGS BLVD #307 NEW PORT RICHEY, FL 34655	NOTARIES PAYMENT OF \$9,243.00 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	SAL	\$9,243.00
1/19/2016	LINJEN 1324 SEVEN SPRINGS BLVD #307 NEW PORT RICHEY, FL 34655	FIELD WORKERS REIMBURSEMENTS PAYMENT OF \$13,488.39 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	SAL	\$13,488.39
1/19/2016	LINJEN 1324 SEVEN SPRINGS BLVD #307 NEW PORT RICHEY, FL 34655	Offset due to deletion of filed item PAYMENT OF (\$13,488.39) TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	SAL	(\$13,488.39)
1/19/2016	MARSHALLS 333 CLARKS POND DRIVE SOUTH PORTLAND, ME 04106	SUPPLIES PAYMENT OF \$40.09 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	OFF	\$40.09
1/19/2016	MERRILL LIBRARY 215 MAIN STREET YARMOUTH, ME 04096	SUPPLIES PAYMENT OF \$1.00 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	OFF	\$1.00
1/19/2016	OLYMPIC CONSULTING P.O. BOX 641 LEWISTON, ME 04243	WORKERS PAYMENT OF \$200,000.00 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	SAL	\$200,000.00
1/19/2016	OLYMPIC CONSULTING P.O. BOX 641 LEWISTON, ME 04243	WORKERS PAYMENT OF \$200,000.00 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	SAL	\$200,000.00
1/19/2016	OLYMPIC CONSULTING P.O. BOX 641 LEWISTON, ME 04243	Offset due to deletion of filed item PAYMENT OF (\$200,000.00) TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	SAL	(\$200,000.00)

1/20/2016	QUICK MART 205 BRIGHTON AVE PORTLAND, ME 04102	GAS PAYMENT OF \$180.80 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	TRV	\$180.80
1/20/2016	SILVER BULLET GROUP, INC 1712 PIONEER AVE #1973 CHEYENE, WI 82001	FIELD WORKERS PAYMENT OF \$350,000.00 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	SAL	\$350,000.00
1/20/2016	SILVER BULLET GROUP, INC 1712 PIONEER AVE #1973 CHEYENE, WI 82001	Offset due to update of filed item PAYMENT OF (\$350,000.00) TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	SAL	(\$350,000.00)
1/20/2016	SILVER BULLET GROUP, INC 1712 PIONEER AVE #1973 CHEYENE, WI 82001	FIELDWORKERS PAYMENT INCLUDES \$13,488.39 FOR LINJEN PAYROLL, FIELD WORKERS AND EXPENSES PAYMENT OF \$350,000.00 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	SAL	\$350,000.00
1/20/2016	STAPLES 443 WESTERN AVE SOUTH PORTLAND, ME 04106	PRINTING PAYMENT OF \$3,182.10 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	LIT	\$3,182.10
1/20/2016	UMA BOOK STORE 46 UNIVERSITY DRIVE AUGUSTA, ME 04330	SUPPLIES PAYMENT OF \$15.37 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	OFF	\$15.37
1/20/2016	UMO 5703 ALUMNI HALL ORONO, ME 04469	TABLE RENTAL PAYMENT OF \$410.00 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	OFF	\$410.00
1/21/2016	ALAMO RENTAL CAR BOSTON LOGAN AIRPORT 15 TRANSPORTATION HWY EAST BOSTON, MA 02128	RENTAL CAR PAYMENT OF \$71.14 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	TRV	\$71.14
1/21/2016	AMTRACK 60 MASSACHUSETTS AVE WASHINGTON, DC 20002-4285	TRAIN TRAVEL PAYMENT OF \$1,012.00 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	TRV	\$1,012.00
1/21/2016	CAMDEN RIVER HOUSE 11 TANNERY LANE CAMDEN, ME 04843	ROOMS PAYMENT OF \$599.92 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	TRV	\$599.92
1/21/2016	J & S OIL 1103 LISBON STREET LEWISTON, ME 04240	GAS PAYMENT OF \$38.37 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	TRV	\$38.37
1/21/2016	LINJEN 1324 SEVEN SPRINGS BLVD #307 NEW PORT RICHEY, FL 34655	RENTAL SPACE PAYMENT OF \$300.00 TO SUPPORT: AN ACT TO ALLOW SLOT MACHINES OR A CASINO IN YORK COUNTY	OFF	\$300.00

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Bruce M. Merrill
Member ME, NJ, NY & PA Bars

June 28, 2016
By E-mail: Jonathan.Wayne@maine.gov

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

Re: Complaint of Jennifer Breslin o/b/o Linjen Corp.

Dear Director Wayne:

Pursuant to your letter dated June 24, 2016 regarding the above-referenced complaint, please accept this response on behalf of the Horseracing Jobs Fairness Ballot Question Committee (the "BQC").

This complaint is essentially raising the same issues that Mr. Asmuth raised in his complaint of May 6, 2016, *i.e.*, that it was improper for the BQC to list these expenditures in its April quarterly Campaign Finance Report (CFR) when it had not reimbursed Linjen for those expenditures. Accepting *arguendo*, without acknowledging the validity of, Ms. Breslin's contentions as set forth in your letter, I submit the following on behalf of the BQC:

Background

Due to your request that this response be filed by 11:00 a.m. today, coupled with the fact that I was out of the office since last Thursday until today, I will simply incorporate by reference the background information contained in my June 15, 2016 response to the Asmuth/Encore complaint as Linjen, like Encore, was hired by Silver Bullet (SB) to work on this

Jonathan Wayne, Executive Director
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initiative and was in the same position as Encore with respect to reimbursement, *i.e.*, the teams hired by SB were to be reimbursed by SB.

Contention #1

In the course of providing petition services, Linjen made expenditures totaling \$119,000, which have not been reimbursed by the BQC

Contention #2

It was improper for the BQC to report these expenditures in its April quarterly CFR, because Linjen made the expenditures, not the BQC

Linjen was an independent contractor hired by, and working for, SB. Linjen's key role was to gather signatures for the citizen's initiative in the Bangor, Maine, area. SB's contract with the BQC specifically provided that it would reimburse SB (not the subcontractors) for actual costs of necessary travel in and out of Maine, housing, and transportation of workers hired by SB as independent contractors working on this project. The BQC was also responsible for paying SB for the valid signatures gathered by the independent contractors. There was no separate oral or written contract between the BQC and Linjen.

The BQC's CFR for April 2016 listed Linjen expenses totaling \$81,928.46. These expenses were verified by the BQC's independent accounting firm and the BQC. The BQC had a statutory obligation to report these expenditures regardless of whether Linjen or the BQC made the actual payment, or whether Linjen had been reimbursed for this expenditure. See Commission Rules, Ch. 1, §7(1)(A), (3).

As per Commission Staff recommendations, the BQC, in its June amended CFR, updated Linjen's Schedule B expenses, which now total \$126,525.36 for both April and June filings.

The BQC reported all of the documented and verified expenditures. With regard to "actual" payments, it was the responsibility of SB to reimburse the subcontractors, such as Linjen. The single exception to this obligation was the mid-January request by SB for the BQC to make payments to the subcontractors directly, as explained in the BQC response to the

Jonathan Wayne, Executive Director
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Asmuth complaint.

Conclusion

In conclusion, in light of Mr. Asmuth's Complaint, the BQC has amended its CFR with advice and guidance from the Commission's staff, to more accurately reflect the payments made by it during this initiative drive but, to include amendments to expenditures made by Linjen and, accordingly, denies the validity of the allegations made by Ms. Breslin in her Complaint.

Ms. Timberlake and I will be at the Commission's meeting tomorrow to further respond to the allegations in Ms. Breslin's letter, as well to answer any additional questions that the Commissioners may have regarding this matter.

Thank you for your attention to this matter.

Sincerely,

/s/Bruce M. Merrill
Bruce M. Merrill
Attorney for the BQC

Enc.

BMM/mb

cc: Cheryl Timberlake, Treasurer (via e-mail)
Ms. Lisa Scott (via e-mail)