Agenda Item #4

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

To: Commissioners

From: Jonathan Wayne, Executive Director
Benjamin Dyer, Political Committee and Lobbyist Registrar

Date: July 24, 2014

Re: Falmouth Town Democratic Committee Investigation

On Monday, June 16, 2014, the Commission on Governmental Ethics and Election Practices received a complaint from Stephen M. Woods regarding the actions of the Falmouth Town Democratic Committee (FTDC) in endorsing his primary election opponent, Catherine Breen. Mr. Woods was a candidate for the Democratic nomination for Maine State Senate, District 25 covering Falmouth, Cumberland, Yarmouth, and nearby communities. He ran against Catherine Breen, who won the Democratic nomination in the June 10, 2014 primary election. Following preliminary fact-gathering by the staff, at its June 25, 2014 meeting the Commission voted to investigate whether the FTDC made a contribution to the Breen campaign through the endorsement or otherwise.

Relevant Law

Definition of Contribution

The raising and spending of money for candidate election campaigns is governed by Chapter 13, Subchapter II of the Election Law (21-A M.R.S.A. §§ 1011-1105). Candidates are required to file campaign finance reports of the contributions they have received and the expenditures they have made (§ 1017(5)). Donors may not make contributions in excess of certain limits. (§§ 1015(1) & (2))

This subchapter of the Election Law defines "contribution" as follows:

2. Contribution. The term "contribution:"

A. Includes:

(1) A gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office or for the purpose of liquidating any campaign deficit of a candidate, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included; …

Thus, the term "contribution" covers a candidate's receipt of money and non-monetary items ("anything of value").

Exemption for Volunteer Activities and Voters Lists

The Legislature has exempted certain activities from campaign finance regulation. One such exemption is for volunteerism. (21-A M.R.S. § 1012(2)(B)(1)) Volunteerism can take many forms, but one common volunteer activity is designing or distributing communications urging support for a candidate. These activities can have tremendous value in building support for a candidate, but do not count toward disclosure requirements or contribution limits administered by the Commission. Another exemption is for lists of registered voters or voter identification information that a party committee has maintained for party building purposes and that are given by the party committee to a candidate who is a member of that party. (21-A M.R.S. § 1012(2)(B)(6))

Coordinated expenditures

Candidates have also accepted a contribution if they, their political committee, or their agents, have requested or suggested that someone else make an expenditure for the purpose of promoting their nomination or election.

> **5. Other contributions and expenditures.** Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate.

21-A M.R.S.A. § 1015(5)

Party committees. Local party committees are required to file up to three campaign finance reports during an election year, under 21-A M.R.S.A. § 1017-A(4-B) Any party committee receiving and spending less than $1,500 in one calendar year is exempt from the duty to file reports. (21-A M.R.S.A. § 1017-A(4-B)(7))

Summary of Investigation

Following your June 25, 2014 meeting, the Commission staff

- interviewed Mr. Woods on June 26 and requested that he submit any additional written materials by July 4 (we received none)
- reviewed Mr. Woods' submissions, comments and interview responses (both of his written submissions prior to your last meeting are attached)
- interviewed Pam Fenrich, the Chair of the FTDC (notes are attached)
- interviewed Cathy Breen (notes are attached)
- sent a questionnaire and request for documents to FTDC treasurer Beth Franklin (her answers are attached, along with a redacted copy of the only check written by the FTDC this year which was unrelated to the Breen campaign)
- sent a questionnaire and request for documents to FTDC's secretary Grace Madden (her responses, including the email communications promoting Cathy Breen, are attached).

In an interview on June 27, 2014, Mr. Breen said that she did not invite or request the endorsement of the FTDC. When asked whether she was aware, in advance of the FTDC's May 28 meeting, that the FTDC might endorse her, she stated that endorsement had never crossed her mind. She found out about the endorsement the day after during a phone call with Pam Fenrich. The notes of the interview are attached.

In an interview on June 30, 2014, Pam Fenrich said that the FTDC met on May 28, 2014 to consider making endorsements in the upcoming primary election. Ms. Breen did not

solicit the endorsement of the committee. She recalls that the meeting was attended by 12 to 13 people, 4 to 5 of which were not involved with the Breen campaign. The motion to endorse Ms. Breen was made by Annalise Larson, a person Ms. Fenrich understood was not involved with the Breen campaign. Ms. Fenrich recused herself as Chair and abstained from voting. She recalls that the remaining voters were unanimous in voting to endorse Ms. Breen. The FTDC also voted to endorse Kevin Joyce.

After the meeting, Ms. Fenrich drafted the endorsement by relying on biographical text from Ms. Breen's campaign website. She then sent the endorsement email to Grace Madden, who sent the email out to the FTDC's email address list. The FTDC also distributed two other emails she drafted. One included endorsements of Ms. Breen by officials that Ms. Fenrich copied from the Breen campaign's webpage. (Ms. Fenrich sent the same email to about 30 of her personal contacts and encouraged them to forward the email.) The second email from the FTDC reminded recipients to vote on June 10th and encouraged them to vote for Ms. Breen and two others involved in Falmouth town races. The notes of the interview are attached.

Ms. Madden's written response is attached. Ms. Fenrich and Ms. Madden both said that the FTDC's email list had about 160 entries and was compiled by using sign-up sheets at meetings and events. Ms. Madden maintains this list on her personal email account and she is the only one with access to it.

In her July 3, 2004 written response, FTDC treasurer Beth Franklin stated that the FTDC did not spend any money creating or distributing the endorsement of Ms. Breen. It did not spend any money to support the Breen campaign. In fact, the FTDC's only expenditure during entire first half of 2014 was a reimbursement to its chair, Pam Fenrich, on February 19, 2014 for automated calls to invite FTDC members to a caucus meeting (redacted check is attached). The Commission staff reviewed the bank statements for the entire first half of the year and confirmed Ms. Franklin's statement. The FTDC treasurer also responded that the FTDC did not give the Breen campaign money or anything of value.

Staff Analysis and Recommendation

No evidence that Candidate Cathy Breen Received a Contribution under § 1012(2)(A)(1)

In applying the law, the Commission staff recommends focusing on how the Maine Legislature has defined the term "contribution." The candidate should be held responsible for reporting money and "anything of value" that they have received, but not activities that are conducted independently of the candidate or that are deemed to be exempt by the Legislature.

Many actors are involved in a legislative race (including local party activists and the legislative caucuses) and they engage in a variety of actions that the candidate may not know about. Many of these activities "have value" in terms of persuading voters to nominate or elect a candidate, but they are not necessarily required by law to be reported as a contribution *by the candidate*. Since the Buckley v. Valeo decision, the federal courts have cautioned against limiting the activities of people and organizations acting independently of candidates in a race to affect their nomination or election.

The facts of the FTDC's endorsement are straightforward. The Falmouth Town Democratic Committee is a typical municipal party committee that meets periodically to recruit candidates and to support their campaigns. The FTDC's activities, the frequency of its meetings, the officers it has appointed to fulfill certain duties – all seem completely ordinary.

Cathy Breen has participated in activities of the FTDC in encouraging candidates to run and supporting their campaigns through volunteer activities. It is not surprising that she has gotten to know members of the FTDC, and that, individually, they might be inclined to support her nomination.

We are unable to find any evidence that Cathy Breen received any money or "anything of value" from the FTDC. The FTDC Chair (Pam Fenrich), the FTDC Treasurer (Beth Franklin) and Cathy Breen have denied this. Mr. Woods has complained about emails by

the FTDC that endorse or promote her, but he has not presented evidence that the FTDC gave her anything to promote her nomination. Based on the information received by the Commission staff, we recommend concluding that Cathy Breen did not receive a contribution under § 1012(2)(a)(1).

No evidence that Candidate Cathy Breen Received a Contribution under § 1015(5). There does not appear to be any evidence that Cathy Breen received a contribution in the form of an expenditure that was made at her request or with consultation or cooperation of her or political committee or agents.[1]

No expenditure of money. The endorsement and its distribution by email were accomplished through no expenditure of money. A group of party activists responded to an emailed invitation to meet. One member of the group moved to endorse Cathy Breen. There was near unanimous support (the only exception being Pam Fenrich who abstained). The group also endorsed the nomination of a candidate for Cumberland County Sheriff.

Pam Fenrich drafted the email endorsement of Cathy Breen by relying on information on the Breen website concerning the candidate's biography. She sent the email to FTDC treasurer, Grace Madden, who maintains the email list on her AOL email account. Ms. Madden circulated the email the day after the meeting.

All of these activities may have "had value" in persuading the 161 recipients to vote for her, but there was no expenditure incurred in endorsing Ms. Breen or distributing the endorsement by email.

[1] In addition to the reasons stated below, we have found no evidence that Cathy Breen requested or suggested the FTDC endorsement. She has stated that the endorsement never crossed her mind, and we have found no evidence that would contradict that.

Non-monetary expenditures. The Commission staff cautions against any conclusion that the FTDC's use of its own email list, maintained by volunteers, could constitute an "in-kind expenditure" or a non-monetary expenditure.[2]

- First, contemporary communication techniques provide many opportunities for volunteers associated with a PAC or party committee to use electronic and personal property that has a resale value for purposes of a political communication (*e.g.*, an email list, a personal computer, smartphone, video or still camera). The Commission has not adopted any rule or policy suggesting that *the use* of this property could constitute "an expenditure."
- In fact, the Commission has stated the opposite policy. In providing written guidance on independent expenditure reporting, the Commission addressed a hypothetical example of a community organization sending out an endorsement by email at no cost. The Commission's guidance was that no independent expenditure report would be required because the communication "involved no expense." (*See* attached advice document, page 5) The Commissioners approved this advice on February 25, 2010.
- Endorsements of candidates are a common activity within the political process. The Commission staff is concerned that if the Commission were to characterize a cost-free communication such as an email distribution of an endorsement as an expenditure, that policy could interfere with free expression of communications about candidates.

Conclusion

For the above reasons, we recommend finding that Cathy Breen did not receive a contribution from the Falmouth Town Democratic Committee. Thank you.

---

[2] The term "expenditure" is defined as

> (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included; ....

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

To: File

From: Jonathan Wayne, Executive Director

Date: June 27, 2014

Re: Notes of Interview of Cathy Breen

Political Committee and Lobbyist Registrar Ben Dyer and I interviewed Cathy Breen and today by telephone. This memo records my notes.

When asked to identify the people most involved in her campaign, Ms. Breen named the following:

- Elizabeth Klebe, campaign manager
- John Brautigam, treasurer
- Bonnie Rodden, communications director
- Rebecca Russell, worked on website
- Dee Vella, performed data entry
- Beth Franklin, driving coordinator (did not develop to be a large job; volunteers were arranged through a website)

I asked Ms. Breen whether she invited or requested the endorsement by the Falmouth Town Democratic Committee (FTDC). She replied "no." When asked whether she was aware, in advance of the May 28 meeting, that the FTDC might endorse her, Ms. Breen replied that it "never crossed my mind."

Cathy Breen said that she had volunteered for the FTDC in the past. She had served on the Falmouth Town Council, and because of term limits there was turnover on the Council and school board. The town needed "good people to serve," so she had gone to FTDC meetings to develop ideas for people who might agree to serve. When people agreed to run, she helped them. She tended not to go to the FTDC meetings, but asked

what she could do to help candidates, such as putting up campaign signs or providing transportation.

Cathy Breen said that that she did receive an email notifying her of the FTDC's May 28 meeting, but did not consider attending because she was too busy campaigning.

Ms. Breen first learned of that the FTDC had endorsed her on the day after the FTDC meeting, during a telephone conversation with Pam Fenrich. Ms. Fenrich mentioned that she had recused herself because of her position on the state committee.

Cathy Breen said that she did not know whether Elizabeth Klebe, John Brautigam, or Bonny Rodden had attended the FTDC's June 28 meeting. She expressed doubt that Ms. Klebe had attended. Ms. Breen described her as highly skilled at organizing (an "uber-volunteer"), but not political. She said that she had not seen the minutes of the meeting and did not know who was there. When asked whether she was aware that John Brautigam and Bonny Rodden had been at the meeting, she said no.

I asked Ms. Breen whether she had any information indicating that people in her campaign may have requested, suggested, or initiated the endorsement by the FTDC, she replied "not that I'm aware of."

Ms. Breen said that no one on her campaign wrote the language of the endorsement, and that she does not know if the campaign posted the endorsement to its Facebook page.

The FTDC did not provide any money or anything of value to the candidate or campaign, and did not provide the FTDC's email list to the campaign. Ms. Breen is not aware of the FTDC spending any money to promote her campaign. The Breen campaign did not give any lists of emails to the FTDC.

We thanked her and terminated the interview.

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

To: File

From: Jonathan Wayne, Executive Director

Date: June 30, 2014

Re: Notes of Interview of Pamela Fenrich

Political Committee and Lobbyist Registrar Benjamin Dyer and I interviewed Pam Fenrich today by telephone. This memo records my notes of her responses.

When asked when she first served as Chair of the Falmouth Town Democratic Committee (FTDC), Ms. Fenrich replied that she believes that it was in 2007. In 2006, she was elected as Vice Chair of the FTDC. She had no involvement in political campaigns in Maine before 2006. She remembers chairing a very large meeting of the FTDC in the fall of 2008, when Barack Obama was the Democratic nominee for U.S. President.

The FTDC meets between one and four times a year, depending on the election schedule. When Fenrich first became chair, she attempted to hold regular meetings, but she discovered that people didn't have time to meet every month. The FTDC moved to meeting for more specific purposes, such as recruiting or supporting candidates in upcoming elections. The Maine Democratic Party is required to hold a certain number of municipal caucuses every two years. The FTDC held its 2014 caucus on March 2, 2014.

Pam Fenrich did not have a named position in Cathy Breen's campaign. Cathy Breen is a close friend, and Ms. Fenrich provided informal advice to her as a candidate.

The motion to endorse Cathy Breen during the FTDC's May 28, 2014 meeting was made by Annalise Larsen. She is not involved with the Breen campaign, to the best of Ms. Fenrich's knowledge. Ms. Larsen did not state her motivation for the motion in the course of making it. Ms. Fenrich recalled the motion as "I would move that the Committee endorse Cathy Breen."

Pam Fenrich recused herself from the vote, because she had said that she would not do anything publicly as the Vice Chair of the State Committee to support Cathy Breen.

Pam Fenrich believes that 12 or 13 people were present at the May 28 meeting. Some of the people present had volunteered for the Breen campaign occasionally. John Brautigam and Bonny Rodden were more involved. She estimates that at least four or five "had nothing to do" with the Breen campaign.

Ms. Fenrich had a clear sense that everyone in the group supported Cathy Breen. The vote was unanimous. Pam Fenrich was the only member who abstained.

The FTDC also voted unanimously to support Kevin Joyce for Sheriff, as people were upset about the negative campaign in support of his opponent. Ms. Fenrich also recused herself from that vote.

In order to prepare the FTDC's written communication endorsing Cathy Breen, Pam Fenrich went to Cathy Breen's campaign website. Ms. Fenrich took descriptions from the biography section to create the language of the FTDC's endorsement. She did not think she added a lot to the message. After finishing the endorsement, Ms. Fenrich sent it to the Secretary of the FTDC, Grace Madden, to distribute the message to the FTDC email list. Ms. Mullen distributed the email endorsement on May 29, 2014.

Cathy Breen did not know of the endorsement before or during the meeting. Ms. Fenrich thinks that she called Ms. Breen afterwards to tell her of the endorsement by the FTDC.

When asked if, to the best of her knowledge, no one in the Breen campaign requested the endorsement, Ms. Fenrich responded "correct."

After Grace Mullen sent the FTDC endorsement, Ms. Mullen sent two other emails in support of Breen to the FTDC email list. Fenrich prepared both of the additional emails. The first reiterated endorsements that Cathy Breen had received from elected officials. This email was the same as the email that Pam Fenrich sent to the 30 or so people in her contact list. The second email was a flier to vote for Breen, Caleb Hemphill (School Board), and Chris Orestis (Town Council).

The FTDC keeps a list of email addresses that are provided by individuals who have attended FTDC's meetings or house parties. The usual method of receiving them is to set

out a clipboard to meetings and house parties with a sheet asking if people want to sign up to receive emails.

The current list includes 161 entries. The list is kept in Grace Madden's AOL account. The names are not stored in some other format such as Microsoft Excel or Constant Contact.

The FTDC has not used NGP VAN information for purposes of emailing messages to members of the FTDC. Candidates for Town Council and School Board have accessed the data for campaign purposes, such as canvassing voters. Pam Fenrich has access to the VAN, but has not used it for the distribution of emails.

The email from Ms. Fenrich to her personal contact list concerning Cathy Breen went to about 30 people and may have gone outside Falmouth to about 30 people. The email contained language encouraging people to forward the email to friends and neighbors, so others may have received it.

The FTDC did not given money or anything of value to the Breen campaign. The FTDC did not spent money to promote Breen's nomination.

The Cumberland County Democratic Committee endorsed Cathy Breen around June 7 or 8, 2014.

The FTDC sent email communications endorsing Kevin Joyce and town council candidates. In response to our request, Ms. Fenrich said that she would forward those emails.

We thanked her and terminated the interview.

Wayne, Jonathan

From: Pam Fenrich <pfenrich@maine.rr.com>
Sent: Monday, June 30, 2014 11:43 AM
To: Wayne, Jonathan
Subject: FW: Falmouth Democratic Committee Endorsements

Pam Fenrich
3 Fox Hall Road
Falmouth, ME 04105
(207) 797-4571
pfenrich@maine.rr.com

From: Ggfrozen@aol.com [mailto:Ggfrozen@aol.com]
Sent: Friday, May 23, 2014 9:53 PM
To: ggfrozen@aol.com
Subject: Falmouth Democratic Committee Endorsements

Tuesday, June 10th is election day in Falmouth. Besides our local elections there is very important **Democratic primary for our State Senate seat.** The incumbent, Dick Woodbury, has chosen not to run for another term. The Democratic candidate in the general election will be decided in this primary. Cathy Breen of Falmouth and Steve Woods of Yarmouth are running for the Democratic nomination.

Two positions on the Falmouth Town Council and three positions on the Falmouth School Board are up for election. The three School Board seats are uncontested with Lucy Tucker, Josh Barrette and Daniele Tracy running.

The Falmouth Democratic Committee endorses Caleb Hemphill and Chris Orestis For Town Council

Caleb Hemphill

An active volunteer and leader in Falmouth for 10 years, Caleb has served on a number of town committees and has played a major role in the creation of new trails throughout town. Caleb has also coached youth soccer, baseball and softball. He chairs the Town's Land Management and Acquisitions Committee and is Vice President of the Falmouth Land Trust.

Caleb has a restoration woodworking business in Falmouth, specializing in preservation of historic buildings. He is married to Dr. Rebecca Hemphill and has two Falmouth–educated children now in college. He has a bachelor's degree from Middlebury College and a master's from Harvard in Environmental Health. Caleb supports:

- Maintaining the outstanding quality of our schools
- Enhancing Falmouth's business environment
- Keeping our taxes low and spending under control
- Managing and maintaining our natural areas, open space and access to trails for recreation.

Chris Orestis

Chris is a Maine native and business owner who has lived in Falmouth for 11 years. He is the father of four boys in Falmouth schools.

First elected to the Town Council in 2011, Chris has worked hard to build consensus on issues by respecting all points of view. He has worked hard to protect the Falmouth Flyer, enhance our parks and open spaces, and achieve a balanced approach to business development and growth. Chris supports the Rte 1 improvement project, library expansion, Community Programs at Plummer School. He has voted in favor of responsible budgets for the town and the school that have kept our tax mil-rate flat without sacrificing quality of services. As a result of these efforts the town now has a AAA credit rating and cash surpluses preserved for future needs. Check out Chris' web site at www.electchrisorestis.com.

Absentee voting is now available at Town Hall

Wayne, Jonathan

From: Pam Fenrich <pfenrich@maine.rr.com>
Sent: Monday, June 30, 2014 11:44 AM
To: Wayne, Jonathan
Subject: FW: Falmouth Democratic Committee Endorse Kevin Joyce for County Sheriff

Pam Fenrich
3 Fox Hall Road
Falmouth, ME 04105
(207) 797-4571
pfenrich@maine.rr.com

From: Ggfrozen@aol.com [mailto:Ggfrozen@aol.com]
Sent: Wednesday, June 4, 2014 5:44 PM
To: ggfrozen@aol.com
Subject: Falmouth Democratic Committee Endorse Kevin Joyce for County Sheriff

The Falmouth Democratic Committee Endorses Kevin Joyce for County Sheriff

Sheriff Kevin J. Joyce is a "life long democrat" who has worked for the Cumberland County Sheriff's Office for 28 years. During his career, he has served as a Patrol Sergeant, Criminal Investigations Captain, Patrol Captain and Chief Deputy. In 2010, Sheriff Mark Dion retired to pursue other interests and Kevin Joyce decided to run for Sheriff.

During his first term as Sheriff, he has worked tirelessly to protect Senior Citizens and Children from being victims of crimes, while advocating for those suffering from addiction and mental illness. In the next term, Sheriff Joyce plans on continuing the aforementioned programs along with some

additional projects involving alternative sentencing and reducing the recidivism of individuals being routinely brought to the jail.

Sheriff Joyce has a MBA from Husson College, AS in Criminal Justice from Southern Maine Community College. Sheriff Joyce is a graduate of the FBI National Academy and the FBI Law Enforcement Executive Development training programs in Quantico Virginia.

Please join us in voting for Kevin Joyce in the June 10th Democratic primary.

Wayne, Jonathan

From: Pam Fenrich <pfenrich@maine.rr.com>
Sent: Monday, June 30, 2014 11:43 AM
To: Wayne, Jonathan
Subject: FW: Falmouth Dem News -- Re-elect Chris Orestis Falmouth Town Council
Attachments: ChrisHandout2014RevHighResPrintready.pdf

Pam Fenrich
3 Fox Hall Road
Falmouth, ME 04105
(207) 797-4571
pfenrich@maine.rr.com

From: Ggfrozen@aol.com [mailto:Ggfrozen@aol.com]
Sent: Monday, April 21, 2014 7:11 PM
To: ggfrozen@aol.com
Subject: Falmouth Dem News -- Re-elect Chris Orestis Falmouth Town Council

---

Hi, I'm Chris Orestis and I am running for re-election to the Falmouth Town Council. Since being elected, I have worked hard for all residents of Falmouth and I have been a fighter for fair and equal treatment for everyone in our community.

Click here for a VIDEO message:
https://www.youtube.com/watch?v=DFzZ4zZSP8o&feature=youtu.be

As a Maine native, business owner, and father of four boys in Falmouth schools, I believe we must maintain the high standards that make our town such a great place to live and raise a family. We have a number of important decisions ahead that will impact our quality of life, future and sense of community. They will require building consensus through thoughtful deliberation, financial responsibility, and respect for all points of view. If re-elected I will continue to work hard to make sure Falmouth's schools, economy, community spaces and institutions continue to prosper.

I thank you for your friendship and on Tuesday, June 10th I thank you for your vote!

My four top priorities:

- **Investing in Falmouth's great schools, programs, teachers and students**
- **Proactive economic development for Route 1 and Route 100**
- **Protecting the environment while encouraging balanced growth**
- **Financially responsible management of Falmouth's resources and budget**

I look forward to hearing from you at: www.electchrisorestis.com / corestis@maine.rr.com / Facebook @ Chris Orestis Falmouth Town Council

CHRIS ORESTIS
Town Council

CHRIS ORESTIS

Falmouth Town Council

Re-elect Chris June 10th

- Maine Native
- Business Owner
- Consensus Builder
- Financially Responsible
- Father of four in Falmouth Schools

Re-Elect Chris on June 10!

As a Maine native, business owner, and father of four boys in Falmouth schools, I believe we must maintain the high standards that make our town such a great place to live and raise a family. We have a number of important decisions ahead that will impact our quality of life, future and sense of community. They will require building consensus through thoughtful deliberation, financial responsibility, and respect for all points of view. If re-elected I will continue to work to make sure Falmouth's schools, economy, community spaces and institutions continue to prosper.

I support:

- **Investing in Falmouth's great schools, programs, teachers and students**
- **Proactive economic development for Route 1 and Route 100**
- **Protecting the environment while encouraging balanced growth**
- **Financially responsible management of Falmouth's resources and budget**

I look forward to hearing from you at:
corestis@maine.rr.com

CHRIS ORESTIS
Falmouth Town Council

www.electchrisorestis.com

Find Chris Orestis Falmouth Town Council on Facebook

Paid for and authorized by
Chris Orestis Falmouth Town Council – Mary Nelson, Treasurer

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

June 27, 2014

By E-Mail and Regular Mail
Ms. Grace Madden
20 Inverness Road
Falmouth, ME 04105

Dear Ms. Madden:

As Executive Director Jonathan Wayne's memo sent to you on June 25, 2014, noted, the Ethics Commission has directed its staff to conduct an investigation of the circumstances surrounding the endorsement of Catherine Breen by the Falmouth Town Democratic Committee (the Committee). To assist the investigation, please answer the following questions by letter. Please provide your responses to the Commission by July 7, 2014. If you need additional time, please let us know.

1. We understand you serve as Secretary for the Committee. Please describe your duties as Secretary for the Committee.
2. Who prepared the text of the Breen endorsement? Who decided what the endorsement would say?
3. To your knowledge, did the Committee work with the Breen campaign on any aspect of the endorsement?
4. Was the endorsement distributed through any other method (mail, ad, flyer, etc.)?
5. Other than the emailed endorsement that you provided to Jonathan Wayne electronically, did the Committee send out any other email messages promoting Ms. Breen's nomination?
6. For what purpose does the Committee keep an email address list?
7. If you know, who created the email list used to distribute the endorsement? How did the Committee create the email list?
8. How is the email address list maintained? Who has access to the email list?
9. In the past three years, did the Committee receive any email addresses from the NGP VAN or any other database?
10. To your knowledge, has the Committee ever sold its email list to anyone else?
11. Has the Committee given any money or anything of value to the Breen campaign?

In addition to answering these questions, please provide copies of the following documents. If such documents do not exist, please tell us so. If you do not have access to the documents, please tell us who does.

1. A hard-copy of the final endorsement sent out by the Committee.
2. Any notes taken at the meeting concerning the endorsement that are in your possession.
3. A copy of the email list used by the Committee to distribute the endorsement.

Once we receive your response, we will review the answers. If we have other questions, we will contact you. If you have questions, please contact me at (207) 287-4179 or benjamin.p.dyer@maine.gov. Thank you in advance for your time and cooperation.

Sincerely,

Benjamin P. Dyer

Benjamin P. Dyer
Political Committee and Lobbyist Registrar

From: Ggfrozen@aol.com [mailto:Ggfrozen@aol.com]
Sent: Thursday, July 03, 2014 1:08 PM
To: Wayne, Jonathan
Cc: pfenrich@maine.rr.com
Subject: Ethics Commission Investigation

To: Jonathan Wayne, Executive Director
Maine Ethics Commission
45 Memorial Circle
Augusta, Maine 04333 - 0135

Answers to questions / document request (Falmouth Town Committee / Catherine Breen) per your request:

Grace Madden
20 Inverness Road
Falmouth, ME 04105

QUESTIONS/ ANSWERS:

1. Question: We understand you serve as Secretary for the Committee. Please describe your duties as Secretary for the Committee. --- ANSWER: I take notes @ meetings / email information to Falmouth Dems @the direction of the Chair of the Falmouth Town Committee

2. Question: Who prepared the text of the Breen endorsement? --- ANSWER: Pam Fenrich; Question: Who decided what the endorsement would say? ---- Answer: Pam Fenrich

3. Question: To your knowledge, did the Committee work with the Breen campaign on any aspect of the endorsement? --- ANSWER: No

4. Question: Was the endorsement distributed through any other method (mail, ad, flyer, etc.)? ----ANSWER: No

5. Question: Other than the emailed endorsement that you provided to Jonathan Wayne electronically, did the Committee send out any other email messages promoting Ms. Breen's nomination? ---- ANSWER: Yes, two other emails (6/5/2014 – Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen; 6/9/2014 –Vote for Breen, Orestis and Hemphill) (See attached)

6. Question: For what purpose does the Committee keep an email address list? --- ANSWER: Announcing meetings/ Caucus / endorsements/ candidates; soliciting volunteers for town council & school board races; other party notices – i.e. Presidential visits etc.

7. Question: If you know, who created the email list used to distribute the endorsement? ---

ANSWER: Created by the Committee

Question: How did the Committee create the email list? --- ANSWER: Email list was created over time through Sign-Up sheets @ caucuses / meetings / house parties and other various Committee functions (email list is updated from time to time – new emails are added; invalid emails are deleted as well as those requests to unsubscribe).

8. Question: How is the email list maintained? --- ANSWER: I maintain the email list on my personal computer.

Question: Who has access to the email list? ---ANSWER: I have access.

9. Question: In the past three years, did the Committee receive any addresses from the NGP, VAN, or any other

database? --- ANSWER: No

10. Question: To your knowledge, has the Committee ever sold its email list to anyone else?

ANSWER: No

11. Question: Has the Committee given any money or anything of value to the Breen Campaign?

ANSWER: No

DOCUMENTS :

1. Request: A hard copy of the final endorsement sent out by the Committee.
   ANSWER: See attached.

2. Request: Any notes taken at the meeting concerning the endorsement that are in your possession.
   ANSWER: I was not able to attend that meeting (sick granddaughter), therefore I have no notes.

3. Request: A copy of the email list used by the Committee to distribute the endorsement.
   ANSWER: See attached.

Pam Fenrich

From: Ggfrozen@aol.com
Sent: Thursday, June 5, 2014 10:46 AM
To: ggfrozen@aol.com
Subject: Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen

EXHIBIT A

Elected officials don't like to publicly throw their support to one candidate over another in their party's primary. Independent groups usually save their endorsements for the general election. Unless one candidate is clearly superior. Unless one candidate has a better chance of winning in November. Unless one candidate has a better chance of actually getting things done in Augusta.

Cathy Breen is such a candidate. She has been endorsed by the mayor of Westbrook and five state legislators representing Falmouth, Cumberland, Gray and Westbrook. She has been recently endorsed by the Maine's Peoples Alliance and Planned Parenthood Action Fund PAC.

Cathy is running in the contested Democratic Primary for the State Senate seat vacated by Sen. Dick Woodbury, an Independent. District 25 encompasses Falmouth, Yarmouth, Cumberland, Gray, Long Island, Chebeague Island and the northern section of Westbrook.

Westbrook Mayor Colleen Hilton has cited Breen's leadership in getting the Open Space referendum passed in 2007 in Falmouth when Cathy chaired Falmouth's Town Council. "It was the result of years of hard work where Cathy listened to competing needs and priorities of environmentalists, landowners, developers, and taxpayers," Hilton said. **Rep. Anne Peoples** of Westbrook has also endorsed Cathy.

Rep. Steve Moriarty endorsed her because she is a strong advocate for revenue sharing, which reduces the burden on property taxes.

Rep. Mark Dion said Breen is "sensitive to the needs of Maine's working families" and "will add vision, value and insight to Democratic leadership in our Statehouse."

Rep. Mary Nelson noted Breen's support of high-quality public schools, and Rep. Ann Peoples lauded Breen's support of mass transit.

Rep. Anne Graham said Breen "will work for health care for all and particularly for families who struggle to make ends meet."

Our elected leaders and activists know what it takes to get the job done in Augusta and the Falmouth Democratic Committee agrees with them all. Please vote for Cathy Breen on June 10.

Pam Fenrich

From: Ggfrozen@aol.com
Sent: Monday, June 9, 2014 8:29 AM
To: ggfrozen@aol.com
Subject: Vote for Breen, Orestis and Hemphill

EXHIBIT B

Tomorrow is Election Day

Vote for Breen, State Senate Democratic Primary

Orestis and Hemphill, Town Council

Falmouth High School

7:00am to 8:00pm

Subj: **Fwd: : Falmouth Democratic Committee Endorses Cathy Breen in State Senate pri...**
Date: 6/21/2014 10:18:55 A.M. Eastern Daylight Time
From: Ggfrozen@aol.com
To: ggfrozen@aol.com

EXHIBIT C

From: Ggfrozen@aol.com
To: ggfrozen@aol.com
BCC: [redacted]
Sent: 5/29/2014 12:45:09 P.M. Eastern Daylight Time
Subj: : Falmouth Democratic Committee Endorses Cathy Breen in State Senate primary

The Falmouth Democratic Committee endorses Cathy Breen in the State Senate Democratic primary.

Cathy Breen, former two-time Chair of the Falmouth Town Council, is running in a Democratic primary for the State Senate seat currently held by Dick Woodbury who is not seeking re-election. The Senate District includes Falmouth, Cumberland, Yarmouth, Gray, Long Island, Chebeague and part of Westbrook.

The Mayor of Westbrook and five current Democratic Legislators in the District have all endorsed Cathy Breen over her opponent.

Breen, who is running as a Clean Election candidate, brings traditional Democratic values to the issues: supporting high quality public education, economic growth that respects Maine's natural resources, open and efficient government, increased access to quality health care, and economic security for Mainers of all income levels. She supported the 2012 Statewide referendum for marriage equality. She supports the expansion of Medicaid to all eligible Mainers and the re-instatement of State revenue sharing with municipalities.

Unlike her opponent, Cathy Breen has been a lifelong registered Democrat.

Breen was a strong proponent of controlled growth and conservation of open space on the Falmouth Town Council from 2005-2011. She shepherded the passage of the historic Open Space referendum in 2008, one of most successful local land and habitat conservation efforts in southern Maine. In addition, Breen consistently enacted low property tax rates and increased transparency, crafting the State's first email policy barring *de facto* cyber meetings of Falmouth's elected and appointed officials.

Breen promoted improved efficiency in local and regional services during her

six years as Falmouth's representative on the Greater Portland Council of Governments (GPCOG), and she was elected Vice Chair of the GPCOG Steering Committee. A strong advocate for public transit, Breen participated in long-term transportation planning with the Coastal Corridor Coalition (Falmouth, Cumberland, Yarmouth, N. Yarmouth and Freeport). She also supported the creation of the Metro Regional Economic Development Coalition and the Regional Crime Lab.

She currently serves on the Board of Directors of Spurwink Services, a statewide organization that serves children and adults with behavioral and mental health needs and developmental disabilities.

Breen has lived in Falmouth since 2000. She received a Bachelor's degree from Tufts University and a Master's of Education from the University of Illinois in Chicago. She participated in Maine's Institute for Civic Leadership's intensive training in collaborative leadership in 2003-04. She is married to Jay S. Geller, attorney, and has two teenaged children.

Please vote now at Town Hall or on June 10 at Falmouth High School for Cathy Breen in the State Senate Democratic primary.

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

June 27, 2014

By E-Mail and Regular Mail
Ms. Elizabeth Franklin
Treasurer, Falmouth Town Democratic Committee
4 Edgewater Road
Falmouth, ME 04105

Dear Ms. Franklin:

As Executive Director Jonathan Wayne's memo sent to you on June 25, 2014, noted, the Ethics Commission has directed its staff to conduct an investigation of the circumstances surrounding the endorsement of Catherine Breen by the Falmouth Town Democratic Committee (FTDC). To assist the investigation, please answer the following questions by letter. If possible, please provide your responses to the Commission by July 7, 2014. If you need additional time, let us know.

1. We understand you serve as the Treasurer for the FTDC. Please describe your duties as Treasurer for the FTDC.
2. Regarding the May 28, 2014 endorsement of Breen by the FTDC, did the FTDC expend any money creating or distributing the endorsement? If so, please provide the details of the expenditure, such as date, payee, amount and purpose.
3. Through the primary election, had the FTDC given any money or anything of value to the Breen campaign?
4. Did the FTDC spend any money to promote Ms. Breen's nomination?
5. Did the FTDC receive any money or anything of value from the Breen campaign?
6. Has the FTDC ever sold or rented its email contact list?

In addition to answering these questions, please provide copies of the following documents. If such documents do not exist, please tell us so. If you do not have access to the documents, please tell us who does.

1. FTDC bank statements from 1/1/2014 through present.

Once we receive your response, we will review the answers. If we have other questions, we will contact you. If you have questions, please contact me at (207) 287-4179 or benjamin.p.dyer@maine.gov. Thank you in advance for your time and cooperation.

Sincerely,

Benjamin P. Dyer

Benjamin P. Dyer
Political Committee and Lobbyist Registrar

July 3, 2014

Mr. Benjamin P. Dyer
Political Committee and Lobbyist Registrar
Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333-0135

Dear Mr. Dyer:

I received your letter concerning the investigation surrounding the endorsement of Catherine Breen by the Falmouth Town Democratic Committee (FTDC). My responses to your questions are below.

1. (Question) Please describe your duties as Treasurer for the FTDC.
   (Answer) I collect any contributions and pay any expenses incurred by the FTDC.

2. (Question) Regarding the May 28, 2014 endorsement of Breen by the FTDC, did the FTDC expend any money creating or distributing the endorsement? If so, please provide the details of the expenditure, such as the date, payee, amount and purpose.
   (Answer) No, the FTDC did not expend any money.

3. (Question) Through the primary election, had the FTDC given any money or anything of value to the Breen campaign?
   (Answer) No, the FTDC did not give any money or anything of value to the Breen campaign.

4. (Question) Did the FTDC spend any money to promote Ms. Breen's nomination?
   (Answer) No.

5. (Question) Did the FTDC receive any money or anything of value from the Breen campaign?
   (Answer) No.

6. (Question) Has the FTDC ever sold or rented its email contact list?
   (Answer) No.

Per your request, please also find the bank statements for the FTDC from 1/1/2014 to present. The only expenditure made this year was in March to repay an expense incurred by Pam Fenrich to call registered Democrats to attend the Casco Bay Caucus. I have included a copy of the check.

Sincerely,

Elizabeth V. Franklin

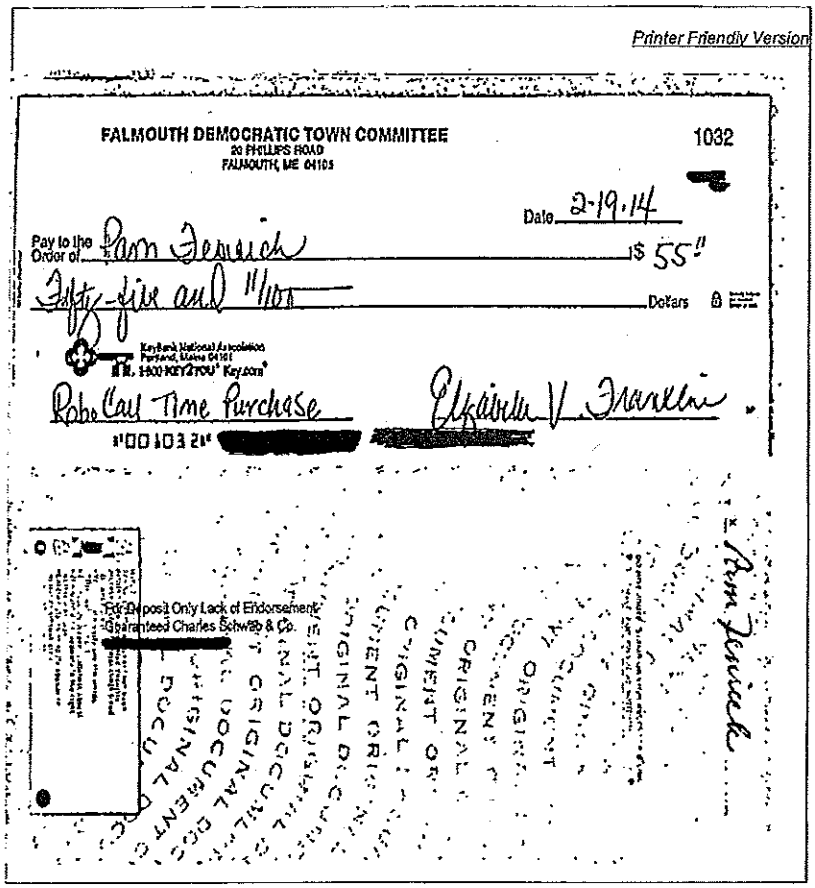
Elizabeth V. Franklin

Account Details

View Cleared Check

KeyBank Basic Business Checking	[redacted]
Check Number	1032
Check Amount	55.11
Date Check Cleared	02/25/2014

Note: You may print a copy of this check by selecting the "Printer Friendly Version" link or order a copy of the check by selecting the "Request Copy" button below.



Printer Friendly Version

FALMOUTH DEMOCRATIC TOWN COMMITTEE
20 PHILLIPS ROAD
FALMOUTH, ME 04105

1032

[redacted]

Date 2-19-14

Pay to the Order of Pam Jesnick $ 55.11

Fifty-five and 11/100 Dollars

KeyBank National Association
Portland, Maine 04101
1-800-KEY2YOU® Key.com®

Robo Call Time Purchase

Elizabeth V. Franklin

⑈001032⑈ [redacted] [redacted]

For Deposit Only Lack of Endorsement
Guaranteed Charles Schwab & Co.
[redacted]

Pam Jesnick

Pamela Fenrich

3 Fox Hall Road, Falmouth, ME 04105 ~ 207.797.4571 ~ [redacted]

June 20, 2014

State of Maine
Commission on Governmental Ethics
And Election Practices
135 State House Station
Augusta, ME 04333-0135

Attention: Jonathan Wayne, Executive Director

Re: Request for Investigation by Stephen M. Woods, dated June 16, 2014

This responds to Mr. Wayne's letter to me dated June 17, 2014.

1. The Falmouth Town Democratic Committee made no expenditures in connection with its endorsement of Catherine Breen in the State Senate primary election. The endorsement was moved from the floor and voted on at a duly-called Committee meeting held in the Falmouth Town Council Chambers.
2. The e-mail list used to distribute the Committee's endorsement is a list developed and maintained by the Falmouth Town Democratic Committee. The list consists of individuals who have signed up at various Falmouth Democratic functions to receive messages from the Falmouth Town Democratic Committee. The list is maintained by the Committee Secretary, Grace Madden, who used it to make the Breen endorsement distribution, as she does for all communications from the Committee.
   As a point of clarification, the e-mail from me copied in Mr. Woods's Request was not the Committee endorsement e-mail. My e-mail was sent to approximately 30 friends from my personal contact list.
3. No data from the NGP VAN, or similar database, was used to distribute the endorsement.
4. The Falmouth Town Democratic Committee has made no expenditures to promote Ms Breen's nomination in the June 10th primary election.

Sincerely,

Pamela Fenrich

Pamela Fenrich

Minutes from the Falmouth Democratic Committee

May 28, 2014

Meeting opened by Committee Chair Pam Fenrich.

Discussed upcoming GOTV event Monday, June 9 from 5:30-8:30 p.m.

Discussed low absentee voting to-date. More Democrats than others have submitted ballots.

Analiese Larson moves endorsement of Cathy Breen for State Senate.

Pam Fenrich recuses herself and John Brautigam presides in her place.

Allen Evans seconds Larson's motion.

Endorsement of Cathy Breen is unanimously approved with one abstention.

Pam Fenrich resumes the chair.

Discussion ensues about campaign flyer in the sheriff's race.

Bonny Rodden moves to endorse Kevin Joyce for Camden County sheriff.

Pam recuses herself. John Brautigam presides.

Rodden's motion seconded by Allen Evans.

Endorsement of Kevin Joyce is unanimously approved with one abstention.

Pam motions to adjourn. Seconded by John. Unanimously approved.

Recorded by Bonny Rodden

Temporary Secretary

Wayne, Jonathan

From: John Brautigam <jblaw@maine.rr.com>
Sent: Friday, June 20, 2014 8:35 AM
To: Wayne, Jonathan
Subject: RE: Request to Breen Campaign for Information

Dear Director Wayne:

This is to reply to your email requesting information from the Breen Campaign.

Ms. Breen's campaign was run entirely by volunteers.

Bonny Rodden was designated as the campaign's "Communications Director." In that role she wrote and distributed a half dozen press releases and assisted with Ms. Breen's participation in a local candidate forum, among other tasks. Bonny Rodden was never Ms. Breen's campaign manager, contrary to the allegation in Mr. Woods' email.

Pam Fenrich did not have a title or position in the Breen campaign. She provided occasional advice to the candidate.

I hope this is responsive to your request.

Sincerely,

John Brautigam

From: Wayne, Jonathan [mailto:Jonathan.Wayne@maine.gov]
Sent: Thursday, June 19, 2014 11:38 AM
To: 'jblaw@maine.rr.com'
Cc: [redacted]; Gardiner, Phyllis; Lavin, Paul; 'Steve Woods (WoodsS@tidesmart.com)'; 'bgrant@mainedems.org'; [redacted]; 'CATHYBREEN@ME.COM'
Subject: Request to Breen Campaign for Information

Mr. Brautigam,

As the treasurer for Cathy Breen, I am emailing to request limited information from the Breen campaign for the purpose of assisting the Commissioners in deciding whether or not to conduct any investigation as requested by Steve Woods:

- Please identify whether Pam Fenrich or Bonnie Rodden had any position or role in Cathy Breen's election campaign. By requesting their "position or role," I am asking that the campaign please disclose any campaign title that they had ("campaign manager" or "chair"), and a brief description of any activities they conducted as part of her campaign.

The request is relevant to the issue of whether there is any possibility that Ms. Breen received a contribution in the form of a coordinated expenditure of non-campaign funds. I understand that no such expenditures may have been made, but the information concerning Ms. Fenrich and Ms. Rodden would be helpful nevertheless.

Thank you for your cooperation. If possible, please respond by 12:00 noon on Friday, June 20.

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

Advice Regarding Independent Expenditures for the 2012 Elections

This memo answers some frequently asked questions about whether independent expenditure reporting is required. A copy of the relevant law (21-A M.R.S.A. § 1019-B) is attached with the corresponding Commission rule regarding independent expenditures. For advice about how to file an independent expenditure report, please see the instructions on the reporting form.

What is an "independent expenditure?"

Independent expenditures are payments or obligations made by individuals and organizations, acting independently of candidate campaigns, for certain communications referring to clearly identified candidates.

More specifically, payments or obligations made for communications (for example, advertisements in print or on television or the Internet, literature, robocalls) that expressly advocate the election or defeat of a candidate are always considered independent expenditures.

In addition, payments or obligations made for communications are presumed to be independent expenditures if the communication 1) is disseminated within 21 days before a primary election or within 35 days before the general election, 2) names or depicts a clearly identified candidate, and 3) involves a race in which a Maine Clean Election Act certified candidate is running.

These two periods before an election are referred to below as the "presumption periods."

Presumption Periods for the 2012 Elections		
Election	**Length (includes election day)**	**Dates**
Primary	21 days	May 23 – June 12
General	35 days	October 3 – November 6

Some communications are exempt from the presumption, such as slate cards sent by political party committees (please see exceptions below).

How do I know if my advertisement or literature "expressly advocates" the election or defeat of a candidate?

The term "expressly advocate" is defined in Chapter 1, Section 10(2)(B) of the Commission rules, which is attached to this memo. The definition includes phrases such as "Jones for House of Representatives" or "Vote for the Governor," and other words which in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates.

The Commission will take into consideration any evidence relevant under the statute, including the following:

- Does the language of the communication appear designed to influence the nomination, election, or defeat of a candidate?
- Was the communication disseminated to voters in the district of the candidate(s) mentioned in the communication?
- Was the communication disseminated to voters in other districts?
- How many voters received the communication?
- Is the communication directed to voters at all?
- Does the communication seem primarily designed for some identifiable purpose other than influencing the nomination, election, or defeat of a candidate?
- Does the communication mention all candidates running in the district?
- When was the communication produced, and when was it distributed?

The Commission will consider each rebuttal statement on a case-by-case basis. The determination will depend on the factors listed above, and any other evidence deemed relevant by the Commission.

What if the cost of a communication is less than $100 per candidate?

The definition of independent expenditure applies only to expenditures for communications. If the person making the communication did not spend or obligate more than $100 per candidate to design, produce, or disseminate the communication, no independent expenditure report or rebuttal statement is necessary. However, once the aggregated costs for any candidate exceed $100, a report must be filed for communications regarding that candidate.

Example: a community organization maintains a list of e-mail addresses of individuals who are concerned about local economic development issues. At no cost, it sends an e-mail to the concerned citizens endorsing a legislative candidate. The organization would not be required to file an independent expenditure report or submit a rebuttal statement because the communication involved no expense.

Please note that if an organization uses materials produced by another entity (*e.g.*, a legislative scorecard), the cost of producing that material must be included in the total amount for that communication (see below).

Are there any expenditures that are exempt from the reporting requirement and the rebuttable presumption?

Certain election-related activities are excluded from the legal definition of "expenditure" or "independent expenditure" in the Election Law. They do not need to be reported as independent expenditures and the rebuttable presumption does not apply to them. These excluded costs include:

- News stories and editorials distributed through a broadcasting station, newspaper, or other periodical publication, unless the facilities are owned or controlled by any political party, political committee, candidate or candidate's immediate family;
- Any communication from a membership organization (*e.g.*, a union or trade association) or corporation to its members or stockholders if that organization is

Steve Woods

From:	Steve Woods
Sent:	Monday, June 16, 2014 1:54 PM
To:	'Jonathan.Wayne@maine.gov'
Subject:	FW: Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen
Attachments:	Minutes of Falmouth Dems 5-28-2014.docx

Jonathan,

I'm writing to file an official ethics complaint against the following;

-Cathy Breen – State Senate Candidate for State Senate #25
-Pam Fenrich – Chairwoman of the "Falmouth Democratic Committee" and Vice Chair of the Maine Democratic Party
-Ben Grant – Chairman of the Maine Democratic Party
-The Maine Democratic Party, as an organization

In short, since approximately March, 2014 or before, the above mentioned individuals and the MDP as an organization, conspired and acted with deliberate intent to sabotage my campaign for State Senate #25 through multiple acts that will be detailed later.

For now, I'm asking the Maine Commission on Ethics and Governmental Practices to investigate the following act that had a material impact on the June 10, 2014, election for SD#25. (A chain of email correspondence is included below.) On at least one occasion (June 5th email included below) – the Cathy Breen campaign organized and executed a strategy that included sending out communications (email blasts, etc.) to all known registered Democrats in SD#25 with blatantly false and misleading information. One such communication purported that the "Falmouth Democratic Committee" had officially "endorsed Breen as a candidate."

In "minutes" provided by MDP Chair, Ben Grant, (attached) on June 9th, it is suggested that on May 28th, that the "Falmouth Democratic Committee" met as a formal political organization and "voted" to endorse Breen. It is my contention that this group had no lawful authority to make such an "endorsement" and that both candidate Breen and the MDP knew that at the time – and furthermore, all parties knew that such an "endorsement" absent legal basis – was instead a deliberate campaign act under the control of the Breen campaign itself.

In order to more fully understand the scope and scale of this event, I'm asking the Maine Commission on Ethics and Governmental Practice to investigate and to provide the following information ASAP, as time is of the essence;

-By what legal authority does the "Falmouth Democratic Committee" exist? (Charter, filings, etc.)

-Given that it appears that everyone at the May 28th meeting was directly associated with the Breen campaign, who in total attended this "meeting?"

-At what time of day on May 28th did this meeting start? End?

-Which members in name – actually "voted" to endorse Breen? Exactly who was at this meeting?

-Was candidate Breen in attendance to any part of this meeting where the "endorsement vote" occurred?

-Given that this meeting was presented as being an official function, where did the meeting take place? Cathy's house?

-How was this meeting "noticed" to the public? If it wasn't "noticed" how would my supporters know to attend?

-Was a quorum reached in the vote – and where in the published charter are the quorum requirements?

-What other official "meetings" and votes have been taken by the "Falmouth Democratic Committee" over the last 12-months? Where are those "minutes" and how are those records kept and shared with members and the public?

-Why did Pam Fenrich "recuse" herself as indicated in the "minutes?" For what reason? And, if her reason was to fulfill a directive from the MDP, why then broadcast a destructive email about me – in support of Cathy Breen – just days before the election?

-Does the "Falmouth Democratic Committee" have any recorded revenue or expenditures from the last 12-months? Details?

-Where did the "Falmouth Democratic Committee" attain their email list as referenced below? (Please ask them for a copy of the list used.)

-Who with the "Falmouth Democratic Committee" has access to the contact list used? Did/does anyone associated with the "Falmouth Democratic Committee" have access now (or anytime in the past) to the MDP's "VAN" list of voters – in any part or manner?

-Where did Pam Fenrich receive or acquire her email list that was utilized? (Please ask for a copy of this list.)

I don't believe that the "Falmouth Democratic Committee" meets any reasonable standard for being a legitimate organization. And, it certainly didn't act independent to the Breen campaign – as it appears that everyone in attendance was associated with Breen directly.

Instead, I believe that they functioned over the last month (and longer) as a direct campaign organization for candidate Cathy Breen in direct violation to existing election law and general standards of ethics. And, that Maine Democratic Party Chairman Ben Grant, and the MDP as a whole, was aware of this reality. In addition, after Pam Fenrich "recused" herself – it was recorded that John Brautigam "presided in her place" (Breen's registered campaign Treasurer) and then later, Bonny Rodden (well established as Breen's active campaign manager) was named "temporary secretary" and then sent out email to all registered Dems in the area.

I believe that answers to the above questions will prove that election law was broken and that Maine ethics violations occurred. I also believe based upon information provided to me through a number of concerned people - that this matter in totality represents a conspiracy in regard to the multiple parties involved and the attempted cover-up and deliberate misstatement of fact(s.)

Given the small voter turnout anticipated and achieved this past election – a turnout comprised of a high concentration of active democrats in SD#25 and in Falmouth (itself approx.. 50% of voters) – an "official" email just days before the primary election – one from the "Falmouth Democratic Committee" and one from "Pam Fenrich" the well-known Vice Chair of the MDP and the Chair of the "Falmouth Democratic Party" – with the subject line notice – "Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen" – had a material impact on the outcome of the election. And, beyond being illegal and blatantly unethical, it was wrong.

Much like on May 27, 2011 in the linked Op-Ed Breen wrote for the PPH about a Falmouth Referendum - http://www.pressherald.com/2011/05/27/falmouth-needs-the-new-facilities-that-question-1s-approval-will-bring_2011-05-27/ - The "wrong" part, a few days later, her husband (Jay Geller) followed Breen's Op-Ed with a Letter to the Editor that intentionally went out of his way to hide his identity as Breen's husband with the complimentary words, "After reading Councilor Breen's column on Falmouth's Question 1, this question appears to be a well-conceived

business initiative by the town." http://www.pressherald.com/2011/06/04/falmouth-town-center-draws-support-from-residents_2011-06-04/ Who does that? Who has their spouse write letters of support behind the veil of seeming anonymity with the added deceit of feigned impartiality? What a clever way to capitalize on having a spouse with a different last name! Also, who ghost-writes multiple "Letters to the Editor" for her "supporters" that barely even know her? (My research is showing – and documenting - a pattern of deceptive practices.)

Finally, this matter is only one area of concern in regard to the Breen campaign. There are numerous other issues that range from impropriety to ethics violations that I will be forwarding in due course – as I compile affidavits, statements, and further details. For now, the timeliness of your Ethics inquiry associated with my request here - is critical given the election calendar and any hope of remedy. As you'll note below, my attempt at asking Ben Grant and the MDP for assistance here was met with the suggestion that I actually ask the same people that I'm accusing of violations for the actual details needed to prove these specific claims.

Thank you for your prompt action.

Respectfully,

6/16/14

Steve Woods
64 Glen Rd.
Yarmouth, Maine 04096

From: Steve Woods
Sent: Monday, June 09, 2014 5:49 PM
To: Ben Grant (bgrant@mainedems.org); Justin Alfond [redacted]; matthewmcighe[redacted]
Subject: FW: Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen

Ben,

Thank you for sending along the minutes. So basically, the "Falmouth Democratic Committee" that "voted" to "endorse" Breen consisted entirely of Cathy Breen's campaign staff/supporters. Great. Nothing stinks about that.

And, then when Cathy Breen sent out an announcement touting the endorsement of the "Falmouth Democratic Committee" – she was really taking credit for her own campaign staff/supporters – endorsing her. (Any wonder how people have lost faith in government?)

The "minutes" provided seems to have some information gaps. Who was there? Was there ever a quorum? Where did the meeting take place (Cathy's kitchen?) My complaint stands – so who can I contact – and by what means to get answers to these questions?

Regardless of how tomorrow's election turns out – this entire Pam Fenrich matter, from March until today, represents something dirty and wrong.

Steve

From: Ben Grant [mailto:bgrant@mainedems.org]
Sent: Monday, June 09, 2014 5:27 PM
To: Steve Woods

Cc: [redacted] Matthew McTighe
Subject: minutes

Steve,

Attached are the minutes from the recent Falmouth Dems meeting. Ms. Rodden served as temp. secretary, but as I understand, the regular secretary, Grace Madden, composed and sent the email that is the subject of your complaint.

Your questions regarding attendance should be directed to the officers of the Town Committee. Pam is the Chair, Steve Bloom is the Vice Chair, Beth Franklin is the Treasurer and Grace Madden is the Secretary. John Brautigam is referenced in the minutes, too, so he could probably help identifying the attendees.

Ben

Benjamin K. Grant, Chairman
Maine Democratic Party
P.O. Box 5258
Augusta, ME 04332
207-622-6233

From: Steve Woods
Sent: Monday, June 09, 2014 11:49 AM
To: 'Ben Grant'; 'Justin Alfond'; matthewmctighe[redacted]
Subject: RE: Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen

Ben,

You wrote the phrase, "..the facts as I (you) understand them.." twice below. How about "truth?" How about "honor?"

You PROMISED me and Justin Alfond PROMISED me last March that you directed Pam Fenrich to "go dark" (silent) in the SD#25 campaign given her previous history of sabotaged my campaign in her capacity as "Vice Chair" of the Maine Democratic Party. You told me that she agreed to stay completely out of my SD#25 race. You know the context and I know the context. It was material to my decision to stay in the race despite Pam's earlier actions.

You underlining the word "personal" in regard to Pam's "contact list" is insulting. The issue in March and the issue today has nothing to do with technology or email service – and everything to do with the "FACT" that Pam Fenrich is the Vice Chair of the Maine Democratic Party – second highest ranked Officer in the State Party – and it doesn't matter what email account she used – she's still the Vice Chair of the Democratic Party – and she acted deliberately and with malice, to sabotage my campaign and damage my reputation. A pattern that started many months ago and was brought to your attention in March.

Finally, your sentence below, "I'm not sure how or if this matters to you at this point, with the Election tomorrow." seems a bit bizarre coming from the Party Chair. To be clear – it "matters" because the Maine Democratic Party, primarily through the actions of Vice Chair Pam Fenrich, has actively worked to sabotage my campaign, cost me goodwill in the community, and cost me financially, due to her willful acts.

As a registered member of Maine's democratic party, a party delegate, an elected municipal official, and as a certified candidate for State Senate, I am formally requesting the following information be sent to me by 3:00pm today;

-Listing of all Officers (as of March 1, 2014 – and - current) of the "Falmouth Town Democratic Committee"
-Listing of all "Falmouth Town Democratic Committee" members present at the below mentioned "recent meeting."

-Name of the Secretary that presided over the meeting mentioned below
-A copy of the complete and full "Minutes" from the meeting that took place when the vote was taken – as referenced in your email.
-An order from you as Chair of the MDP to both the Falmouth Democratic Committee and to Pam Fenrich herself – to NOT alter or destroy any information pertaining to the meeting that is referenced where the "vote" was taken – and anything associated with the email (email lists, content, etc.) that was distributed.

My complaint is not specific to local Falmouth Committee and their right to endorse whomever they want – my complaint at this point is with Pam Fenrich and her role as Vice Chair of the MDP.

Please send the above information to me by 3:00pm so that I can try to effectively mitigate some of the damage that has been done through my own outreach in Falmouth and SD#25. Not having the requested information (which should be publically available, anyway) would further damage my campaign and potentially compound damage already done.

Thank you.

Steve Woods
Maine State Senate Candidate

From: Ben Grant [mailto:bgrant@mainedems.org]
Sent: Monday, June 09, 2014 11:00 AM
To: Steve Woods; 'Justin Alfond'; matthewmctighe[redacted]
Subject: RE: Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen

Steve,

Yesterday was a family day for me (i.e. no cell phone monitoring), so I did not get your message or email until last night. I spoke with Pam at that point to get the facts from her end, and then wasn't able to reach Justin until this morning. The facts as I understand them are that the Falmouth Town Dem. Committee had a motion from the floor at their most recent meeting to endorse in the SD25 race. At that point, Pam recused herself from the proceeding, and the vote was taken. They voted to endorse Breen, as you know. Then, the Secretary of the Committee (not Pam) wrote and sent out the email you forwarded to me. It was sent to the Town Dem list. Pam then forwarded it to her personal contact list – not the Town Dem list. Someone from her personal contact list then sent it to you, apparently.

I'm not sure how or if this matters to you at this point, with the Election tomorrow.

I just wanted you to have the facts, as I understand them. There is nothing in our Bylaws preventing a local Committee from endorsing in a primary. In fact, several County Committees endorsed in the CD2 primary between Cain and Jackson. I expressed a preference that they do not, but that is the limit of the authority of the State Dem Party. Similarly, there is nothing in our Bylaws governing an Officer's activities in primaries on their own time. Perhaps there should be...but that is not in the Rules/Bylaws at this time.

Best of luck tomorrow,
Ben

Benjamin K. Grant, Chairman
Maine Democratic Party
P.O. Box 5258
Augusta, ME 04332
207-622-6233

From: Steve Woods [mailto:WoodsS@tidesmart.com]
Sent: Sunday, June 8, 2014 10:51 AM
To: Ben Grant (bgrant@mainedems.org); Justin Alfond [redacted]; matthewmctighe[redacted]
Subject: FW: Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen

Ben, Justin, & Matt,

The email attached below is UNBELIEVABLE. It was sent out as an email blast to registered democrats in SD#25 two-days ago.

I literally cannot believe that the Vice-Chair of Maine's Democratic Party sabotaged my primary campaign with a blast email just a few days before the election – when it is most damaging.

On March 3rd, I wrote to each of you voicing a "formal complaint" (attached) against Pam Fenrich in her direct role as Vice Chair of the Party, and her de facto role as a long-time party leader. Back in March I detailed a long list of complaints against Pam. The response from Ben & Justin was; we spoke with Pam and told her to "go dark" during the primary and stay out of the SD#25 race. As recent as last week I expressed concern over Pam's role and again I was assured that she was/is a "non-factor."

-On July 12, 2013 I executed an MOU with MDP in regard to the gubernatorial. Beyond the scope of that MOU was the understanding that going forward, the MDP would not retaliate against me in any other race.

-Since July 12, 2013, I have endorsed MM, supported the MDP was both words and donations, and participated in numerous MDP events (including last week's Convention) all is support of MDP.

-Since commencing my campaign for SD#25 seat, I have kept all messaging positive.

Ben/Justin – back in early March I wrote the attached complaint to you both. And all three of us had follow-up call to discuss the situation in detail. And you both PROMISED me that Pam would be a "non-factor" in my campaign for SD#25 and you encouraged me to continue my campaign. Well, now where are we? Not only is Pam clearly not "dark" (silent) now – she has taken a step as the second highest "officer" (Vice Chair) of Maine's Democratic Party to publically "endorse" my opponent – and to make matters worse – she parleys her own endorsement with those from others too. And by inference, she suggests that Cathy Breen is "Clearly Superior" – "has a better chance of winning in November" – "has a better chance of getting things done in Augusta." Given her position and her long MDP tenure, her email blast has effectively ended any chance of success that I have on Tuesday – knowing that voter turnout will be light and mostly limited to voters active in the party – the very people Pam's message was sent to.

(Any argument made by Pam suggesting that her "personal endorsement" was separate and removed from her role and function as Vice-Chair of MDP – or that it came from her "personal email" – should be immediately dismissed. "Pam Fenrich" is a visible and promoted leader in the MDP and she speaks, organizes, etc. in that role that effectively removes any pretense of her personal views being separate from Party views. In effect – her email below sent out the message that "Maine's Democratic Party" supports Cathy Breen – and voters should NOT vote for Steve Woods. (Along with the action request "Please forward to your friends and neighbors.")

Options at this point:

-I'm asking the MDP through a Media Announcement to be released by 4:00pm today to publically endorse my candidacy in SD#25 with mutually agreeable language and quotes from Ben Grant. (The MDP will then send out that announcement by email to all SD#25 voters with knowable addresses, along with, addresses used by Pam Fenrich on June 5th.)

-I'm asking Congressman Mike Michaud to send out a similar Media Announcement endorsing my candidacy later today.

Please let me know by 4:00pm today of those two options are viable.

Right this minute, my wife Katie and my two kids are walking door-to-door for me. Over the last three months I've spent thousands of dollars running a positive campaign. Over the last year I've generously donated to the MDP whenever asked, why? Since last July I've supported, collected signatures and campaigned actively for Mike Michaud, why? I've actively fought to keep a viable GOP challenger out of the SD#25 race, why? It now seems quite apparent that Pam Fenrich and other Party members have *fixed* this race for many months now, with the outcome preordained. Why?

So that Pam Fenrich, Vice Chair of the Maine Democratic Party can publically disparage me to friends and neighbors? So that Pam Fenrich, Vice Chair of the Maine Democratic Party can actively sabotage my campaign at events? So that Pam Fenrich, Vice Chair of the Maine Democratic Party can publically embarrass me?

Somebody owes me more than an apology.

I'm available at either my desk phone ([redacted]) or on my cell ([redacted]) if anyone care about any of this.

Steve Woods

Candidate for Maine State Senate District #25

Begin forwarded message:

> From: "Pam Fenrich" <[redacted]>
> Date: June 5, 2014 at 9:59:39 AM EDT
> To: "Pam Fenrich" <[redacted]>
> Subject: FW: Falmouth Democratic Committee and Lots of Others Endorse Cathy Breen
>
> Please forward to your friends and neighbors.
>
> Elected officials don't like to publicly throw their support to one candidate over another in their party's primary. Independent groups usually save their endorsements for the general election. Unless one candidate is clearly superior. Unless one candidate has a better chance of winning in November. Unless one candidate has a better chance of actually getting things done in Augusta.
>
> Cathy Breen is such a candidate. She has been endorsed by the mayor of Westbrook and five state legislators representing Falmouth, Cumberland, Gray and Westbrook. She has been recently endorsed by the Maine's Peoples Alliance and Planned Parenthood Action Fund PAC.
>
> Cathy is running in the contested Democratic Primary for the State Senate seat vacated by Sen. Dick Woodbury, an Independent. District 25 encompasses Falmouth, Yarmouth, Cumberland, Gray, Long Island, Chebeague Island and the northern section of Westbrook.

Westbrook Mayor Colleen Hilton has cited Breen's leadership in getting the Open Space referendum passed in 2007 in Falmouth when Cathy chaired Falmouth's Town Council. "It was the result of years of hard work where Cathy listened to competing needs and priorities of environmentalists, landowners, developers, and taxpayers," Hilton said. Rep. Anne Peoples of Westbrook has also endorsed Cathy.

Rep. Steve Moriarty endorsed her because she is a strong advocate for revenue sharing, which reduces the burden on property taxes.

Rep. Mark Dion said Breen is "sensitive to the needs of Maine's working families" and "will add vision, value and insight to Democratic leadership in our Statehouse."

Rep. Mary Nelson noted Breen's support of high-quality public schools, and Rep. Ann Peoples lauded Breen's support of mass transit.

Rep. Anne Graham said Breen "will work for health care for all and particularly for families who struggle to make ends meet."

Our elected leaders and activists know what it takes to get the job done in Augusta and the Falmouth Democratic Committee agrees with them all. Please vote for Cathy Breen on June 10.

This e-mail may contain information proprietary to the sender and is intended only for the use of the intended recipient(s). If the reader of this message is not the intended recipient(s), you are notified that you have received this message in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. All e-mail sent to this address is subject to archival and may be reviewed by someone other than the recipient. If you have received this electronic message in error, please notify us immediately and destroy the original message and all copies.

This footnote also confirms that this email message has been scanned for the presence of computer viruses.

Additional Materials
Agenda Item #7
June 25, 2014

To: Jonathan Wayne – Executive Director – State of Maine Ethics Commission
Maine Ethics Commissioners

RECEIVED
JUN 24 2014
Maine Ethics Commission

From: Steve Woods

Date: June 24, 2014

Subject: Supplemental Information for the Maine Ethics Commission

Jonathan,

Thank you for sending along your overview of my complaint with the Commission. Being respectful of your time and the Commissioner's time, I want to add some additional measure of detail and clarity to your report in advance of tomorrow's (Wednesday, June 25th) hearing.

Firstly, I understand that the State of Maine Ethics Commission must make a singular determination before even weighing the specific allegations of my complaint; does this matter fall under the jurisdiction of the Commission?

I believe unequivocally that the answer to that question is "yes." (Here are a few of the reasons.)

1) Senator Justin Alfond is a current member of the Maine State Legislature, currently serving as Senate President and his direct and active involvement in this matter qualifies this review and hearing by the Commission. (Documents clearly reveal that Pam Fenrich's numerous "unethical" and "illegal" actions on behalf of candidate Cathy Breen were conveyed to Senator Alfond as of March 4th, 2014, when Maine Democratic Party Chairman, Ben Grant, wrote, *"As I told you on several occasions, I confer with Sen. Alfond on any issues relating to State Senate races."* This and many other documents & statements will establish that Senator Alfond was very much involved in this matter for many months – and as such, it meets your jurisdictional requirement. In the course of an investigation by the Maine Ethics Commission, I intend to present evidence showing that Sen. Justin Alfond played a significant and material role in the outcome of the SD#25 2014 election.

2) Campaign Finance. While it is true that the Commission on Governmental Ethics and Election Practices has a primary focus on matters that involve "finance," monetary actions, and public reporting, the charter and greater public policy interests, all go beyond simple math, numeric metrics, and banking. The legal principle that's central to Maine Law and established legal case law is "value" – which often is represented in financial instruments, goods, services, and intrinsic "benefit" derived from one's deliberate action(s). In this case, I believe that the Cathy Breen campaign received direct and significant financial/value/services "benefits" from coordinated efforts under the control of the campaign. To limit your recommendation, or for the Commission to rule on this matter, based upon the narrow standard of "expenditure of funds" would be myopic and contrary to established Federal Law. In the course of an investigation by the Maine Ethics Commission, I intend to present evidence showing that the Breen campaign directly benefited in a significant and material manner from the coordinated actions by Pam

Fenrich, and others – and those "actions" equated to thousands-of-dollars in value to the Breen campaign that was not reported.

3) Advertising (part a). It is most common in the political realm to assign "value" and expenditures to what is commonly referred to as "measured media" (i.e. print, radio, television, etc.) It is also commonly accepted that "advertising" is a vital element in political campaigns. In the course of an investigation by the Maine Ethics Commission, I intend to present evidence showing that the Breen campaign directly benefited in a significant and material manner from various "advertising" elements produced and exported by Pam Fenrich, and others – and that those "advertising elements" equated to thousands-of-dollars in value to the Breen campaign that was not reported. One example; Pam Fenrich admits to sending out email messages to various targeted recipients (likely democratic primary voters) on June 5, 2014, 9:59am with the headline of, "Please forward to your friends and neighbors." This cannot be construed to be a "personal message" from Fenrich – or a personal "endorsement" by Fenrich – in that it represented an existing formatted message (supposedly from the "Falmouth Democratic Committee") that was allegedly blindly forwarded by Fenrich with no modification or personalization from Fenrich herself - the very definition of "***advertising***." By forwarding a pre-existing message – Fenrich became the advertising vehicle – not a passive supporter – an "action" that equated to thousands-of-dollars in value to the Breen campaign that was not reported.

4) Advertising (part b). On June 10th, the Breen campaign knowingly broke Maine election law (Maine Statue, Title 21-A, Section 681 – Chapter 9: Conduct of Elections and Subchapter 2: Election Procedure and Article 4: Restrictions) - through the repeated use of family members, friends, Pam Fenrich and others – to serve as "advertising" surrogates during the actual election at multiple voting places (Yarmouth, Cumberland, Gray, Falmouth, etc.)

In the course of an investigation by the Maine Ethics Commission, I will provide evidence, supported by my own direct observations, observations by my campaign staff, observations by other candidates, and finally, as witnessed by Falmouth, Town Clerk & election Registrar, Ms. Ellen M. Planer.

On Election Day, Tuesday, June 10, 2014, candidate Cathy Breen dispatched a number of family members, friends and supporters to various "Voting Places" to actively "advertise" her candidacy to voters as they were entering the various voting location in SD#25. What each of these surrogates said was along the lines of; "Hi..I'm Cathy Breen's husband...." Or "Hi...I'm Cathy Breen's daughter..." These interactions/conversations occurred throughout the entire Election Day – sometimes with Breen present – sometimes not. In addition, Breen campaign staff/supporters, Bonny Rodden and Pam Fenrich, also spent time engaging voters as they were entering the various voting places.

Maine law is very clear and detailed in this regard. The core principle of election law is to eliminate outside "influence" during the voting process and to allow all voters unfettered access

to the voting place. In regard to allowed "Political Activities," the law is specific to "candidates" and candidates only in terms of what detailed voter engagement is allowed and legal.

"These limitations do not prohibit a candidate from attending the voting place and orally communicating with voters as long as the candidate does not attempt to influence their vote. A candidate may not state the name of the office sought or request a person's vote."

Nowhere in the statute are family members, friends of surrogates mentioned as having any rights to engage voters – as it is intentionally written for "candidates" only – with ALL others exempt from ANY role in the process. (For anyone to suggest that the absence of language addressing non-candidates in relation to them affirmatively participating in voter engagement on election day -- would be absurd and illogical. Such an argument would then support & allow campaigns from enlisting or hiring hundreds of supporters to show up on election day to "engage" voters.)

Election law is deliberately prescriptive and rigid in regard to candidate messaging at the polling place (no campaign materials, no discussion of office being pursued, etc.) The principle for such vigilant election control is to insure that voters are not confronted with uncomfortable interactions or information within minutes & feet – from actually voting.

In my case, election law precluded me from wearing a single, simple 2-inch lapel button that said "Steve Woods for State Senate" – but Cathy Breen was allowed to have a living/breathing 5'8" campaign message in the form of Pam Fenrich standing right next to her as voters entered the polling place. Also, Breen was allowed to have thousands of interactions from her family members with voters? (i.e. direct advertising) Both of those deliberate actions by the Breen campaign represent material and significant violations of election law as they clearly were committed with the willful intent to circumvent this passage, *"...as long as the candidate does not attempt to influence their vote..."* (If not to "influence" a vote(s) – than why even employ family members and Fenrich to engage voters on Election Day? Obviously, that was the sole "intent" and expectation.)

It's well established that "symbols" are recognized as elements of communication. And the symbol of Pam Fenrich (a non-candidate for anything herself) standing next to Breen at the polling place was clearly a message to many voters, "Hi, I'm Pam Fenrich, Vice Chair of the Maine Democratic Party, Chair of the Falmouth Democratic Committee, well known as an iconic democratic activist in Falmouth and throughout Maine – standing next to candidate Breen within inches of the doorway leading into the voting booths – within days of having just sent out an email communication aggressively supporting Breen" – is a clear and compelling message. (When a well-known professional athlete is viewed holding a Gatorade – it's "advertising" even without any additional messaging, based simply on proximity. Same with Fenrich deliberately standing next to Breen.)

In fact, such "advertising" (Paragraph 3) is explicitly identified as a Class E "crime." (It is well established case law and brand marketing practice that merely mentioning "Cathy Breen" can

and should be considering "advertising" under the statue – even in the absence of a more detailed message, such as "Vote for Cathy Breen." Just the mention of "Cathy Breen" by anyone other than a candidate himself/herself is advertising by any standard – and when it occurred a few minutes before voting – and few feet from the voting booths – it had a material and deliberate effect that was premeditated and intentional. (Just as a Coca-Cola sign is an effective "advertising" element in front of a store.)

It is my position that this is clear violation of Maine election law, which only (and appropriately) gives limited provisions for "candidates" themselves to greet voters. The absence of "family members" in the statue can only be viewed as an intentional element of the law. Otherwise, candidates with large families (20-30 members) would be at a distinct advantage over a candidate with a small family or, no family.

I've been an adverting/marketing executive for more than 30-years and I know first-hand that brand/name recall is critically important in all purchase/voting situations – especially when they occur within minutes and feet from the decision.

In the case of the recent election here in State Senate #25, the Breen campaign had an unfair advantage as they were allowed to openly break election law in a manner that impacted the election results. Now, given that thousands of Breen family interactions were all in violation of Maine election law – and it can only be reasonably concluded that this violation was committed intentionally and in itself, this in itself should call into question the results of the June 10th election.

The statue calls for the penalty (Class E crime) of up to six months of incarceration and $1,000 fine per occurrence. It should be noted that yesterday, I asked Julie Flynn, Deputy Secretary of State, to investigate this claim through the Bureau of Elections – and to delay certification of SD#25 results pending such investigation.

5) <u>Undue/Illegal Influence by Pam Fenrich</u>. My first interaction with Pam Fenrich occurred on February 12, 2013. I met with Fenrich in her role as Vice-Chair Maine Democratic Party – a meeting in which Fenrich berated me for my early consideration to participate the 2014 Gubernatorial Democratic primary. In that meeting, and in multiple other meetings with Ben Grant (MDP-Chair) I was openly told that the Democratic Party would actively block any Democrat wanting to run in the 2014 primary until after Mike Michaud or Chellie Pingree, made respective decisions to run or not. This status changed slightly when I was effectively forced to sign a contract (MOU) with the MDP on July 13, 2014, pledging my support for Mike Michaud in exchange for me being allowed by the MDP to campaign – pending Michaud's decision. Since that time, Pam Fenrich has actively used her power and influence as the leader in various political organizations (Maine Democratic Party, Cumberland County Democrats, Falmouth Democratic Committee, etc.) to act with malice towards me personally and politically.

In the course of an investigation by the Maine Ethics Commission, I intend to present clear and compelling evidence showing that the Breen campaign directly and knowingly benefited in a

significant and material manner from the coordinated unethical and illegal actions by Pam Fenrich. Furthermore, those "actions" equated to thousands-of-dollars in value to the Breen campaign that was not reported. And of material fact, most of my allegations against Pam Fenrich (and the Breen campaign) were communicated (written & verbal) to MDP Chairman Ben Grant, and Senate President Justin Alfond, on many occasions – with an email sent on March 3, 2014, 4:11pm, being very detailed. Despite my clear request that Senator Alfond act upon my complaint on that date – to my knowledge he did nothing.

A few examples:

On 1/28/14 – Pam Fenrich signed a Primary Nomination Petition for Cathy Breen that was later filed and certified by our Secretary of State. (Attachment supplement)

On 1/31/14 – just three-days later, Pam Fenrich signed *another* Primary Nomination Petition for Cathy Breen that was later filed and certified by our Secretary of State. (Attachment supplement)

On both Petitions, "Pamela Fenrich" is the very first signature that appears at the top on "Line 1." One element of the Nomination Petition process is that every potential signatory has the opportunity and benefit of seeing who is already supporting the candidate – and using that knowledge as a material factor for voters and in the acquisition of all subsequent nomination signatures. As a well-known public figure in the political and community realm, Vice Chair "Pamela Fenrich" and her signature in #1 position on each form must be considered a factor for some or all subsequent voters that later signed below her. (It is another clear election violation to have the same person sign two (2) separate Nomination Petitions.)

On March 2, 2014, 2:45pm, I entered the Democratic Caucus at Falmouth Elementary School with one of my campaign coordinators (Dave Colson.) I approached Pam Fenrich (who was "running" this event – as she does virtually all Democratic events in this area) and asked for the speaking order of the event. She informed me that towards the end of the program, SD#25, candidates would each have "5-minutes" to speak, with me going first and Cathy Breen going last. I reminded Pam that during the most recent Democratic event held (Cumberland County Dems – 1/28 – at Cumberland Town Hall) also organized by Pam – that I went first then – and a more fair sequence yesterday would be to alternate. Pam said, "No – you're going first. You can leave if you don't like it."

I then suggested that we should at least "flip a coin" to determine the speaking order to be fair. Pam said, "No, I'm not changing the order, you're going first" following by just walking away from me in the middle of our discussion. (At that point – Tim Shannon, a Yarmouth delegate, walked up – and I asked him to engage in the discussion.) (It should also be noted that three other people witnessed this exchange – and it was also videotaped.)

When Pam Fenrich returned, I reiterated my point to Pam that both "fairness" and reasonable election protocols supported my request for her to be impartial. Her response, (greatly impacted by the group of people now surrounding us) was "well, let me check with Cathy...."

My response – "Why in the world would you need to check with the other candidate in order to adopt something fair????" I wasn't asking for any type of benefit or advantage – merely what was fair. A few minutes later, Pam returned with Cathy and all parties agreed to flip a coin to determine speaking order which was ultimately carried out. But, was it anything close to "fair" that it was necessary for me to publically fight with the Democratic Party Vice Chair in the middle of the Falmouth Elementary School cafeteria to achieve what was most reasonable to begin with? And, how was this episode exported to Cathy's supporters in the context of campaign currency?

Apparently, on May 28, 2014, the "Falmouth Democratic Committee" -- again – led by Pam Fenrich – met and "voted" to publically endorse Cathy Breen. That vote -- and the subsequent email blast (it was an "advertising" action) -- is still suspect in regard to legal authority and ethics.

Here and in previous correspondence, I'm asking the Maine Ethics Commission to investigate the following;

-By what legal authority does the "Falmouth Democratic Committee" exist? (Charter, filings, etc.)

-Given that it appears that everyone at the May 28th meeting was directly associated with the Breen campaign, who in total attended this "meeting?"

-At what time of day on May 28th did this meeting start? End?

-Which members in name – actually "voted" to endorse Breen? Exactly who was at this meeting?

-Was candidate Breen in attendance to any part of this meeting where the "endorsement vote" occurred?

-Given that this meeting was presented as being an official function, where did the meeting take place?

-How was this meeting "noticed" to the public? If it wasn't "noticed" how would my supporters know to attend?

-Was a quorum reached in the vote – and where in the published charter are the quorum requirements?

-What other official "meetings" and votes have been taken by the "Falmouth Democratic Committee" over the last 12-months? Where are those "minutes" and how are those records kept and shared with members and the public?

-Why did Pam Fenrich "recuse" herself as indicated in the "minutes?" For what reason? And, if her reason was to fulfill a directive from the MDP, why then broadcast a destructive email about me – in support of Cathy Breen – just days before the election?

-Does the "Falmouth Democratic Committee" have any recorded revenue or expenditures from the last 12-months? Details?

-Where did the "Falmouth Democratic Committee" attain their email list as referenced below? (Please ask them for a copy of the list used.)

-Who with the "Falmouth Democratic Committee" has access to the contact list used? Did/does anyone associated with the "Falmouth Democratic Committee" have access now (or anytime in the past) to the MDP's "VAN" list of voters – in any part or manner?

-Where did Pam Fenrich receive or acquire her email list that was utilized? (Please ask for a copy of this list.)

I don't believe that the "Falmouth Democratic Committee" meets any reasonable standard for being a legitimate organization. And, it certainly didn't act independent to the Breen campaign – as it appears that everyone in attendance was associated with Breen directly.

6) Dishonest/Unethical Communication. Since the start of the Breen campaign, there is a clear and compelling pattern of dishonest and unethical acts that go beyond what has been reviewed herein. Given that some of these acts have been communicated to Senate President Alfond and he has taken no action, this is a matter that warrants investigation by the Maine Ethics Commission. Whereas my campaign was focused on a review of my 35-year, career in business and civil service, coupled with my vision for Maine going forward – the Breen campaign message was almost exclusively based upon the collection, amplification, and many times, the complete fabrication – of "endorsements" filtered through Pam Fenrich and her support organization.

One of the more egregious examples, the highly touted and broadly exported, "Mayor Colleen Hilton of Westbrook endorsement – 'Cathy Breen understands that towns in the Greater Portland region need to work together (not compete against each other) to grow our economy and promote economic growth." The problem? Mayor Hilton never said or expressed those words – they were written by Cathy Breen herself. Also, Mayor Hilton had never met or even spoken with Cathy Breen. According to Mayor Hilton – who I've actually met – and spoken with – she was approached by someone (Bonny Rodden?) by phone and her "endorsement" was in fact, a misunderstanding.

And there are numerous other examples throughout the Breen "endorsement list" that are gross distortions.

7) Conspiracy by the MDP. On May 31, 2014, in Bangor, Maine, the Maine Democratic Party held its state convention – an event that I attended as an elected official (Chairman-Yarmouth Town Council), State Senate candidate, and as an official delegate. On that day, as part of the "official" activities of the MDP, each of the 16 counties gathered in separate break-out sessions. I attended the Cumberland County session, which was attended by approx. 100-150 people – all presumed to be residents/voters/delegates from Cumberland County. As an agenda item during that meeting, Cumberland County, Chairwoman, Rachel Hendrickson, went to great lengths to praise Pam Fenrich in regard to her "system" to help "good democrats" to get elected. Rachel went on to give some case study examples of how Pam Fenrich helps various candidates. Rachel then suggested that any candidate that wants to win an election that they take one of Pam Fenrich's "seminars."

   The "conspiracy" standard is met in a number of areas. Most recently when I asked Ben Grant, Chairman of the Maine Democratic Party (email on June 9, 2014, 5:49pm) to provide assistance in regard to understanding the actions and validity of the "Falmouth Democratic Committee", he effectively refused to assist me with obtaining the requested information, instead he suggested I ask John Brautigam (Breen's Campaign Treasurer) for any details.

   Back on January 21, 2014, 10:50pm, I received an email from Marc Malon (MDP- Senate Caucus Director) assuring me that the MDP would "..be neutral.." in regard to my primary race with Breen. Malon also wrote, "The Democratic voters of SD-25 should have the final say on who it shall be" referencing the primary race. The email also included a list of seven things that the MDP would and wouldn't do; #7: "We will not provide your (sp) or your opponent with strategic advice on how to win the primary." (Which is exactly what the MDP did, primarily through the actions of MDP Vice-Chair Pam Fenrich.)

   In the course of an investigation by the Maine Ethics Commission, I intend to present additional evidence showing that the Breen campaign directly benefited in a significant and material manner from the coordinated actions by Pam Fenrich, the Cumberland County Democrats, the Falmouth Democratic Committee – and that those "actions" were predatory in nature and as such, were unconstitutional. A reality that one of Maine's highest elected officials, Senate President Justin Alfond, had direct knowledge of, as he made the conscious and deliberative decision to not take reasonable action. In addition, those actions equated to thousands-of-dollars in value to the Breen campaign that was not reported.

8) Summary. It cannot be argued that Pam Fenrich was merely a "supporter" of Cathy Breen when in fact, she played a central and critical role in the entire campaign – and by direct association so did Senator Justin Alfond, and the Maine Democratic Party.

And in no way can Fenrich claim innocence in regard to various claims and allegations being made based upon a lack of political understanding. (Further supported by her campaign "sessions" as described at the State Convention)

Also, for many, many years (decades?), Fenrich has played leadership roles in many organized democratic groups;

-Current vice -Chair of Maine Democratic Party
-Current Chair of Falmouth Democratic Committee
-Past Vice President – Cumberland County Democrats
-Past Chair of Dem Corps

It is not hyperbole to say that Pam Fenrich might be one of the most politically experienced and astute "operatives" here in Maine. I do not believe that individually anything suggested in this report happened by accident – and I certainly do not believe that it ALL happened by happenstance. The "Falmouth Democratic Committee" just happened to get together the week prior to the election to endorse Cathy Breen – a meeting led by Pam Fenrich – and attended by only Breen supporters and staff???

Fenrich, Breen, the Maine Democratic Party, and Senator Justin Alfond all played deliberate and willful roles in the 2014 State Senate District #25 election. Based upon currently known facts and information in regard to Maine State Senate candidate, Cathy Breen, her campaign staff, Maine Democratic Party Chairman, Ben Grant, and various MDP staff, what happened during the 2014 SD#25 campaign period and during the election process in itself, went way, way beyond "politics" and clearly represented both unethical behavior and acts, along with what I believe will be proven as illegal acts too.

What I have provided here are just a few of the occurrences where Pam Fenrich planned and functioned as a key leader in the Breen campaign – with the full knowledge and engagement of Breen herself. As I am actively collecting many more facts – and other supporting documents and affidavits, I fully expect that what has been uncovered to date, is but the tip of the iceberg.

But, I need the help and support of the Maine Ethics Commission. I realize that your jurisdictional mandate is limited in scope, but somewhere within these pages I am hopeful that you will find the basis to approve a full and complete investigation. Many (most?) voters have lost faith in our government and many people are avoiding civic engagement because they feel helpless to impact change or improvements to our election process.

Today. Here. Now. I am respectfully asking you to vote your approval for Jonathan Wayne, and his staff at the Commission on Governmental Ethics, to launch a full and thorough investigation of what is contained herein this "Supplemental Report."

Thank you.

Respectfully Submitted,

Stephen M. Woods — 6/24/14

Stephen M. Woods — Date

To: Jonathan Wayne – Executive Director – State of Maine Ethics Commission
Maine Ethics Commissioners

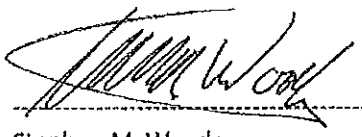
From: Steve Woods

Date: June 24, 2014

Subject: Supplemental "Attachments" for the Maine Ethics Commission

By Chronology:

1) Emails and MOU pertaining to Gubernatorial (6/25/13, 7/13/13 and 7/12/13)
2) Email from MDP- Marc Malon promising "neutrality" (1/21/14)
3) Breen Petition Forms (1/28/14 and 1/31/14)
4) Email from me to Ben Grant & Justin Alfond – Fenrich Complaint (3/3/14)
5) Response email from Ben Grant (3/4/14)
6) Maine Election Statue (*681*) that covers "Political Activities"
7) Election Complaint to Julie Flynn (6/23/14)
8) FOAA Request – Senate President Justin Alfond (6/24/14)



Stephen M. Woods

6/24/14

Date

3a

STATE OF MAINE
PRIMARY NOMINATION PETITION
June 10, 2014 Primary Election
Democratic Party

RECEIVED
2014 FEB -6 AM 11:29
OFFICE OF THE SECRETARY OF STATE
DATE FILED
With Secretary of State

FALMOUTH

Legal name of candidate as it will appear on the ballot: *(See Title 21-A, §601(2)(H) for requirements for listing candidates' names on the ballot.)*

BREEN (Last name and suffix, if any) Catherine (First name) (Middle name or initial)

Office: State Senate (Title of Office – For Example: Representative to the Legislature) Electoral Division: District 25 (Name of Electoral Division – For Example: District #1) Term: N/A (See Title 21-A, §335 (1) (A))

Voting Residence Address of Candidate: 15 Falmouth Ridges Drive (Street Address – not P.O. Box) Falmouth, 04105 (City, Town, or Plantation; Zip Code)

Mailing Address of Candidate (if different from above): _____

Petition must be submitted to municipal registrar for certification prior to filing with Secretary of State.
Deadline for filing petitions and Candidate's Consent with Secretary of State: 5 p.m., March 17, 2014

Note: All petition signatures must be made personally by the voter in the presence of the circulator, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRSA §153-A, may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant). For more information on this process, contact the Division of Elections at (207) 624-7650.

For Registrar use only	SIGNATURE OF VOTER (Not Printed Name)	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box)	MUNICIPALITY (Where Registered)	PRINTED NAME OF VOTER
1. ✓	[illegible]	1/28/14	3 FOX HALL ROAD	FALMOUTH	[illegible] FENARCH
2. ✓	[illegible]	1/28/14	3 FOX HALL ROAD	Falmouth	ALLEN D EVANS
3. ✓	[illegible]	1/28/14	10 Shoreline Dr.	Falmouth	Bonita B. Rodden
4. ✓	[illegible]	1/28/14	4 Avon Rd.	Falmouth	Lisa Markushewski
5. DUP	[illegible]	1/28/14	3 Fox Hall Rd	Falmouth	Allen D Evans
6. ✓	[illegible]	1/28/14	304 Middle Rd	Falmouth	Stephen Bleau
7. ✓	[illegible]	1/28/14	4 Avon Road	Falmouth	Alex Agnew
8.	[illegible]	1/28/14	35 Shoreward Rd	Cumberland	Jennifer Crosby
9. ✓	[illegible]	1/28/14	17 Woodville Rd	Falmouth	Anne DiStefano
10. NR	[illegible]		93 Middle RD	Falmouth	Patricia Riley (WITHDRAWN)
11. NE	[illegible]	1/29/14	17 marston St	Falmouth	[illegible]
12.	Kathrina Frost	1/29/14	27 Mill Road	Cumberland	Kathrina Frost
13. NE	[illegible]	1-29-14	89 Mountain Rd	Falmouth	E. Hooper
14. NE	[illegible]	1/29/14	4 Hay lake Cir	Falmouth	Scott Lydick
15. NR	[illegible]	1,30.14	15 Fresh de Rd.	Falmouth	Mavi Matson
16. ✓	[illegible]	1/30/14	16 Mountain Rd	Falmouth	Linda J. Doyle
17. ✓	[illegible]	1/30/14	16 Mountain Rd	Falmouth	Stephen Dyer
18. NR	[illegible]	1/30/14	7 Mabel Way	Falmouth	Tina Baker
19. NE	[illegible]	1/30/14	200 Mountain Rd	Falmouth	Susie Berdnis
20. NE	[illegible]	1/30/14	4 Kinsot Hill Rd	Falmouth	Jon Tapley
21. NE	[illegible]	1/30/14	6 Bowdoin Dr. Falmouth	Falmouth	Louise Trahan
22. ✓	[illegible]	1/30/14	321 Foreside Road	Falmouth	James Parker
23. NE	[illegible]	1/30/14	21 Kenrea Ln	Falmouth	Carolyn Hoffman
24. NE	[illegible]	1/30/14	14 Bowdoin Dr	Falmouth	Stephen Chase
25. NE	[illegible]	1/30/14	2 Spruce Lane	Falmouth	[illegible]
26. ✓	[illegible]	1/30/14	4 Sherman Drive	Falmouth	Julia Polsky
27. NR	[illegible]	1.30.14	7 Oakland Road	Falmouth	Karen T. Kirk
28. NE	[illegible]	1-30-14	9 Aster	Falmouth	Denise Reid
29. ✓	[illegible]	1-30-14	45 Twin Ponds Dr	Falmouth	Lisa A. Tabenken
30. ✓	[illegible]	1-30-14	16 Bayshore Dr	Falmouth	Roderick Spelman

For Registrar use only	SIGNATURE OF VOTER (Not Printed Name)	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box)	MUNICIPALITY (Where Registered)	PRINTED NAME OF VOTER
31. ✓	Christine Haslam	1-30-14	65 Locum Drive	Falmouth	Christine Haslam
32. ✓	Michele Hepburn	1-30-14	5 Kilarney Way	Falmouth	Michele Hepburn
33. NE	Kelly R Bernier	1-30-14	21 Pride Farm	Falmouth	Kelly Bernier
34. NE	[illegible]	1/30/14	4 Barden Drive	Falmouth	Christina McCluskey
35. NE	[illegible]	1/30/14	362 Gray Rd	Falmouth	Ron Kimball
36. ✓	[illegible]	1/30/14	26 Storecrest Dr	Falmouth	Linda Adams
37. ✓	[illegible]	1/30	77 Falmouth Rd	Falmouth	Susan Theriault
38. NE	[illegible]	1/30	6 Inverness Rd	"	Lynne Spugnesa
39. ✓	Jennifer Mesene	1/31	14 Avon Rd.	Falmouth	Jen Mesene
40. ✓	Noah Wuerthoff	1/31	20 McKinley Rd	Falmouth	Noah Wuerthoff
41. NE	Sandi Stern	1/31	8 McKinley	Falmouth	Sandi Stern
42. ✓	Colleen Clover	2/1	18 Phillips Rd	Falmouth	Colleen Clover
43. ✓	[illegible]	2/1	14 Phillips Rd	Falmouth	John Humerfelt
44. ✓	[illegible]	2/1	14 Phillips Rd	Falmouth	[illegible] Margaret Taylor
45. ✓	[illegible]	2/1	13 Whitney Rd	Falmouth	Sta Brazinsky
46. ✓	Cecelia L Cierpich	2-2-14	17 Whitney Rd	Falmouth	Cecelia L. Cierpich
47. ✓	Roberta Wright	2-2-14	20 Shoreline Rd.	Falmouth	Roberta Wright
48. ✓	Richard H. Wright	2/2/14	20 SHORELINE DR	FALMOUTH	RICHARD H. WRIGHT
49. ✓	Deborah T. Wiles	2/2/14	44 Shoreline DR.	FALMOUTH	DEBORAH WILES
50. ✓	[illegible]	2/2/14	10 Winslow Rd	FALMOUTH	MARGARET MACDONALD

36

Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be, and each person is enrolled in the party named on this petition, and is a resident of the electoral division named in the petition. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator Lisa Markushewski *Printed Name of Circulator* LISA MARKUSHEWSKI

Signature of Notary [signature] *Printed Name of Notary* Ellen Planer

Ellen Planer
NOTARY PUBLIC, MAINE
My Commission Expires March 22, 2020

Subscribed to and sworn before me on this date: Feb 3, 2014 *(Date must be completed by Notary)* Date my Notary Commission expires: _____

Registrar's Certification

Municipality Falmouth TOTAL VALID 30 TOTAL INVALID 18

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as registered voters in this municipality, in the electoral division named in the petition, and are enrolled in the Democratic Party.

DATE & TIME PETITION RECEIVED:
9:30
Feb 3, 2014

Signature of Registrar: [signature]

Date petition certified: 2/3/2014

Certification of Candidate Enrollment

(To be completed by the Registrar in the candidate's municipality of residence on one petition form.)

I hereby certify that, _____ (Name of Candidate as it appears on municipality's voting list), is enrolled in the _____ Party as of this date, and has not filed an application to change enrollment on or after January 1, 2014.

_____ (Signature of Registrar/Municipal Clerk)

_____ (Date) _____ (Name of Town, City or Plantation)

The candidate must also file the *State of Maine Candidate's Consent* for the June 10, 2014 Primary Election by March 17, 2014.

(Rev. 12/13)

STATE OF MAINE
PRIMARY NOMINATION PETITION
June 10, 2014 Primary Election
_____ *Party*

DATE FILED
RECEIVED
2014 FEB -6 AM 11:28
OFFICE OF
THE SECRETARY OF STATE

35

Legal name of candidate as it will appear on the ballot *(See Title 21-A, §601(2)(H) for requirements for listing candidates' names on the ballot.)*

Breen (Last name and suffix, if any) Catherine (First name) E. (Middle name or initial)

Office: State Senate (Title of Office - For Example: Representative to the Legislature) Electoral Division: 25 (Name of Electoral Division - For Example: District 41) Term: N/A (See Title 21-A, §1351 (1) (A))

Voting Residence Address of Candidate 15 Falmouth Ridges Dr. (Street Address - not P.O. Box) Falmouth, ME 04105 (City, Town, or Plantation; Zip Code)

Mailing Address of Candidate (If different from above): _____

Petition must be submitted to municipal registrar for certification prior to filing with Secretary of State.
Deadline for filing petitions and Candidate's Consent with Secretary of State: 5 p.m., March 17, 2014

Note: All petition signatures must be made personally by the voter in the presence of the circulator, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRSA §153-A, may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant). For more information on this process, contact the Division of Elections at (207) 624-7650.

For Registrar use only	SIGNATURE OF VOTER (Not Printed Name)	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box)	MUNICIPALITY (Where Registered)	PRINTED NAME OF VOTER
1. ✓	[signature]	1/31/14	3 Foxhall Road	Falmouth	Pamela Fenrich
2. ✓	[signature]	1-31-14	1 Knight Hill Rd	Falmouth	John Breuilgan
3. ✓	[signature]	1/31/14	1 Knight Hill Rd	Falmouth	Corey Hascall
4. ✓	[signature]	1/31/14	15 Falmouth Ridges Dr.	Falmouth	Emma B. Geller
5. ✓	[signature]	1/31/14	15 Falmouth Ridges Dr.	Falmouth	Jay S. Geller
6. NE	[signature]	2/1/14	7 Haight Hill Rd	Falmouth	Adam Shapiro
7. ✓	[signature]	2/1/14	165 Falmouth Rd.	Falmouth	Kurt E. Klebe
8. ✓	[signature]	2/1/14	165 Falmouth Road	Falmouth	Elizabeth B.S. Klebe
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					
27.					
28.					
29.					
30.					

For Registrar use only	SIGNATURE OF VOTER (Not Printed Name)	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box)	MUNICIPALITY (Where Registered)	PRINTED NAME OF VOTER
31.					
32.					
33.					
34.					
35.					
36.					
37.					
38.					
39.					
40.					
41.					
42.					
43.					
44.					
45.					
46.					
47.					
48.					
49.					
50.					

3d

Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be, and each person is enrolled in the party named on this petition, and is a resident of the electoral division named in the petition. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator [signature] *Printed Name of Circulator* Catherine Breen

Signature of Notary [signature] *Printed Name of Notary* Ellen Planer

Ellen Planer NOTARY PUBLIC, MAINE My Commission Expires March 22, 2020

Subscribed to and sworn before me on this date: Feb 3, 2014 *(Date must be completed by Notary)* Date my Notary Commission expires: _____

Registrar's Certification

Municipality Falmouth TOTAL VALID 7 TOTAL INVALID 1

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as registered voters in this municipality, in the electoral division named in the petition, and are enrolled in the Democratic Party.

DATE & TIME PETITION RECEIVED: 11:00 2-3-2014

Signature of Registrar [signature]

Date petition certified: Feb 3, 2014

Certification of Candidate Enrollment

(To be completed by the Registrar in the candidate's municipality of residence on one petition form.)

I hereby certify that, _____ (Name of Candidate as it appears on municipality's voting list), is enrolled in the _____ Party as of this date, and has not filed an application to change enrollment on or after January 1, 2014.

_____ (Signature of Registrar/Municipal Clerk)

_____ (Date) _____ (Name of Town, City or Plantation)

The candidate must also file the *State of Maine Candidate's Consent* for the June 10, 2014 Primary Election by March 17, 2014.

(Rev. 2013)

(41)

Steve Woods

From: Steve Woods
Sent: Monday, March 03, 2014 4:12 PM
To: Ben Grant (bgrant@mainedems.org)
Cc: Steve Woods; Justin Alfond [redacted]
Subject: Pam Fenrich Formal Complaint
Attachments: Cathy Breen CB.pdf; Cathy Breen LM.pdf

Ben,

I'm writing to you as our state Chairman of the Democratic Party with a formal complaint against Vice-Chair Pam Fenrich.

Since my very first interaction with Ms. Fenrich last year she has been insulting, disrespectful, and yesterday, blatantly unethical. Because details matter, let me start by recreating what happened yesterday – almost precisely verbatim. (Two folks witnessed this exchange in totality and Tim Shannon – Yarmouth Dem Chair – was witness to most of it.)

-At approx. 2:45pm yesterday I entered the Democratic Caucus room at Falmouth Elementary School with one of my campaign coordinators (Dave Colson.) I approached Pam Fenrich and asked for the speaking order of the event. She informed me that towards the end of the program, SD#25, candidates would each have "5-minutes" to speak, with me going first and Cathy Breen going last.

-I reminded Pam that during the most recent Democratic event held (Cumberland County Dems – 1/28 – at Cumberland Town Hall) also organized by Pam – that I went first then – and a more fair sequence yesterday would be to alternate. Pam said, "no – you're going first."

-I then suggested that we should at least "flip a coin" to determine the speaking order to be fair. Pam said, "no, I'm not changing the order, you're going first" following by just walking away from me in the middle of our discussion. (At that point – Tim Shannon walked up.)

-I reiterated my point to Pam that both "fairness" and reasonable election protocols supported my request for her to be impartial. Her response, "well, let me check with Cathy...."

-My response – "Why in the world would you need to check with the other candidate in order to adopt something fair?????" I wasn't asking for any type of benefit or advantage – merely what was fair.

-Pam walked away.

-A few minutes later, Pam returned with Cathy and all parties agreed to flip a coin to determine speaking order which was ultimately carried out. But, was it anything close to "fair" that it was necessary for me to publically fight with the Democratic Party Vice Chair in the middle of the Falmouth Elementary School cafeteria to achieve what was most reasonable to begin with? And, how was this episode exported to Cathy's supporters in the context of campaign currency?

-When Cathy Breen spoke to the Caucus, Pam broke protocol and allowed Cathy to speak for 7-minutes/52-seconds. Why?

MY ISSUE(S):

(46)

-Pam Fenrich is openly hostile with malice towards me and my campaign while at the same time actively assisting Cathy Breen and her campaign. While the above details support a set of facts, it's as much her attitude and palpable disrespect that is most concerning. Why would a party leader walk away from a State Senate Candidate in the middle of him (me) making a valid and important point? What possible rationale would exist for her needing to "check with Cathy?"

-On 1/28/14 – Pam Fenrich signed a Primary Nomination Petition for Cathy Breen that was later filed and certified by our Secretary of State. (attached)

-On 1/31/14 – just three-days later, Pam Fenrich signed *another* Primary Nomination Petition for Cathy Breen that was later filed and certified by our Secretary of State. (attached.)

-In regard to the duplicate Petition signatures, given that Cathy Breen was/is comfortably over the statutory number of signatures, Pam's extra signature might not have a material impact. But, shouldn't the "Vice Chair" of the State's Democratic Party know better? Three days apart?

-Pam allowing Cathy Breen to go way over the 5-minute speaking limit in itself is not a huge issue – but it's relevant in regard to what is now a clear pattern.

Ben, as you and I discussed more than a month ago, I'm excited to run for State Senate representing District #25 as a proud and supportive Democrat. I'm thrilled to campaign in Cumberland, Gray, Yarmouth, portion of Westbrook, Chebeague Island and Long Island. But, Falmouth is something different. While it's a great town where I am proud to operate my business, it's a political environment that is often marked with divisive and contentious campaigning – something that has already started. Now what was a challenging situation has become impossible with the State Democratic Vice Chair actively working against me.

Any pretense or suggestion that Pam Fenrich is impartial in her role as Vice Chair of the Democratic Party can no longer be supported by facts or reasonable judgment. If in a public setting, at the most visible Democratic event prior to the June 10th Primary, Pam Fenrich is openly hostile to me – isn't it reasonable to assume that what is being said/done behind the scenes is much more damaging?

Remedies:

1) I am requesting that Pam Fenrich, Vice Chair of the Democratic Party, immediately contact the Maine Elections Bureau and have both of her Petition signatures invalidated and removed from Cathy Breen's total. Since both forms were submitted simultaneously to the Elections Bureau, there is no practical way to determine which one was counted first.
2) I am requesting that the Democratic Party suggest to candidate Cathy Breen that she contact the Maine Elections Bureau and officially retract both Primary Nomination Petitions in question immediately. On both Petitions, "Pamela Fenrich" is the very first signature that appears at the top on "Line 1." One element of the Nomination Petition process is that every potential signatory has the opportunity and benefit of seeing who is already supporting the candidate – and using that knowledge as a material factor for voters and in the acquisition of all subsequent nomination signatures. As a well-known public figure in the political and community realm, Vice Chair "Pamela Fenrich" and her signature in #1 position on each form may have been a factor for some or all subsequent voters that later signed below her.
3) I am requesting that the Maine Democratic Party Leadership immediate vote to suspend Pamela Fenrich from her role as "Vice-Chair" until after the June 10th Primary. Not to do so jeopardizes my campaign and any chance of impartiality in the upcoming election process. While nothing can un-ring the bell of Pam Fenrich's actions to date, for the Party to not take action now – would cause further and potential permanent damage.
4) I am requesting an answer to this email and the suggested "Remedies" by Wednesday, March 5th, so that I can act accordingly.

(4c)

I am a loyal and committed Democrat intensely motivated to help Maine move forward. But, if the Democratic Party itself through the actions of the Vice Chair cannot be fair to my candidacy, I must reconsider the time, money, and sacrifice required of this pursuit.

I'm available to discuss.

Thank you.

Respectfully,

Steve

Stephen M. Woods
President/CEO | TideSmart Global
380 US Route 1, Falmouth, ME 04105
Office: 207-828-4700 | Mobile: 207-632-8516
woodss@TideSmart.com
www.emg3.com | www.TideSmart.com

(5)

Steve Woods

From: Ben Grant <bgrant@mainedems.org>
Sent: Tuesday, March 04, 2014 12:44 PM
To: Steve Woods
Cc: 'Justin Alfond'
Subject: RE: Pam Fenrich Formal Complaint

Steve,

As I have told you on several occasions, I confer with Sen. Alfond on any issues related to State Senate races. Since you cc'd him on this email, he is appraised of the situation, and we spoke about it this morning. What we feel will be most constructive is to invite you and Cathy to meet with the two of us to discuss what's going on in this race. With that in mind, we would like to meet at the MDP Office in Portland on Friday morning at 7:45. Are you able to come at that time? I would expect we could finish by 8:30.

In the meantime, I will speak to Pam about the events relayed below regarding the caucus. I think it only fair to get both sides of the story before contemplating any action.

Let me know about Friday.

Ben

Benjamin K. Grant, Chairman
Maine Democratic Party
P.O. Box 5258
Augusta, ME 04332
207-622-6233

From: Steve Woods [mailto:WoodsS@tidesmart.com]
Sent: Monday, March 3, 2014 4:12 PM
To: Ben Grant (bgrant@mainedems.org)
Cc: Steve Woods; Justin Alfond ([redacted])
Subject: Pam Fenrich Formal Complaint

Ben,

I'm writing to you as our state Chairman of the Democratic Party with a formal complaint against Vice-Chair Pam Fenrich.

Since my very first interaction with Ms. Fenrich last year she has been insulting, disrespectful, and yesterday, blatantly unethical. Because details matter, let me start by recreating what happened yesterday – almost precisely verbatim. (Two folks witnessed this exchange in totality and Tim Shannon – Yarmouth Dem Chair – was witness to most of it.)

-At approx. 2:45pm yesterday I entered the Democratic Caucus room at Falmouth Elementary School with one of my campaign coordinators (Dave Colson.) I approached Pam Fenrich and asked for the speaking order of the event. She informed me that towards the end of the program, SD#25, candidates would each have "5-minutes" to speak, with me going first and Cathy Breen going last.

(69)

Maine Revised Statutes

§681 Title 21-A: ELECTIONS §691

- §682 PDF
- §682 MS-WORD
- STATUTE SEARCH
- CH. 9 CONTENTS
- TITLE 21-A CONTENTS
- LIST OF TITLES
- DISCLAIMER
- MAINE LAW
- REVISOR'S OFFICE
- MAINE LEGISLATURE

Chapter 9: CONDUCT OF ELECTIONS
Subchapter 2: ELECTION PROCEDURE
Article 4: RESTRICTIONS

§682. Political activities

Certain activities are prohibited on election day. [2003, c. 447, §22 (RPR).]

1. Instruction limited. Within the voting place, a person may not instruct another in the method of marking the ballot, except as provided in section 672.

[2003, c. 447, §22 (RPR) .]

2. Influence prohibited. On public property within 250 feet of the entrance to the voting place as well as within the voting place itself, a person may not:

A. Influence another person's decision regarding a candidate or question that is on the ballot for the election that day; or [2005, c. 568, §14 (AMD).]

B. Attempt to influence another person's decision regarding a candidate or question that is on the ballot for the election that day. [2005, c. 568, §14 (AMD).]

These limitations do not prohibit a candidate from attending the voting place and orally communicating with voters as long as the candidate does not attempt to influence their vote. A candidate may not state the name of the office sought or request a person's vote.

[2005, c. 568, §14 (AMD) .]

2-A. Application. This subsection governs the application of subsection 2.

A. Subsection 2 does not apply to pollwatchers, who may remain in the voting place outside the guardrail enclosure as long as they do not attempt to influence voters or interfere with their free passage. [2003, c. 447, §22 (NEW).]

B. Subsection 2 does not prohibit media representatives from conducting an exit poll, as long as they do not solicit voters until after the voters have voted and do not orally communicate with voters in a way that influences a voter's vote. [2003, c. 447, §22 (NEW).]

C. If a person attempts to influence voters or interfere with their free passage, the warden shall have that person removed from the voting place. [2003, c. 447, §22 (NEW).]

[2003, c. 447, §22 (NEW) .]

§682 PDF
§682 MS-WORD
STATUTE SEARCH
CH. 9 CONTENTS
TITLE 21-A CONTENTS
LIST OF TITLES
DISCLAIMER
MAINE LAW
REVISOR'S OFFICE
MAINE LEGISLATURE

3. Advertising prohibited. A person may not display advertising material; operate an advertising medium, including a sound amplification device; or distribute campaign literature, posters, palm cards, buttons, badges or stickers containing a candidate's name or otherwise intending to influence the opinion of any voter regarding a candidate or question that is on the ballot for the election that day on any public property located within 250 feet of the entrance to either the voting place or the building in which the registrar's office is located. The term "sound amplification device" includes, but is not limited to, sound trucks, loudspeakers and blowhorns.

A. This subsection does not apply to advertising material on automobiles traveling to and from the voting place for the purposes of voting. It does not prohibit a person who is at the polls solely for the purpose of voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches. [2009, c. 253, §27 (AMD).]

B. Nonpolitical charitable activities and other nonpolitical advertising may be allowed at the discretion of the clerk if arrangements are made prior to election day. If arrangements are not made in advance of the election day, the warden may, at the warden's discretion, either allow or prohibit nonpolitical charitable activities and other nonpolitical advertising. [2003, c. 447, §22 (RPR).]

[2009, c. 253, §27 (AMD) .]

4. Devices for audible communication. Party workers or others may not use cellular phones, voice pagers or similar devices to make audible voice communication within the voting place that is in violation of subsection 2.

[2003, c. 447, §22 (NEW) .]

5. Violation. A person who knowingly engages in activities prohibited by this section commits a Class E crime.

[2003, c. 447, §22 (NEW) .]

6. Public property limited. For purposes of this section, "public property" does not include a public right-of-way across privately owned property if it is an easement right-of-way.

[2009, c. 253, §28 (NEW) .]

SECTION HISTORY
1985, c. 161, §6 (NEW). 1985, c. 383, §11 (AMD). 1991, c. 466, §20 (AMD). 1993, c. 473, §§19,20 (AMD). 1993, c. 473, §46 (AFF). 1995, c. 459, §§61,62 (AMD). 2001, c.

(19)

Steve Woods

From:	Steve Woods
Sent:	Monday, June 23, 2014 3:28 PM
To:	Julie Flynn (Julie.Flynn@maine.gov)
Cc:	Ellen Planer ([redacted])
Subject:	June 10th Election - Complaint

Julie Flynn
Deputy Secretary of State
Bureau of Corporation, Elections and Commissions
101 State House Station
Augusta, ME 04333

Ms. Flynn,

Thank you again for taking the time to talk to me last week, and also today, in regard to the June 10th election. As just discussed by telephone, I am contesting and challenging the election results of June 10, 2014 and hereby request that you delay submitting the "Official Results" to the Governor's office until after my complaint is officially reviewed and resolved by your office, and if necessary, Maine's Attorney General's office.

Though I have a number of challenges in regard to how the Breen campaign (my opponent in the SD#25 democratic primary election) conducted itself, the central issue I am challenging today in specific to Maine Statue, Title 21-A, Section 681 – Chapter 9: Conduct of Elections and Subchapter 2: Election Procedure and Article 4: Restrictions.

First – the facts as supported by my own direct observations, observations by my campaign staff, observations by other candidates, and finally, as witnessed by Falmouth, Town Clerk & election Registrar, Ms. Ellen M. Planer.

-On election day, Tuesday, June 10, 2014, candidate Cathy Breen dispatched a number of family members, friends and supporters to various "Voting Places" to actively "advertise" her candidacy to voters as they were entering the various voting location in SD#25.

-What each of these surrogates said was along the lines of; "Hi..I'm Cathy Breen's husband...." Or "Hi...I'm Cathy Breen's daughter..." These interactions/conversations occurred throughout the entire election day – sometimes with Breen present – sometimes not.

-In addition, Breen campaign staff/supporters, Bonny Rodden and Pam Fenrich, also spent time engaging voters as they were entering the various voting places.

The issue. Maine law is very clear and detailed in this regard. The core principle of election law is to eliminate outside "influence" during the voting process and to allow all voters unfettered access to the voting place. In regard to allowed "Political Activities," the law is specific to "candidates" and candidates only in terms of what detailed voter engagement is allowed and legal.

"These limitations do not prohibit a candidate from attending the voting place and orally communicating with voters as long as the candidate does not attempt to influence their vote. A candidate may not state the name of the office sought or request a person's vote."

Nowhere in the statute are family members, friends of surrogates mentioned as having any rights to engage voters – as it is intentionally written for "candidates" only – with ALL others exempt from ANY role in the process. (For anyone to

(76)

suggest that the absence of language addressing non-candidates in relation to them affirmatively participating in voter engagement on election day -- would be absurd and illogical. Such an argument would then support & allow campaigns from enlisting or hiring hundreds of supporters to show up on election day to "engage" voters.)

Election law is deliberately prescriptive and rigid in regard to candidate messaging at the polling place (no campaign materials, no discussion of office being pursued, etc.) The principle for such vigilant election control is to insure that voters are not confronted with uncomfortable interactions or information within minutes & feet – from actually voting.

In my case, election law precluded me from wearing a single, simple 2-inch lapel button that said "Steve Woods for State Senate" – but Cathy Breen was allowed to have a living/breathing 5'8" campaign message in the form of Pam Fenrich standing right next to her as voters entered the polling place. Or, Breen was allowed to have thousands of interactions from her family member with voters?

It's well established that "symbols" are recognized as elements of communication. And the symbol of Pam Fenrich (a non-candidate for anything herself) standing next to Breen at the polling place was clearly a message to many voters, "Hi, I'm Pam Fenrich, Vice Chair of the Maine Democratic Party, Chair of the Falmouth Democratic Committee, well known as an iconic democratic activist in Falmouth and throughout Maine – standing next to candidate Breen within inches of the doorway leading into the voting booths – within days of having just sent out an email communication aggressively supporting Breen" – is a clear and compelling message. (When a well-known professional athlete is viewed holding a Gatorade – it's "advertising" even without any additional messaging, based simply on proximity. Same with Fenrich deliberately standing next to Breen.)

In fact, such "advertising" (Paragraph 3) is explicitly identified as a Class E "crime." (It is well established case law and brand marketing practice that merely mentioning "Cathy Breen" can and should be considering "advertising" under the statue – even in the absence of a more detailed message, such as "Vote for Cathy Breen." Just the mention of "Cathy Breen" by anyone other than a candidate himself/herself is advertising by any standard – and when it occurred a few minutes before voting – and few feet from the voting booths – it had a material and deliberate effect that was premeditated and intentional. (Just as a Coca-Cola sign is an effective "advertising" element in front of a store.)

It is my position that this is clear violation of Maine election law, which only (and appropriately) gives limited provisions for "candidates" themselves to greet voters. The absence of "family members" in the statue can only be viewed as an intentional element of the law. Otherwise, candidates with large families (20-30 members) would be at a distinct advantage over a candidate with a small family or, no family.

Also, why limit the scope to "family members" which is somewhat arbitrary – when it can be argued that "friends" are just as important to many people as family. With that rational, would I have been allowed to engage "200" of my "friends" to greet voters at voting places in SD#25 with the same message, "Hello, I'm a good friend of Steve Woods!" just as they were getting ready to vote, when name recognition and recall are critical? Clearly, not.

When I spoke with you earlier today, you (Julie Flynn) suggested that election law was somewhat vague on this issue and that your office was "interpreting" the law as to allow surrogates on election day. Can you please send me the written form of that "interpretation?" Also, what is the scope – family members, friends, paid campaign staff? How is it monitored? How did Cathy Breen know that family members were allowed/legal and I – and most candidates – went by the letter of the law and believed that only "candidates" could be at the voting place to engage voters?

I've been an adverting/marketing executive for more than 30-years and I know first-hand that brand/name recall is critically important in all purchase/voting situations – especially when they occur within minutes and feet from the decision.

In the case of the recent election here in State Senate #25, the Breen campaign had an unfair advantage as they were allowed to openly break election law in a manner that impacted the election results. Now, given that thousands of Breen

family interactions were all in violation of Maine election law – and it can only be reasonably concluded that this violation was committed intentionally and in itself, this should call into question the results of the June 10th election.

The statue calls for the penalty (Class E crime) of up to six months of incarceration and $1,000 fine per occurrence. I'm asking your office to impose that punishment (per interaction) after a thorough review. In the meantime, I am requesting that the result from the June 10, 2014 SD#25 election is NOT certified by the Governor until this matter is resolved.

(PLEASE CONFIRM RECEIPT OF THIS EMAIL.)

Thank you.

Steve Woods
Candidate – State Senate #25

(89)

Steve Woods

From:	Steve Woods
Sent:	Tuesday, June 24, 2014 9:20 AM
To:	Justin Alfond [redacted]
Cc:	'Wayne, Jonathan'
Subject:	Freedom of Access Act - Request

Honorable Justin L. Alfond
Senate President
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This email correspondence represents a formal request under Maine's Freedom of Access Act (FOAA.)

I am requesting that you provide the following documents, notes, details, emails, etc. – in any and all forms (paper & electronic) to me in a timely manner. This includes any & all email correspondence through any & all of your email accounts, known or not known to the public, including, Justin@JustinAlfond.com & jalfond@gmail.com. Also, "text messages" and any other recorded form of communication. (And if you are aware of any materials that fall under the scope of these requests, but cannot be located for any reason, please detail that information and any suggested explanation for why information might be unavailable.)

1) All requests below are for the time frame, November 1, 2013 through June 24, 2014
2) All correspondence, meeting notes, documents – shared in any form between yourself – (including anyone acting on your behalf or with your knowledge) - and Ben Grant, Chairman of the Maine Democratic Party (MDP,) in which the 2014 State Senate District #25 race is mentioned or referenced. This includes any/all references to me personally, and in addition, my (Steve Woods) candidacy/campaign or the candidacy/campaign of Cathy Breen.
3) All correspondence, meeting notes, documents – shared in any form between yourself – (including anyone acting on your behalf or with your knowledge) - and Marc Malon, with the MDP, in which the 2014 State Senate District #25 race is mentioned or referenced. This includes any/all references to me personally, and in addition, my (Steve Woods) candidacy/campaign, and also, the candidacy/campaign of Cathy Breen.
4) All correspondence, meeting notes, documents – shared in any form between yourself – (including anyone acting on your behalf or with your knowledge) - and "anyone" (persons known or not known,) in which the 2014 State Senate District #25 race is mentioned or referenced. This includes any/all references to me personally, and in addition, my (Steve Woods) candidacy/campaign, and also, the candidacy/campaign of Cathy Breen.
5) On March 5, 2014, you and I spoke via phone at approximately 9:17pm, for a period of approximately 59-minutes. Please provide any and all notes or documents pertaining to that conversation made by you, or in your possession. Also, please provide a detailed description of what was discussed, "agreed to", and referenced in that telephone conversation. And, any and all correspondence (in any form) pertaining to that conversation, sent or received by you at any time.
6) Any and all correspondence in any form between yourself and Pam Fenrich (Vice Chair – MDP). Also, details and notes regarding any and all conversations and meetings between yourself and Pam Fenrich during this period.
7) A detailed description of any and all documents or details from this requested period, within the requested context (items 1-8 in this request) that no longer may exist for any reason in physical form, that you're aware of in any manner.
8) Any and all correspondence and communication in any form, information, notes, meeting descriptions, etc. – associated with the June 10, 2014 primary election and the result of SD#25. This includes any and all references

(86)

to Cathy Breen, Pam Fenrich or myself. This includes any and all materials, documents and communications that originated from you – or you received in any form – from any other party – that mentioned or referenced any aspect of the State Senate District #25 race between Cathy Breen and myself.

I appreciate your prompt attention to this FOAA request.

Thank you.

Respectfully,

Steve Woods
64 Glen Rd
Yarmouth, ME 04096

Mailing Address:
c/o TideSmart
380 US Route 1
Falmouth, ME 04105

Dyer, Benjamin P

From: Steve Woods <WoodsS@tidesmart.com>
Sent: Thursday, June 26, 2014 3:19 PM
To: Wayne, Jonathan
Cc: Dyer, Benjamin P
Subject: Ethics Investigation

Jonathan,

In advance of our scheduled 3:00pm interview today, I've compiled a few questions and areas of discovery that I would like to suggest be explored in your investigation.

GENERAL INFORMATION

-By what legal authority does the "Falmouth Democratic Committee" (FDC) exist? (Charter, filings, etc.) Has Cathy Breen ever held an official role with the FDC?

-When was Pam Fenrich elected to serve as the current President of the FDC? (Details and "minutes" from that meeting requested.)

-Given that it appears that everyone at the May 28th meeting was directly associated with the Breen campaign, who in total attended this "meeting?" A complete listing of names and attendees is requested.

-Names of all "yes" and "no" voters at the May 28th meeting that voted to support endorsing Cathy Breen? The "one" abstention?"

-At what time of day on May 28th did this meeting start? End?

-It's be disclosed that the May 28th meeting took place at the "Falmouth Town Hall." By what method was permission granted by the town of Falmouth to utilize space at the Town Hall for the May 28th meeting? Please provide copies of all communications in this regard.

-Which members in name – actually "voted" to endorse Breen? Exactly who was at this meeting? Was Breen at the meeting?

-Was candidate Breen in attendance to any part of this meeting where the "endorsement vote" occurred?

-Given that this meeting was presented as being an official function, is it common for the FDC to meet at the Falmouth Town Hall?

-How was this meeting "noticed" to the public? If it wasn't "noticed" how would my supporters know to attend? Please provide evidence concerning the public notice given.

-Was a quorum reached in the vote – and where in the published charter are the quorum requirements?

-What other official "meetings" and votes have been taken by the "Falmouth Democratic Committee" over the last 12-months? Where are those "minutes" and how are those records kept and shared with members and the public?

-Why did Pam Fenrich "recuse" herself as indicated in the "minutes?" **For what reason?** And, if her reason was to fulfill a directive from the MDP, why then broadcast a destructive email about me – in support of Cathy Breen – just days before the election?

-Does the "Falmouth Democratic Committee" have any recorded revenue or expenditures from the last 12-months? Details?

-Where did the "Falmouth Democratic Committee" attain their email list as referenced below? (Please ask them for a copy of the list used.) (It's critically important to have the actual list used by the FDC in their mailing on May 28th to determine if it in fact is not part of the VAN.)

-Who with the "Falmouth Democratic Committee" has access to the contact list used? Did/does anyone associated with the "Falmouth Democratic Committee" have access now (or anytime in the past) to the MDP's "VAN" list of voters – in any part or manner?

-From January 1 – June 10th, 2014, did the Falmouth Democratic Committee distribute any other email messages (other than May 28th) or any other type (mailing, email, etc.) in regard to; Breen's campaign, my campaign, or any other aspect of the SD#25 race?

-Did anyone at the FDC ever receive and information from anyone at the Maine Democratic Party (MDP) in regard to SD#25 race?

-In the published minutes provided by the FDC (Falmouth Democratic Party) from their "May 28th" meeting, the FDC also "endorsed" candidate Kevin Joyce for Sheriff with a "unanimous" vote. Please provide any/all detail in regard to how the Kevin Joyce "endorsement" was conveyed to the members of the FDC. Another email blast? Written letters? Did Pam Fenrich send out a personal email? If not, why not?

PAM FENRICH INFORMATION

-Where did Pam Fenrich receive or acquire her email list that was utilized? (Please ask for a copy of this list.)

-Pam Fenrich claimed that she "recused" herself during the May 28th FDC endorsement vote. Why? Specifically, how could Fenrich purport to recognize a conflict in regard to an FDC vote – and then not recognize an even GREATER conflict in sending out an FDC endorsement in the form of a mass email?

-Pam Fenrich claims that her "personal" email was independently from the FDC. Was the copy (words) in the Fenrich email (June 5, 2014, 9:59am) original copy & words from Fenrich herself? If not, where did those words/copy come from – and authored by who?

-The subject line in the Fenrich email (June 5, 2014, 9:59am) is recorded as: Subject: FW: Falmouth Democrat Committee and Lots of Others Endorse Cathy Breen. The "Subject Line itself includes "FW" indicating that this email in question in fact did NOT originate with Fenrich and that she "forwarded" it from another source. From what source? When did it originate?

-Was the same or similar message – sent from Fenrich on June 5, 2014 – used in any other communications? (Fenrich claims it was her personal message.)

-From January 22, 2014, until June 10, 2014, what other emails, letters, or any other form of communications did Fenrich send out – or share with her "friends" – or any other party or parties – in regard to the Cathy Breen campaign, Steve Woods as a candidate, or any other aspect of SD#25 race?

-Needed: A complete list of the "30" personal email contacts suggested by Fenrich as being the sole recipients to her June 5th email.

-In the published minutes provided by the FDC (Falmouth Democratic Party) from their "May 28th" meeting, the FDC also "endorsed" candidate Kevin Joyce for Sheriff with a "unanimous" vote. Please provide any/all detail in regard to how the Kevin Joyce "endorsement" was conveyed your personal email group. Another email blast? Written letters? If not, why not?

GRACE MADDEN INFORMATION

-As the "Secretary" of the FDC, where did you get the copy/words/text utilized in the email sent on "5/29/2014, 12:45pm"? Who wrote the actual words included in the email? Did this email originate from Grace Madden herself? If not, by who? (The "Subject" line of this email contains two (s) ":" – suggesting that this email for forwarded to Grace Madden by someone else.)

-how did Grace Madden receive the email addresses used on May 29th?

-A review of the FDC email list utilized on May 29th is needed to cross-reference that list with the Fenrich list – and to also verify that it was derived from the VAN list.

-From January 22, 2014 – June 10, 2014, did Grace Madden send out any other emails or paper correspondence in regard to Cathy Breen Campaign, Steve Woods, or anything to do with SD#25? If so, please provide all details.

CATHY BREEN INFORMATION

-Did Cathy Breen herself – or have any direct involvement - with writing or producing in any way, any of the copy/text utilized by the Falmouth Democratic Party in the 5/29/14 email, the June 5, 2014, Fenrich email, or any other communications known, or not known, - that were conveyed or communicated by the FDC or Pam Fenrich in any manner? If so, what/when?

-Was Cathy Breen at the FDC meeting on May 28th?

-Is Cathy Breen aware of where all or any of the names and email addresses utilized in either the FDC email blast on May 29th or the Fenrich email blast on June 5th came from? Is Breen aware that any of the names/email addressed came from the MDP VAN file?

-Did Breen at any point give MDP VAN information in any form/manner to anyone at the FDC or Pam Fenrich – at any point?

This e-mail may contain information proprietary to the sender and is intended only for the use of the intended recipient(s). If the reader of this message is not the intended recipient(s), you are notified that you have received this message in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. All e-mail sent to this address is subject to archival and may be reviewed by someone other than the recipient. If you have received this electronic message in error, please notify us immediately and destroy the original message and all copies.

This footnote also confirms that this email message has been scanned for the presence of computer viruses.

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

To: Benjamin K. Grant, Esq., Chair, Maine Democratic Party
Pamela Fenrich, Chair, Falmouth Town Democratic Committee
Ms. Catherine Breen, Candidate for Maine Senate, District 25
John Brautigam, Esq., Campaign Treasurer for Cathy Breen

cc: Assistant Attorney General Phyllis Gardiner, Commission Counsel
Mr. Stephen M. Woods
Mary-Erin Casale, Executive Director, Maine Democratic Party

From: Jonathan Wayne, Executive Director

Date: June 17, 2014

Re: Request for Investigation by Stephen M. Woods

Yesterday, the Maine Commission on Governmental Ethics and Election Practices (the Commission) received the enclosed request for investigation from Steve Woods concerning his State Senate primary election opponent Cathy Breen and the activities of the Falmouth Town Democratic Committee in endorsing her. This memorandum is to provide preliminary notice of Mr. Woods' request and the procedures the Commission staff preliminary intends to use in handling the request.

Among other things, Mr. Woods argues that it was improper for the Falmouth Town Democratic Party to endorse Cathy Breen in the June 10, 2014 primary election and for Pam Fenrich, an officer of the Maine Democratic State Committee and Falmouth Town Democratic Committee, to distribute the endorsement by electronic mail. In the opinion of the Commission staff, these matters relate to the internal governance of political parties and are outside the jurisdiction of the Commission. Nevertheless, the request also asks the Commission to investigate whether there were campaign activities undertaken by the State and/or Falmouth Democratic Parties to promote Ms. Breen's nomination, issues within the Commission's jurisdiction as the State's campaign finance agency.

At this time, the Commission staff *preliminarily* intends to present Mr. Woods' request to the Commissioners at their next regularly scheduled meeting on Wednesday, June 25, 2014 at 9:00 a.m. (one week from tomorrow) The meeting will be held at the Commission's Office at 45 Memorial Circle in Augusta. At that meeting, Commission staff will seek direction from the Commissioners as to whether the staff should conduct any investigation. *These procedures are subject to change as the complaint was received yesterday, and the Commission staff is continuing to study the issues involved and to confer with the Commission's Counsel.*

By tomorrow morning, the Commission staff will request very limited information from some of the individuals involved concerning the email distribution of the Falmouth committee's endorsement and the leadership of Ms. Breen's campaign. The requests will be directed to Pam Fenrich and the Breen campaign. This information is requested for purposes of assisting the Commissioners in deciding whether to authorize any further investigation, as requested by Mr. Woods. Your prompt cooperation would be greatly appreciated. If the Commissioners decide on June 25 to direct the staff to conduct further investigation, the staff would pursue that after the Commission's meeting.

In setting these pre-meeting procedures, the Commission staff is guided by Chapter 1, Sections 4(2)(C) and 5(1) & (2) of the Commission's rules.

Mr. Woods may wish to attend the June 25 meeting to speak to the Commissioners in support of his request for an investigation. The Breen campaign and the party committees may wish to make comments as well, but at this time the Commission staff is not requesting any comments on June 25th.

Thank you in advance for your cooperation with these procedures. If you have any questions, please feel free to telephone me at (207) 287-4179.

/enclosures

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

June 27, 2014

By E-Mail and Regular Mail
Stephen M. Woods
64 Glen Road
Yarmouth, ME 04096

Dear Mr. Woods:

Thank you for consenting to the telephone interview yesterday. This is to reiterate my request of yesterday that if you have any additional information that is relevant to the investigation requested by the Commissioners, that you submit it to the Commission staff no later than Friday, July 4, 2014.

In particular, you expressed a concern during yesterday's telephone interview that data from the NGP VAN was used by the Falmouth Town Democratic Committee or Ms. Fenrich in distributing endorsements of Cathy Breen. In support of that proposition, you mentioned that you were aware of several individuals receiving email endorsements of Ms. Breen who would not have been part of the Falmouth Town Democratic Committee e-mail list.

By July 4, 2014, please identify these people by name and provide the email communications that they received. Since you have access to the NGP VAN, please (if possible) indicate whether they are listed in the NGP VAN, or not.

Thank you.

Sincerely,

Jonathan Wayne
Executive Director

cc: Ben Dyer, Political Committee and Lobbyist Registrar
Assistant Attorney General Phyllis Gardiner

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

To: Pamela Fenrich, Chair, Falmouth Town Democratic Committee
Grace Madden, Secretary, Falmouth Town Democratic Committee
Beth Franklin, Treasurer, Falmouth Town Democratic Committee
Catherine Breen, Candidate for State Senate, District 25
John Brautigam, Campaign Treasurer for Cathy Breen
Bonny Rodden, Communications Director for Cathy Breen Campaign

From: Jonathan Wayne, Executive Director

Date: June 25, 2014

Re: Notice of Investigation by the Maine Ethics Commission

At today's meeting of the Maine Ethics Commission, the Commissioners considered a complaint by Steve Woods concerning the Falmouth Town Democratic Committee and the Cathy Breen campaign. The Commissioners directed the Commission staff to perform a limited investigation concerning whether the town committee's email distribution of its endorsement or other activities constituted a contribution to the Cathy Breen campaign.

The investigation will be performed by two employees of the Commission (Benjamin Dyer and me). We would appreciate the cooperation of the committee and the campaign, in order to make the process efficient. This memo is to notify the committee and campaign of today's development and to outline some requests that we initially intend to make.

In the short term, Ben and I will send to Grace Madden some written questions, primarily concerning the preparation and email distribution of the committee's endorsement. We will also write Beth Franklin to request information concerning the financial activities of the committee this year. Ben will be contacting Cathy Breen to schedule a telephone interview, preferably for June 27 or 30, or the second week of July. We make subsequent requests, but those are unplanned as of today.

Thank you, in advance, for your cooperation.

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

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: June 20, 2014

Re: Request for Investigation by Stephen M. Woods

On Monday, June 16, 2014, the Commission on Governmental Ethics and Election Practices received the attached complaint from Stephen M. Woods. Mr. Woods was a candidate for the Democratic nomination for Maine State Senate, District 25 covering Falmouth, Cumberland, Yarmouth, and nearby communities. He ran against Catherine Breen, who won the Democratic nomination in the June 10, 2014 primary election.

Complaint by Steve Woods

Mr. Woods contends that his campaign was disadvantaged by a series of actions by Pam Fenrich, a Democratic Party officer who resides in Falmouth, taken to assist Cathy Breen in winning the Democratic nomination. Ms. Fenrich is the Chair of the Falmouth Town Democratic Committee and the Vice-Chair of the State Committee of the Maine Democratic Party. Mr. Woods expected her to remain neutral between the two candidates and not to favor Ms. Breen.

The most recent action was an endorsement of Ms. Breen by the Falmouth Town Democratic Committee at a meeting on May 28, 2014 and the subsequent June 5th circulation of that endorsement by email to Falmouth Democrats. Mr. Woods believes that the email had a material impact on the outcome of the primary election. His frustration is heightened because in March 2014 he brought concerns about Ms. Fenrich to the attention of leaders in the Maine Democratic Party, including its Chair, and thought he had received assurances that Ms. Fenrich would "stay out" of the race. He suspects that the

endorsement was coordinated with or controlled by the Breen campaign, and asks the Commission to investigate the circumstances of the endorsement.

Although not detailed in the complaint, Mr. Woods complained to me by telephone of a pattern of preferential treatment by Ms. Fenrich toward Ms. Breen. According to Steve Woods, she circulated nominating petitions for Cathy Breen, favored her at one or two party caucuses, and – as a well-known Democratic activist in Falmouth – stood next to Ms. Breen when greeting voters at the polls. He also alleges that on the June 10 primary election, Ms. Breen's treasurer and one other supporter were present within the voting area at a Falmouth polling place for an extended period of time.

Preliminary Gathering of Factual Information by Commission Staff

Because there is question whether Mr. Woods' basic grievance is within the Commission's jurisdiction, I have not asked for a full response from any of the respondents. We assume that they would disagree sharply with his characterization of the facts.

Rather, in the last few days, the Commission staff has requested preliminary information relating to one aspect of the May 28 endorsement. We examined whether there was evidence that Cathy Breen, her agents, or political committee suggested or cooperated with any expenditures of funds outside her campaign which would represent an in-kind contribution under 21-A M.R.S. § 1015(5). We have found no evidence of any coordinated expenditures that would constitute a contribution to Ms. Breen.

Jurisdiction of the Commission on Governmental Ethics and Election Practices

The Commission is an administrative agency within Maine State Government. Its duties and activities are determined by the Maine Election Law (Title 21-A, Chapters 13 and 14) and the Governmental Ethics Law (Title 1, Chapter 25).

Campaign finance. The primary function of the Commission is to regulate the financial activities of individuals and organizations engaged in the election process. We administer the following programs and requirements:

- Disclosure of contributions and expenditures (candidates, party committees, PACs and others are required to make financial reports to the Commission, which we make available to the public.)
- Contribution limits
- Maine Clean Election Act program
- Attribution and disclaimer requirements in campaign communications

Apart from these campaign finance responsibilities, the Commission receives reports of lobbyist activities, personal income statements of legislators and executive branch managers, and has a small role in offering advice and hearing complaints concerning legislative ethics.

Matters not in the Commission's jurisdiction. Members of the public sometimes contact our office concerning political or governmental conduct that they believe is unethical. We advise that our only "ethics" jurisdiction – in the sense of misconduct by public officials – extends to Legislators. This does not diminish the importance of some of the issues raised by the members of the public. They are simply outside the scope of issues that the Legislature has directed the Commission to regulate.

As a general matter, the staff recommends that the Commission avoid investigating alleged misconduct outside the Commission's jurisdiction, for few reasons. The Commission is a creature of the law that exists to carry out the responsibilities assigned by the Legislature. It is not a civic group or advocacy organization that can expand its mission of its own accord. Second, if the Commission issued investigative requests on matters outside the Commission's purview, the respondents could raise legitimate legal objections that might be upheld by the courts. Finally, speech about political candidates is strongly protected by the First Amendment. In general, the Commission should be cautious about investigating the circumstances of political speech unless it is implementing a mandate clearly set by the Legislature.

Exemption for Volunteer Activities and Voters Lists

The Legislature has exempted certain activities from campaign finance regulation. One such exemption is for volunteerism. (21-A M.R.S. § 1012(2)(B)(1)) Volunteerism can take many forms, but one common volunteer activity is designing or distributing communications urging support for a candidate. These activities can have tremendous value in building support for a candidate, but do not count toward disclosure requirements or contribution limits administered by the Commission. Another exemption is for lists of registered voters or voter identification information that a party committee has maintained for party building purposes and that are given by the party committee to a candidate who is a member of that party. (21-A M.R.S. § 1012(2)(B)(6))

Commission's Standards for Requests for Investigation

Under 21-A M.R.S.A. § 1003(2), a person may apply to the Commission to investigate whether an organization has violated campaign finance law. Under this provision, the Commission "shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred."

Recommendation from Commission Staff

This matter was quickly scheduled for your June 25 meeting in order to give Mr. Woods resolution on the question of whether the Commission was a forum that might provide him with any remedy. He has asked for an opportunity to address you in person at the June 25 meeting to urge you to conduct an investigation. In keeping with our customary role at your meetings, the staff comments that we are having trouble seeing a legal violation that is within the jurisdiction of the Commission. This should not be construed as a judgment that Mr. Woods' concerns are unfounded or unimportant. They relate to the internal governance of the Maine Democratic Party, which is outside the Commission's jurisdiction.

As noted above, we have found no evidence of any coordinated expenditures that would constitute a contribution to Ms. Breen. Thank you.