

Agenda

Item #8

**OFFICE OF ATTORNEY
GENERAL**

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Memorandum

TO: Commission on Governmental Ethics and Election Practices

CC: Jonathan Wayne, Executive Director

FROM: Phyllis Gardiner, Assistant Attorney General
Leanne Robbin, Assistant Attorney General and Chief of Financial
Crimes and Civil Rights Division

DATE: March 13, 2008

SUBJECT: Resolution of two enforcement matters

What follows is a brief report on the resolution of two enforcement matters that were referred to our office last year concerning violations of the Maine Clean Election Act.

Debra Reagan – Ms. Reagan was a candidate for House District 143 in 2006, who failed to return \$4,518 in Maine Clean Election Act funds that were not spent on her campaign. Although she initially agreed to repay the funds in monthly installments to the Commission, a total of \$3,390 remained unpaid as of the end of February, 2008. We filed a civil complaint in Superior Court in March, 2008, seeking reimbursement of that amount, plus prejudgment interest and civil penalties. A default judgment was entered in June, 2008, and Betsy Andrews, a paralegal in our office who specializes in collection, initiated collection efforts.

In July, 2008, Ms. Reagan was indicted by a York County Grand Jury for one count of theft (a felony) and one count of misuse of entrusted property (a misdemeanor) for having used the Clean Election funds to pay personal expenses. After initially representing herself in this action, she retained an attorney in September who requested a continuance. We were fully prepared to go to trial in January, but before trial Ms. Reagan decided to plead guilty to the misdemeanor charge, serve a 30-day jail sentence, and pay full restitution to the MCEA Fund at sentencing. The Court accepted her plea and imposed this sentence on February 6, 2009. The Commission has now received payment of that full amount (\$1,510), thereby concluding our collection efforts as well. The State is also charging Ms. Reagan \$10 per day for her jail accommodations.

Bruce Ladd – Mr. Ladd applied for certification as a Maine Clean Election Act candidate for House District 133 last spring. His request was not granted because of concerns about potential forgery of names on the receipt and acknowledgment forms that he submitted. On June 9, 2008, he withdrew his application and withdrew as a candidate. On July 8, 2008, the York County Grand Jury indicted him on two counts of aggravated forgery -- one count for the receipt and acknowledgement forms and one count for the money orders. Mr. Ladd appeared with counsel and pled not guilty on September 19, 2008. He subsequently changed that plea to guilty, however, and agreed to serve two months in jail. Sentencing was delayed until April, 2009. Because he never qualified for funding, no restitution is involved.