Agenda
Item #2
To: Commissioners

From: Jonathan Wayne, Executive Director

Date: September 21, 2010

Re: Complaint against Aroostook County Sheriff James P. Madore

On September 9, 2010, the Commission on Governmental Ethics and Election received the attached complaint against James P. Madore, the Sheriff for Aroostook County. The complaint alleges that Mr. Madore has used county-owned property and county employees to promote his re-election.

The Commission staff and counsel believe the complaint is outside the jurisdiction of the Commission. The Commission is the campaign finance disclosure agency for the State of Maine and administers the Maine Clean Election Act. (Title 21-A, Chapters 13 and 14) The agency also has authority to investigate complaints of limited legislative ethics issues (conflicts of interest, undue influence, etc.). (Title 1, Chapter 25) The Commission has no jurisdiction over the professional ethics of county or municipal officers or over misuse of public property for political purposes.

So, pursuant to Chapter 1, Section 4(4) of the Commission’s rules (attached), the Commission staff has returned the complaint today to the Aroostook County Republican Committee. The complaint was also addressed to the District Attorney for Aroostook County and the County Commissioners, and was copied to the Office of the State Attorney General.

In our view, this matter requires no action by you, but we are required to notify you of our decision pursuant to the Commission’s rule.
E. **Request for Waiver of Nonsession Reporting Requirement.** A lobbyist may request a waiver of the monthly nonsession reporting requirement set forth in 3 M.R.S.A. §317(4) if the lobbyist does not expect to be engaged in lobbying when the Legislature is not in session. The Director is authorized to provisionally grant such waivers pending approval by the Commission. Provisional waivers may be granted only where a request is properly filed, the statement properly completed, and where there is no apparent reason to doubt the statement is true. During the period in which the waiver is effective, reports will not be required. If lobbying is resumed during the period for which the waiver was granted, the lobbyist must file a monthly disclosure report for the month or months lobbying was conducted.

F. **Faxing Duly Executed Lobbyist Registration, Reports.** Any registration or report required by 3 M.R.S.A. chapter 15 may be provisionally filed by transmission of a facsimile copy of the duly executed report to the Commission, provided that the original of the same report is received by the Commission within 5 calendar days thereafter.

4. **Matters Outside the Commission's Jurisdiction.** If the Director and Counsel are in agreement that the subject matter of a request for an investigation is clearly outside the jurisdiction of the Commission, the staff may forward the request to the appropriate authority or return it to the person who made the request, provided that the staff notifies the Commission members of the action at the next Commission meeting.

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**SECTION 5. FACT FINDING AND INVESTIGATIONS**

1. **Before Commission Meeting.** With respect to any inquiry, complaint, or request for Commission action properly filed in accordance with the preceding section, or any potential violation that comes to the attention of Commission staff through an audit or review of reports, the Director may conduct such preliminary fact finding as is deemed prudent and desirable. When the Director and Counsel find a basis for a preliminary investigation, they will recommend such steps to the Chair as necessary. The Chair is authorized to issue subpoenas in the name of the Commission to compel the attendance of witnesses or the production of records, documents or other evidence when the Chair and the Commission's Counsel are in agreement that the testimony or evidence sought by the subpoena is necessary to disposition of the matter; and to issue any subpoena in the name of the Commission on behalf of any person having a statutory right to an agency subpoena. Consultations between the Commission and its Counsel concerning an investigation (including the issuance of subpoenas) where premature public knowledge of the investigation would place the Commission or another investigatory office at a substantial disadvantage may be held in executive session pursuant to 1 M.R.S.A. §§ 405(6)(E), 1005, and 1013(3). Any oral testimony compelled by a subpoena issued by this provision will be presented to the Commission or its staff. When a matter is ready for presentation to the Commission, the Director, in consultation with Counsel, will prepare a summary of findings and recommendations for inclusion on the agenda.
September 21, 2010

Zachary E. Smith, Chair
Aroostook County Republican Committee
P.O. Box 28
Presque Isle, Maine 04769

Dear Mr. Smith:

I write in response to your complaint against Aroostook County Sheriff James P. Madore alleging misuse of county property and employees for political purposes.

The Commission’s Counsel and I have reviewed your complaint. We believe the allegations do not fall within the jurisdiction of the Commission. The Commission is the campaign finance disclosure agency for the State of Maine and administers the Maine Clean Election Act. (Title 21-A, Chapters 13 and 14) The agency also has authority to investigate complaints of limited legislative ethics issues (conflicts of interest, undue influence, etc.). (Title 1, Chapter 25) The Commission has no jurisdiction over the professional ethics of county or municipal officers or over misuse of public property for political purposes.

Therefore, the staff of the Commission is returning the complaint to you, pursuant to Chapter 1, Section 4(4) of the Commission rules. I will be notifying the Commissioners of the staff’s handling of the complaint at their meeting on September 30, 2010. If you have any questions, please feel free to call me at 287-4179 or to e-mail me at Jonathan.Wayne@maine.gov.

Sincerely,

Jonathan Wayne
Executive Director

cc: Aroostook County Sheriff James P. Madore
September 3, 2010

CERTIFIED MAIL

Maine Ethics Commission
45 Memorial Circle
Augusta, ME 04330

Neal Adams, District Attorney
144 Sweden Street
Caribou, Maine 04736

Paul J. Underwood, County Commissioner
144 Sweden Street
Caribou, Maine 04736

Norman L. Fournier, County Commissioner
144 Sweden Street
Caribou, Maine 04736

Paul J. Adams, County Commissioner
144 Sweden Street
Caribou, Maine 04736

Dear Sirs:

Please consider this correspondence a formal complaint against Aroostook County incumbent candidate Sheriff James P. Madore for misuse of County owned property, resources and employees. Specifically, candidate Sheriff Madore is using County taxpayer dollars for his personal enrichment and financial gain by running a "Re-Elect James P. Madore for Sheriff" campaign using public property, public equipment, public resources and public employees.

Please refer to Exhibits "A" thru "D" attached hereto. Exhibit "A" sets forth the physical address of the Aroostook County Sheriff's Office, 25 School Street, Suite 216, Houlton, Maine, as incumbent candidate Sheriff James Madore's campaign headquarters.

Exhibit "B" sets forth the Aroostook County Sheriff's Office telephone number, 207-532-3471, as incumbent candidate Sheriff James Madore's campaign telephone number.

Exhibits "A" and "B" imply incumbent candidate Sheriff James Madore uses County employees at the Aroostook County Sheriff's Office for campaign purposes to take phone calls, handle walk-ins, receive mail and the like.
Exhibit "C" sets forth incumbent candidate Sheriff James Madore's use of County owned vehicles as transportation for campaign purposes.

Exhibits "D" sets forth incumbent candidate Sheriff James Madore's use of County owned vehicles to distribute campaign materials.

Sheriff James Madore's practices raise a disturbing question. Why are County employees performing campaign work while on the job, being paid to campaign with taxpayer dollars, using taxpayer vehicles, property, real estate and County paid employees? Unethical campaign practices of County employees, and especially that of the Aroostook County Sheriff, the highest law enforcement officer in Aroostook County, is incomprehensible.

In July, 2008, Twelve indictments were handed down in a Pennsylvania court of law for illicit use of public funds for political campaigning, referred to as "Bonusgate". The Twelve faced charges of theft, criminal conspiracy and conflict of interest for using taxpayer dollars, public property, public equipment and public employees for campaign purposes. The unethical campaign practices of incumbent candidate Sheriff James Madore should be dealt with in like manner.

To run for a political position today, a candidate must raise a tremendous amount of campaign funds and resources. Candidates work hard and trying to raise funds in the County's presently poor economic climate is nearly impossible. For an incumbent candidate to use taxpayer resources for campaign purposes is unethical, a conflict of interest and puts other candidates at a less than fair disadvantage. Clearly, it is the intent of incumbent candidate Sheriff James Madore to get an upper hand against an opponent, at the expense of the Aroostook County taxpayers.

I request the unethical campaign actions of Sheriff James P. Madore be addressed expeditiously and to the fullest extent of the law.

Very truly yours,

ZACHARY E. SMITH, Chairman
Aroostook County Republican Committee

Enclosures

cc: Maine Attorney General's Office (w/enc.)
Maine Ethics Commission (w/enc.)
Maine Heritage Policy Center (w/enc.)
Re-Elect James P. MADORE for SHERIFF | Facebook

No one has added any videos.
Add Videos.

Create a Page
Report Page

Rose E. Gatzembi III: Hello James hope all is well with you and the family. Send up one of your signs so I can plant it on my lawn. Rasoo P. August 31 at 7:01am · Comment · Like · Flag

Re-Elect James P. MADORE for SHERIFF OK......so, if you are within the Houston city limits, political signs may not be displayed......even on private property. Ordinance in effect. I am now in a fight name about my background with the Code Enforcement Officer, huh! Thanks for all your support! :) August 31 at 3:32am · Comment · Like

Rachel Massara Spamer, Andy Baueille, Bob Marquis and 6 others like this.

View all 6 comments

Tammy Cota: I guess I better say that anyone "should" do this just says, I don't think it is an ordinance that could possibly be enforced! August 31 at 11:30am · Flag

Lola Willette Tami...you are too funny!!! August 31 at 4:44pm · Flag

Timothy J. Embledon: We sent Forrest a note, we would like a sign for our lawn. Doing a GREAT job. Keep up the good work for a couple more years.

August 30 at 11:17pm · Comment · Like · Flag

Re-Elect James P. MADORE for SHERIFF Linda is on the campaign trail............What do you think? August 29 at 9:16pm · Comment · Like

View all 12 comments

Ryan Daugherie: that's awesome August 30 at 2:36pm · Flag

J Gilbert Roy: wavyy to go LINDA August 31 at 4:54am · Flag

Craig Clossey: I'm out of signs again! August 28 at 4:53pm · Comment · Like · Flag

Jan Palmer: like this.

Thomas C. King: You haven't put one on my lawn yet, brother from another mother.

August 26 at 11:10pm · Flag

Jeff Porter: I vant one August 26 at 5:27pm · Flag

Kristy R Niflett: I would love to have a lawn sign!!! August 26 at 9:10am · Comment · Like · Flag

Samantha Equality White: hey! when's the next time someone will be in the Presque Isle area with signs? I desperately want one! :D August 23 at 8:38am · Comment · Like · Flag

Re-Elect James P. MADORE for SHERIFF I spoke with the Presque Isle DAY (disabled American Veterans) group at their annual picnic yesterday at Skogan Lake. Great day and great hospitality. Told them about the Sheriff's Office. I was asked for lawn signs before leaving. (I believe much support was gained) August 23 at 3:02am · Comment · Like

John Anti, Paul Theriault, Lisa Hoppins Cow and 25 others like this.

Mark Spencer: I went a lawn sign!! Can I get one at your office? August 23 at 3:10am · Flag

Brian McQuarrie: He too August 23 at 3:12am · Flag

Johnny Corriveau: I'd like to put me out as well!
August 23 at 4:46am · Flag

Brent Rankford: You have me and my families vote
August 23 at 5:28am · Flag

Craig Chlouby: I need more signs!
August 23 at 5:55am · Flag

Barbara Hill: we need signs in madawaska
August 23 at 7:03am · Flag

Bart Dampy: I'd like a sign
August 23 at 9:50am · Flag

Jenna Dandilie: Good luck Jim
August 23 at 11:43am · Flag

Brian MacMaster: I live in Kennebec County, but I'll put up a sign!
August 23 at 2:46pm · Flag

Darrell Cran dall: I had signs, but because I live in Houlton I don't have
the legal right to exercise my right to free speech. Maybe we should
rename Market Square..."Mud Square."
August 23 at 6:22pm · Flag

Brian MacMaster: Very likely unconstitutional.
August 33 at 6:24pm · Flag

Darrell Cran dall: Agreed, but I was too preoccupied to fight the fight
last week when they dug their feet in. Also - the way the ordinance is
written the fine is levied against the candidate. I did not want to be
counter with the Sheriff's crackdown.
August 23 at 5:26pm · Flag

Louise Gazda: Let me a sign and I'll put it in the yard!! Best of luck
Sheriff!
August 24 at 5:13pm · Flag

Murielle Deschaillen: Wishing you for Joint, you have our votes &
friendship always.
August 24 at 6:41pm · Flag

Jo Madore:)
August 25 at 1:49pm · Flag

Re-Elect James P. MADORE for SHERIFF: Chief Deputy Clossey and Sheriff Madore participated in the 2010 Washburn August Fest parade. Many campaign cards handed out with 100% positive comments. Thanks for all the support! :)
August 22 at 4:07pm · Comment · Like

Tina Frederick-Bledow, Ann Leduc Pellow, Jim Palmer and 13 others like this.

View all 4 comments

Jim McCarty: I WANT A SIGN TO PUT IN MY YARD TO SHOW MY
SUPPORT FOR HIM!
August 22 at 6:33am · Flag

Kathy McCarty: sorry I missed ya. I was at the back of the parade on
an ATV. And yes, great crowd!
August 22 at 6:29am · Flag

Sandy Dustjardine-Cyr: Best of luck Jim) This county is richly blessed to have
such a wonderful man as Sheriff!
Thank you for serving!
August 16 at 4:49am · Comment · Like · Flag
- Daniel Robertson and Barbara Harvey like this.
- Barbara Harvey: I agree, good kudus!
August 16 at 10:11am · Flag

Re-Elect James P. MADORE for SHERIFF: On Sunday Sheriff Madore and
Deputies participated in the Island Falls parade. A perfect day, sun and breeze.
Thank you to Chief Deputy Clossey, Lt. Darrell Cran dall, and Deputy Palmer for
their participation.
Re-Elect James P. MADORE for SHERIFF is on Facebook
Sign up for Facebook to connect with Re-Elect James P. MADORE for SHERIFF.

**Basic Info**
- Country: United States
- **Current Office**
- Office: Aroostook Sheriff
- State: Maine
- Party: Democrat

**Detailed Info**
- Birthday: May 11
- Hometown: Madawaska

**Work Info**
- Employer: County of Aroostook
- Position: Sheriff
- Time Period: April 2001 - Present

**Education Info**
- College: UMFK
- Criminal Justice
- High School: Ft. Kent Community High School '70

**Contact Info**
- Email: sheriff@aroostook.me.us
- Phone: 207-532-3471
- Cell: 207-538-6192
- Location: 25 School St., Suite 216
  Houlton, ME, 04730

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Exhibit "B"

Re-Elect James P. MADORE for SHERIFF's Photos - Wall Photos

Photo 1 of 10  Back to Album  Re-Elect James P. MADORE for SHERIFF's Photos - Re-Elect James P. MADORE for SHERIFF's Profile

Fort Fairfield Potato Blossom Parade 2010. Chief Deputy Clooney, Ssg. Shawn Gillen, Deputy Vance Palmer and I participated. Uniforms and equipment looked outstanding. Chief Deputy and Sheriff handed out Re-Elect cards while walking alongside shining cruisers. We gathered up much support.

Added July 18  Comment  Like

Ryan Radcliffe, Jon Palmer, Jen Pelletier-Nora and 30 others like this.

Mike Murphy Looking sharp, gentlemen.
July 18 at 9:05am  Flag

Kyle Guevestta Good luck Jim.
July 18 at 8:17am  Flag

Cecil Weatherford I doubt I would have walked behind with a sign on me saying "look what I'll happen if Jim isn't elected,", can anyone say unanimous.
July 18 at 1:29pm  Flag

Dan Gilson Go get 'em Sheriff!
July 18 at 1:38pm  Flag

Gail Margile Because you've got our support. Also thank you to you and your wife for your sincere condolences. It means so much to us.
July 21 at 8:24pm  Flag

Exhibit "C"

Facebook © 2010  English (US)  Mobile  Find Friends  Badges  About  Advertising  Developers  Careers  Privacy  Terms  Help

Re-Elect James P. MADORE for SHERIFF's Photos - Wall Photos

Photo 2 of 19  Back to Album  Re-Elect James P. MADORE for SHERIFF's Photos - Re-Elect James P. MADORE for SHERIFF's Profile

Another Potato Blossom parade pic...........Sheriff and cruiser....

Added July 12  Comment  Like
Ryan Rascle, Jon Palmer, Gayle Pelletier and 11 others like this.

Norma Michaud What a Handsome Dewi!! hehehehe
July 19 at 4:23pm  Flag

Re-Elect James P. MADORE for SHERIFF What do you mean hehehehe?
July 19 at 4:23pm  Flag

Norma Michaud OK, STUD MUFFIN....A great photo ;-) Have great day!
July 19 at 4:25pm  Flag

Doe McQuarrie Hahahaha ;)
July 19 at 4:37am  Flag

Kai Full Tilt Libby looking sharp!
July 19 at 5:22am  1 person  Flag

Burtch Asselin I like that bible!
July 19 at 5:24am  Flag

Lisa Higgins Dow Why I could vote for you Jim!
July 19 at 6:09pm  Flag

Kai Full Tilt Libby thanks Burtch, he would let you have one too!
July 20 at 9:12am  Flag

Re-Elect James P. MADORE for SHERIFF's Photos - Wall Photos

Photo 9 of 10  Back to Album - Re-Elect James P. MADORE for SHERIFF's Photos - Re-Elect James P. MADORE for SHERIFF's Profile

Previous  Next

On Sunday Sheriff Madore and Deputies participated in the Island Falls parade. A perfect day, sun and breeze. Thank you to Chief Deputy Glossey, Lt. Darrell Cranialy, and Deputy Palmer for their participation.

Added August 11 Comment Like

Derr Shermap, Scott Madore, Jim McCarty and 13 others like this.

Pamela Willis: good luck Jim praying for u guys.
August 11 at 5:07pm • NY

Facebook © 2010 • English (US)
AFFIDAVIT

I, Thomas Donahue, hereby depose and say:

1. My name is Thomas Donahue and I reside in Hammond, County of Aroostook and State of Maine.

2. That I am a member of the Presque Isle, Maine, Chapter of the Disabled American Veterans (hereinafter “DAV”).

3. That on August 22, 2010, I attended a meeting of the Presque Isle, Maine, Chapter of the DAV.

4. That Aroostook County Sheriff James P. Madore was a guest speaker at the aforementioned August 22, 2010, DAV meeting.

5. That Aroostook County Sheriff James P. Madore stated at aforesaid August 22, 2010, DAV meeting that he was a 2010 incumbent candidate for Aroostook County Sheriff.

6. That incumbent candidate Aroostook County Sheriff James P. Madore arrived at the above mentioned August 22, 2010 DAV meeting driving an automobile owned by the Aroostook County Sheriff's Department.

7. That I observed incumbent candidate Aroostook County Sheriff James P. Madore distribute campaign literature, specifically, campaign lawn signs “Re-Elect James P. Madore Sheriff”, from the trunk of the aforementioned Aroostook County Sheriff’s Department automobile.

Further, your affiant sayeth not.

September 3, 2010

THOMAS DONAHUE

STATE OF MAINE
AROOSTOOK, ss.

Sworn and subscribed before me this 3rd day of September, 2010

Before me,

NOTARY PUBLIC
Type or Print: Amy L. Lamarche
My Commission Expires: 10-27-13

Exhibit "D"
AFFIDAVIT

I, Kelley Donahue, hereby depose and say:

1. My name is Kelley Donahue and I reside in Hammond, County of Aroostook and State of Maine.

2. That I am a member of the Ladies Auxiliary of the Veterans of Foreign War, Presque Isle Maine.

3. That on August 22, 2010, I attended a meeting of the Ladies Auxiliary of Veterans of Foreign War.

4. That Aroostook County Sheriff James P. Madore was a guest speaker at the aforementioned August 22, 2010, meeting of the Ladies Auxiliary of Veterans of Foreign War.

5. That Aroostook County Sheriff James P. Madore stated at aforesaid August 22, 2010, meeting of the Ladies Auxiliary of Veterans of Foreign War that he was a 2010 incumbent candidate for Aroostook County Sheriff.

6. That incumbent candidate Aroostook County Sheriff James P. Madore arrived at the above mentioned August 22, 2010 meeting of the Ladies Auxiliary of Veterans of Foreign War driving an automobile owned by the Aroostook County Sheriff's Department.

7. That I observed incumbent candidate Aroostook County Sheriff James P. Madore distribute campaign literature, specifically, campaign lawn signs "Re-Elect James P. Madore Sheriff", from the trunk of the aforementioned Aroostook County Sheriff's Department automobile.

Further, your affiant sayeth not.

September 3, 2010

Kelley Donahue

KELLEY DONAHUE

STATE OF MAINE
AROOSTOOK, ss.

Sworn and subscribed before me this 2nd day of September, 2010

Before me,

Amy L. Lamont
NOTARY PUBLIC
Type or Print: Amy L. Lamont
My Commission Expires: 10.27.13