



Minutes of the February 28, 2023 Meeting of the  
Commission on Governmental Ethics and Election Practices  
45 Memorial Circle, Augusta, Maine

Present: William Schneider, Esq., Chair; Dennis Marble

Participating Via Zoom: David Hastings, Esq.; Sarah LeClaire, Esq. and Stacey Neumann, Esq.

Staff: Jonathan Wayne, Executive Director; and Jonathan R. Bolton, Assistant Attorney General.

Commissioner Schneider convened the meeting at 9:20 a.m., which was livestreamed on YouTube.

**1. Ratification of the Minutes of the January 30, 2023 Meeting**

Mr. Schneider moved to amend the minutes of the January 30, 2023 meeting. Mr. Marble seconded the motion. The motion passed 5-0. Mr. Schneider moved to ratify the January 30, 2023 minutes as amended. Mr. Marble seconded the motion. The motion passed 5-0.

**2. Complaint against 2022 Candidate Robert Sezak**

Rep. Shelly Rudnicki filed a complaint against her 2022 general election opponent Robert Sezak claiming he paid Frame Media for literature that was never distributed. She suggested Frame Media used Mr. Sezak's Maine Clean Election Act funds to influence races in other districts. Commission staff conducted a preliminary investigation and received postage statements, design documentation, and invoices for four mailings. Mr. Sezak confirmed the mailings were sent to voters in the district and provided copies of three mailers.

Rep. Rudnicki addressed the Commission and said she asked four people in the district who were either unenrolled or Democrats to notify her when they received mailers regarding Mr. Sezak. She received one mailer which was printed locally and disclosed in Mr. Sezak's campaign finance reports, but to her knowledge, the Frame Media mailers were not received by any of her contacts. Rep. Rudnicki was concerned the mail house was pooling money to use for other candidates.

Mr. Hastings asked Rep. Rudnicki if, after reviewing the materials provided by Frame Media, she was satisfied the mailers were sent. She said she was not.

Mr. Marble said that, in his experience, mail houses sometimes use outdated addresses. Rep. Rudnicki said she agreed but she strongly felt that at least one of her contacts should have received Mr. Sezak's Frame Media mailers. Mr. Marble questioned why she suspected Frame Media was pooling funds to influence other races. Rep. Rudnicki said there was talk among people this was going on, but at this point no one was willing to come forward.

Mr. Sezak said the mailers were sent and this is a frivolous complaint. Mr. Wayne explained when he told Mr. Sezak the previous day that the candidate might be asked to provide email communications with Frame Media, Mr. Sezak immediately forwarded ten emails.

Mr. Schneider moved to take no further action on the complaint as there were no grounds to show a violation occurred. Mr. Marble seconded the motion. The motion passed 5-0.

### **3. Request for Waiver of Late-Filing Penalty – Maine AFL-CIO Committee on Political Education PAC**

The Maine AFL-CIO Committee on Political Education PAC (COPE) contributed \$4,500 to another PAC on October 26, 2022, which required COPE to file a 24-Hour Report on October 27. The report was filed 54 days late on December 21. The preliminary penalty was \$4,860. COPE requested a waiver because it was confused about the reporting requirements. The staff recommended reducing the penalty to \$750.

Mr. Matt Schlobohm, Executive Director of the Maine AFL-CIO, said he took full responsibility for the late filing. In this case, he was confused how the reporting thresholds applied to this contribution.

Mr. Schneider moved to reduce the penalty to \$750. Mr. Marble seconded the motion. The motion passed 5-0.

#### **4. Request for Waiver of Late-Filing Penalty – Maine United Auto Workers Council PAC**

Maine United Auto Workers Council PAC made contributions of \$2,500 on October 31 and November 4, 2022, which each required 24-Hour Reports. The reports were filed 47 and 51 days late on December 22. The preliminary penalties were \$2,550 and \$2,350 respectively. The staff recommended a penalty reduction to a total of \$1,000.

Treasurer Lynne Stephenson stated she made an honest mistake in not filing the 24-Hour Reports and thought the requirement applied to contributions to candidates, not all contributions.

Mr. Schneider moved to reduce the penalty to \$1,000. Mr. Marble seconded the motion. The motion passed 5-0.

#### **5. Maine Clean Election Act Program – Revenue and Candidate Participation**

Candidate Registrar Erin Gordon provided the Commission with an overview of candidate participation in the Maine Clean Election Act program. Mr. Wayne described the sources of revenue to the program.

#### **6. Reconsideration of Penalty – Hon. Mark Lawrence**

At the Commission's January 30, 2023 meeting, the Commission assessed a \$500 penalty against the 2022 re-election campaign of Sen. Mark Lawrence because it had not filed a 24-Hour Report for a reported November 2, 2022 expenditure of \$5,000. This was the second of two \$5,000 expenditures the campaign reported making to the vendor.

Sen. Lawrence told the Commission that the November 2 payment was a duplicate entry, and only one \$5,000 payment was made. He requested reconsideration of the \$500 late-filing penalty assessed in January. Mr. Wayne said staff reviewed the bank statements and verified there was, in fact, only one payment. Staff supported the reconsideration of the late filing penalty of \$500.

Mr. Schneider moved to reconsider the penalty. Ms. Neumann seconded the motion. The motion passed 5-0. Mr. Schneider moved to find that no violation occurred and as such no penalty is warranted in this matter. Ms. Neumann seconded the motion. The motion passed 5-0.

## **7. Investigation of 2022 Legislative Campaign**

Commissioner Schneider moved to go into executive session to discuss an investigation of potential violations of the MCEA and information contained in records made, maintained, or received by the Commission which are confidential. Mr. Marble seconded the motion. The motion passed 5-0.

After 15 minutes, the executive session ended and Commissioner Schneider moved that the Commission authorize department staff to investigate the campaign finances of a 2022 Maine Clean Election Act candidate, including unauthorized charges to the campaign account, unreported transactions, and any other non-compliance arising out of the campaign, and direct staff not to disclose investigative working papers that are confidential under 21-A, M.R.S. § 1003(3-A). Mr. Marble seconded the motion. The motion passed 5-0.

### **Other Business**

Emma Burke, Political Committee & Lobbyist Registrar, addressed the Commission. She stated with new law changes affecting PACs, she had been attempting to ensure all PAC reporting balances in the Commission's filing system matched the PAC's bank accounts as of December 31, 2022. The Commission has previously given permission for discrepancies under \$1,000 to be corrected by staff. Prior to the meeting, Ms. Burke determined two PACs needed balance adjustments exceeding the \$1,000 threshold. Ms. Burke contacted Mr. Schneider and received permission to make those adjustments. Ms. Burke stated the Maine College Republicans had a reported balance of \$7,546.93, but their actual bank account balance was \$6,145.90. The UA #716 PAC had a reported balance of \$2,357.07, but their actual bank account balance was \$3,866.81. The explanation provided by these PACs was that turnover within the committees resulted in inaccurate reporting and the discrepancies had been compounding for the past few years.

### **Adjournment**

Mr. Marble made a motion to adjourn. Mr. Schneider seconded. The motion passed 5-0. The meeting adjourned at 11:12 a.m.

Respectfully submitted,  
Jonathan Wayne, Executive Director