



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

Approved: December 8, 2016

Minutes of the October 26, 2016 Meeting of the
Commission on Governmental Ethics and Election Practices
45 Memorial Circle, Augusta, Maine

Present: Margaret E. Matheson, Esq., Chair; William A. Lee III, Esq.; Meri N. Lowry, Esq.; Hon. Richard A. Nass; Bradford A. Pattershall, Esq.

Staff: Jonathan Wayne, Executive Director; Phyllis Gardiner, Counsel

Commissioner Matheson convened the meeting at 9:00 a.m.

The Commission considered the following items:

1. Ratification of minutes from September 28, 2016 meeting.

Ms. Lowry moved to accept the minutes as written. Mr. Lee seconded the motion. Motion passed (5-0).

2. Late Campaign Finance Report and Revocation of Reporting Exemption – Gary McGrane

Mr. Wayne stated that when county candidates register, they may request a filing exemption if they do not plan to raise or spend any money on their election. Mr. McGrane, a candidate for Franklin County Commissioner, requested this exemption when he registered in March. In July, Mr. McGrane donated \$131 of his personal funds to his campaign and received \$45 in contributions from others. Prior to accepting any contributions, he should have revoked the filing exemption. The financial activity should have been reported in the 42-Day Post-Primary report, which was ultimately filed 57 days late. Mr. Wayne said Mr. McGrane did call the Commission for advice on how to revoke the exemption. In August, he attempted to revoke the exemption by sending a text to an office line, but it was not received because the telephones are landlines. The Commission staff became aware of Mr. McGrane's financial activity when his treasurer called the Commission about getting a user log-in for the e-filing system so he could file Mr. McGrane's campaign finance reports for the general election. Mr. Wayne said that, while he does not believe Mr. McGrane had any intent to deceive, this was a serious problem because Mr. McGrane's opponent and the public were not aware that he was financially active.

Gary McGrane appeared before the Commission. He said he had called the Commission to find out how to revoke the exemption once he learned he would have an opponent in the general election.

Mr. McGrane said he was told that all he needed to do was appoint a treasurer and file all campaign finance reports after the revocation, which is what he did. He said his personal contribution was used to open a campaign bank account. He had returned the two contributions received prior to the revocation of the exemption so he thought he did not have to file any primary election reports.

Ms. Matheson pointed out that the exemption section of the registration clearly states that prior to accepting contributions and/or making expenditures, the candidate must revoke the exemption by appointing a treasurer and filing an amended registration no later than 10 days after the appointment of a treasurer. She asked Mr. Wayne if an amended registration had been filed. Mr. Wayne said it had not but Commission staff will revoke an exemption if they receive an email from the candidate.

Mr. McGrane said if he is going to be held in violation, he would like to point out that, while the revocation did not happen until September, he had screen shots of his attempts to revoke the notification in August.

Mr. Lee asked why Mr. McGrane waited until August to contact the Commission to revoke the exemption. Mr. McGrane said he thought he had started the process in July and did not believe he was late in filing reports because he had not appointed a treasurer. Mr. Lee asked if the money raised was his contribution to open the bank account. Mr. McGrane said it was. Mr. Lee said there is no date stamp or other verification of the date he attempted to send the text to Commission staff. Mr. McGrane said he had followed Commission staff's instructions on how to do a screenshot of his phone and he did not know how to get a date stamp on the picture. He offered to show the Commissioners his phone for proof.

Ms. Lowry said she would be comfortable with a penalty lower than the recommended penalty due to the limited harm to the public.

Mr. Pattershall asked what had changed to make Mr. McGrane revoke his exemption. Mr. McGrane said he knew he would be unopposed in the primary so he did not see a need to raise money but he knew he would need to revoke the exemption if he got an opponent for the general. Mr. Pattershall asked when he knew he would have an opponent for the general. Mr. McGrane said he found out shortly after the primary.

Mr. Lee asked when Mr. McGrane appointed his treasurer. Mr. McGrane said it was at the end of July. Mr. Lee asked if Mr. McGrane had his cell phone with him so they could verify the date of the texts. Mr. McGrane said it was in his car and it did have all of the messages still on it.

Mr. Lee asked Mr. Wayne whether it was the failure to revoke the exemption or the late-filed report that caused the greater harm to the public. Mr. Wayne said he believed Mr. McGrane's opponent had a right to know Mr. McGrane was raising funds, which makes the late revocation the more serious violation.

Mr. Lee made a motion to reduce the penalty to \$100 for the failure to make a timely revocation of the reporting exemption. Mr. Nass seconded the motion. Motion passed (5-0).

Mr. Lee made a motion to reduce the penalty for the late-filing from the statutorily assessed amount to \$50. Ms. Lowry seconded the motion. Motion passed (5-0).

3. Request for Waiver of Late-Filing Penalty – Daniel J. Lauzon

Mr. Nass recused himself from this matter because of his involvement in the campaign of Mr. Lauzon's opponent.

Mr. Wayne stated Mr. Lauzon is a first-time MCEA candidate for House District 20. Mr. Lauzon was required to file the 42-Day Pre-General report by September 27. The report was filed early but was missing 4 expenditures totaling \$10,862.00. The treasurer amended the report when she discovered the missing expenditures but not until two days after the filing deadline.

Daniel Lauzon appeared before the Commission. Mr. Lauzon said the campaign bank account was a joint account and he believed the bank was sending the bank statements to both him and his treasurer. He thought everything was fine because all the reports had been filed on time but when his treasurer asked for a copy of the bank statements, he realized there might be a problem with the reports that had been filed.

Ms. Matheson asked if Mr. Lauzon had reviewed the reports. Mr. Lauzon said he received the notifications when the reports were filed but did not actually review the reports.

Mr. Lee made a motion to reduce the statutorily assessed penalty for a late-filing to \$100. Mr. Pattershall seconded the motion. Motion passed (4-0); Mr. Nass abstained from voting.

4. Request for Waiver of Late-Filing Penalty – Scott Gaiason

Mr. Wayne said Mr. Gaiason is a first-time MCEA candidate for House District 56. He filed the 42-Day Post-Primary report two days late because he thought the deadline was July 28th.

Scott Gaiason appeared before the Commission. Mr. Nass said it appeared that Mr. Gaiason had filed two prior reports on time and asked why this time was different. Mr. Gaiason said he had recently been diagnosed with medical condition which sometimes causes him to confuse data. Mr. Lee asked if he maintained a calendar to help him remember deadlines. Mr. Gaiason said he did but it was not always successful.

Mr. Lee made a motion to reduce the statutory penalty to \$100 for the late-filing violation. Mr. Nass seconded the motion. Motion passed (5-0).

5. Request for Waiver of Late-Filing Penalty – Robert Sezak

Mr. Lee recused himself from this matter because he is the town attorney for Fairfield and Mr. Sezak is the Town Council Chair.

Mr. Wayne said Robert Sezak is a candidate for Somerset County Commissioner. Mr. Sezak filed the 42-Day Pre-General report two days late. Mr. Sezak had called the Commission on the day before the report was due to find out how to file an in-kind contribution. Based on that conversation, he thought the report had been filed and was surprised to get a late notice.

Robert Sezak appeared before the Commission. He said he had made a bona fide attempt to file the report on time. He had called the Commission for guidance about filing the report and thought the process was complete at the end of the call. Mr. Sezak said that, despite this problem, he has always found that the Commission does good work.

Mr. Nass asked what happens to the violation if the Commissioners waive the penalty. Mr. Wayne said the Commissioners have the discretion to consider the report filed on time; if they find a violation, Mr. Sezak would have a higher penalty rate if he has future late reports.

Mr. Nass made a motion to find a violation but assess no penalty. Mr. Pattershall seconded the motion. Motion passed (4-0); Mr. Lee abstained from voting.

6. Proposed Legislation

Mr. Wayne went through, and the Commission discussed, the proposed changes to chapters 13 and 14 of Title 21-A to be included in the Commission's bill that will be submitted to the 128th Legislature.

Chapter 13 Changes:

§ 1001 (2): Mr. Wayne said this proposed change expands the definition of election to include ballot questions.

§ 1006: Mr. Wayne said this proposed change creates a new responsibility for Commission staff to publish an annual statistical report of expenditures made to influence an election. Mr. Nass asked who the intended recipients of the report are. Mr. Wayne said it would go to the Commission's oversight committee.

§ 1013-A: Ms. Lowry said the first sentence requires all congressional district, county and municipal committees to provide contact information for their officers to the state party committees. In response to a question from Ms. Lowry, Mr. Wayne said the information to be provided to municipal clerks was only with respect to the names of the municipal committee officers. Ms. Lowry asked if the last sentence should be amended to include state party committees' contact information. Mr. Wayne said this was an oversight because Commission staff often talks with the state party committee staff. Mr. Nass commented that this is well-intentioned but he does not believe it will work because the local committees change officers so often.

§ 1017(8): Ms. Matheson asked if (B)(1) regarding leadership PACs had been removed as they had requested. Ms. Gardiner said it had.

§ 1017-A (4-A)(C): Ms. Matheson suggested that this section could be clearer if the phrase "in an election year other than a year described in paragraph B" was used rather than "in any other election year."

§ 1052(2): Mr. Pattershall suggested changing the “and” to “or” because a committee cannot be a PAC and BQC.

§ 1054-B: Ms. Lowry asked if this change would have impacted the concerns recently raised about Senators Ron Collins and Andre Cushing. Ms. Matheson said they had previously discussed this and accepted it. Mr. Nass said he believed this proposal would attract the Legislature’s attention but he believed it would be good for them to discuss this.

§ 1059: Ms. Lowry suggested the removal of the “s” from committee in (2) and (2)(A).

Chapter 14 changes:

§ 1125(3-B): Ms. Lowry said she thought the proposed language seemed circular and asked if there should be a specific reference to the deadline for submitting qualifying contributions. Ms. Matheson said this is a common mistake and asked if a deadline is set, what would happen if staff missed a mistake. Mr. Wayne said the deadline may not be necessary. Mr. Wayne said the staff does a quick review of the qualifying contributions when they are brought into the office, usually while the candidate is still in the office. If a check or money order needs to be endorsed over to the Maine Clean Election Fund, the candidate is usually able to do it before they leave the office. Mr. Lee asked if Commission staff would catch all mistakes within the one week timeframe. Mr. Wayne said Commission staff catches about 90% of mistakes within one week of the deadline, but it is possible that the staff may miss a mistake.

Mr. Lee suggested changing the timeframe for returning the check or money order to one week or two weeks after notice by the Commission. Ms. Matheson asked whether this change would require formal notice requirements. Ms. Gardiner said this change could put more of a burden on Commission staff. Ms. Gardiner suggested removing the deadline and changing the proposed language to “may remedy the error by endorsing the check or money order to the Maine Clean Election Fund after the contribution is submitted to the Commission.” Mr. Lee asked whether a deadline was necessary for clarity and efficiency. Ms. Gardiner said a specific deadline may not be necessary because if the qualifying contribution is necessary for the candidate’s certification, the staff would tell the candidate that they could not be certified unless and until they correct the error.

Ms. Matheson asked about the issue of a spouse signing the receipt and acknowledgement form on behalf of their spouse. In those cases, Mr. Wayne said the Commission staff does not count the qualifying contribution. Ms. Gardiner clarified that each spouse has to sign the receipt and acknowledgement form but they can submit one check. She said the purpose of the change in section 1125(3)(B) is to clarify that the only circumstance in which it is permissible for someone to sign on behalf of another is when the contributor is unable to do so because of a physical disability. Ms. Lowry suggested they change the second sentence of section 1125(3-B) to “the Commission will not permit the signature of anyone other than the contributor to count as a qualifying contribution except that ...” Ms. Gardiner suggested simplifying this to “an immediate family member may not sign for another family member unless ...” Mr. Lee suggested that provision be changed to “No person other than the contributor may sign the contributor’s name to the form, except that ...” Ms. Gardiner said the staff could work on the language a little more in light of the Commissioners’ comments.

Ms. Matheson asked if there were any other proposed revisions to address. Mr. Wayne said there are several additional topics he would like to address but he is not ready to bring them to the Commissioner’s attention at this time.

Mr. Lee made a motion to accept the proposed legislative revision packet, as amended. Mr. Nass seconded the motion. Motion passed (5-0).

7. Proposed Rulemaking

Ms. Matheson asked if any changes had been made from when these rules were last submitted to the Legislature. Mr. Wayne and Ms. Gardiner stated there were additional changes. Ms. Matheson said the changes on page 7 were better than the previous version and Mr. Lee agreed.

In response to a question from Mr. Nass, Mr. Wayne said the 2015 citizen initiative removed the requirement that gubernatorial candidates collect \$40,000 in seed money from registered voters and the rules were being changed to reflect that change.

Mr. Nass said he thought they were trying to ban anyone from paying for the collection of qualifying contributions. Mr. Wayne said the Commission had provisionally accepted a change to prohibit a candidate from paying someone based on the number of qualifying contributions

collected. He said the Commission's oversight committee had expanded that prohibition to prevent any MCEA candidate from using MCEA funds to pay for collecting qualifying contributions, but due to concerns about the impact on gubernatorial candidates, the proposed rule did not make it out of the committee. Mr. Wayne said the current proposed amendment was the same as the one the Commission approved in January and would prohibit payment based on the number of qualifying contributions collected.

Mr. Nass made a motion to propose this set of rule changes for public comment. Mr. Lee seconded the motion. Motion passed (5-0).

8. Discussion of Penalty Waivers

Mr. Lee said he had requested information on past penalty waivers because he was looking for the historical facts on past penalty reductions. He has found it difficult to understand why some penalties are reduced by larger percentages than other penalties without some knowledge of the reasons for the reduction. Ms. Matheson said he could read the past minutes for more information and the staff is very responsive to their questions. Ms. Gardiner said it would be an enormous task for the Commission staff to recreate the past history but going forward, it would be easy to add that information to a compilation of penalties.

Ms. Lowry said she thought the statutes provided enough guidance for their decision-making process. She said she believed there may be differences among them about the importance of the factors in any particular case. However, she was satisfied with their discussions of each case and their ability to focus on the relevant facts in arriving at a fair and rational determination in each case. Mr. Nass agreed and said some factors are indefinable. Ms. Matheson also agreed and said the individual circumstances of a case lends weight to their decisions. Mr. Pattershall said he did not believe they needed to get into all the details of every past case to make their determinations.

Mr. Lee said he found it difficult to use past cases as precedent without knowing the details and facts that supported the Commission's decision. He said he found it easier when the staff refers to past cases in their case memos. Ms. Gardiner said staff could add more information about relevant past cases. Mr. Lee said having the historical information in the staff memos was very helpful. He said some of the statutes do not provide any criteria to guide their consideration in enforcement

matters. Ms. Gardiner said she could draft an outline of statutory factors for them to use as a reference. Mr. Lee said a chart would be very helpful.

9. Request to Investigate Campaign Finance Activity by Sen. Andre Cushing

Mr. Wayne said Senator Andre Cushing's sister, Laura Cushing McIntyre, filed a complaint with the Commission alleging suspicious transfers of monies by Senator Cushing. He said the Commission only has oversight of whether or not these transactions were fully reported in campaign finance reports. Mr. Wayne said Commission staff recommends conducting further investigation to determine whether or not the transactions occurred and if they were reported.

Joshua Tardy, Esq., counsel for Senator Cushing, appeared before the Commission. Mr. Tardy said Senator Cushing supported an investigation into this matter. Ms. Matheson said the criteria for initiating an investigation requires sufficient evidence that a violation may have occurred and there appears to be sufficient evidence present to go forward with an investigation based on the documentation provided by the complainant.

Mr. Nass asked why this complaint is being considered now. Ms. Gardiner said the statute requires the Commission to consider any complaint filed within the last 28 days of an election within two business days unless the parties agree to a later date. Mr. Nass asked whether the Commission should delay taking any action in this matter while the court case involving Senator Cushing was still pending. Ms. Gardiner said the Commission has jurisdiction to look into alleged campaign finance reporting violations. While the factual allegations raised in the pending court matter may overlap with the issues in this complaint, the matter before the Commission is distinct from the court case. Mr. Nass said Walter McKee, the Commission's former chair, is representing Ms. McIntyre, and asked whether the Commission had any concerns about that. Mr. Wayne said he has had very limited communication with Mr. McKee and would continue to be careful in the future. Mr. Tardy said he agreed with Ms. Gardiner's view that the court case and this complaint involve distinct issues and that the Commission's investigation could proceed while the court case was proceeding. It was his understanding that Mr. McKee would not be representing Ms. McIntyre in her complaint before the Commission but that she would be representing herself.

In response to a question from Ms. Lowry regarding the potential impact on staff resources, Mr. Wayne said they would start with a document request, which could take several weeks. He said the

investigation could take several months to get all the information and to give Senator Cushing time to respond.

Mr. Lee said he believed the preliminary review by the Commission staff indicates that there are sufficient grounds to initiate an investigation. Ms. Lowry said that staff had not made a recommendation in two prior requests for investigation and she found it persuasive that staff was making a recommendation for further investigation in this case.

Ms. Lowry made a motion to conduct an investigation into the matters raised by Ms. McIntyre's complaint to the Commission. Mr. Nass seconded the motion. Motion passed (5-0).

10. Incomplete PAC Registration – Progressive Maine PAC

Mr. Wayne said this is the final issue of a complaint filed by Maine Republican Party (the Party) against Progressive Maine PAC (the PAC) and Jonathan Fulford. The Party is questioning whether the PAC was required to register and be on the record about its support of two ballot questions. Mr. Wayne said there is a legal requirement for organizations to provide a statement specifying the candidate(s), category of candidates, or campaigns the organization expects to support or oppose when they register. In its original registration, the PAC only listed Jonathan Fulford as a candidate it supported. The PAC said it was an oversight not to list the two ballot questions and that there was no intent to conceal its activities regarding the ballot questions.

Katherine Knox, Esq., representing the PAC, appeared before the Commission. Ms. Knox said in her experience a change in a PAC's statement of support or opposition has always been considered a routine amendment and she is not aware of any past cases similar to this one. Ms. Knox said she routinely advises her clients to amend their registrations if they have changes to what they support or oppose. She said the original issue raised by the Maine Republican Party was that the PAC should have registered as a ballot question committee and not a PAC. She pointed out that Mr. Wayne, in his email to the PAC advising it to amend its registration, said this change would be a routine amendment. She said the registration and initial campaign finance report were not late. The only issue was whether the registration statement was incomplete.

David Mitrani, Esq., counsel to the PAC, participated via telephone. Mr. Mitrani asked at what point does the requirement to amend the registration to declare support for or opposition to a

candidate or ballot question arise because the PAC has not spent money to publicly support the ballot questions in the same way most PACs do.

In response to a question from Ms. Matheson, Ms. Gardiner said if the organization was only supporting the ballot questions, it could have registered as either a PAC or BQC. She said the PAC had an obligation to amend the registration within 10 days of any change in the information it is required to disclose.

Ms. Matheson said she believed the record is clear that support of the two ballot questions was part of the PAC's initial plan. Ms. Knox said there was miscommunication between the Progressive Maine group and its treasurer about the PAC's support of the two ballot questions, but there was no intent to conceal that PAC's activities. Mr. Lee asked when the PAC launched its support of the two ballot questions. Mr. Mitrani said the difficulty in answering that question is that it is unclear what "launching support" means. He asked whether it was a public statement to the press, an expenditure of funds to support or oppose a measure, or a public communication to support or oppose a measure and at what amount. He said the PAC has only spent \$91 to print talking points for volunteers. Mr. Pattershall said that, under that analysis, it could be said that the PAC has not launched its support for Mr. Fulford. Mr. Mitrani said he understood Mr. Lee's point, but said that the triggering event that creates the obligation to amend a registration is not clearly laid out in statute.

Mr. Lee asked when the hiring notice was posted in support of the two ballot questions. Mr. Mitrani said it was September 3. Mr. Lee asked when the registration was amended. Mr. Mitrani said it was done on October 19 at the request of the Commission.

Ms. Matheson asked when the \$50,000 contribution was made. Mr. Mitrani said it was made on August 15. Ms. Knox said it is clear the PAC knew it would be active in Maine on August 15, but it was unclear when it decided to support the two ballot questions. She said most amendments to a PAC's registration have been treated as a routine matter. Ms. Knox said that, under § 1062-A, when the Commission is looking into whether a PAC registration is complete and whether a penalty should be imposed, the statute emphasizes that the Commission should look at whether there was an intent to conceal the purpose of the PAC. In this case, there was no intention to conceal the PAC's activities or its support of the ballot questions.

Mr. Nass said most of these organizations file a very broad statement of purpose when they register. He said he is concerned that the minimal statement of purpose in the PAC's registration does not give the public enough information about how the PAC intends to use the \$50,000 contribution to influence the election. Ms. Knox said the Commission should look to the statute to see whether the amount of money is relevant in the case of a PAC registration. She said that the amount of money is not a factor to consider unless the statute directs the Commission to consider it. She said she does not believe leaving off support of the two ballot questions makes the registration incomplete. Ms. Knox said even if the Commissioners find the registration incomplete, they should look to whether there was intent to conceal in determining whether to assess a penalty or the amount of a penalty.

Ms. Gardiner explained that 21-A M.R.S.A. § 1062-A(1) authorizes the Commission to impose a fine for a late or incomplete registration and sets forth the factors the Commission must consider in doing so. She said this is a very specific type of violation and penalty consideration and it differs from the consideration given to late-filed reports when the prior history of violations and the number of days late are factors.

Mr. Lee asked how the PAC missed listing its support of the ballot questions, especially in light of the hiring advertisement, which is proof the PAC had made a decision to support the two ballot questions. Ms. Knox said it was simple miscommunication between the parties. Mr. Mitrani agreed and said the miscommunication was between the treasurer and the people involved in the campaign. Mr. Lee asked what the miscommunication was and said it was relevant to determine intentionality. Ms. Gardiner asked if the treasurer would have more facts about this. Mr. Mitrani placed the Commission on hold while he attempted to contact Neil Reiff, Esq., the treasurer for the PAC.

Joshua Tardy, Esq., representing the Party, appeared before the Commission. Mr. Tardy said the original complaint had referenced a general concern about the PAC's compliance with the law. He said it was rare that anyone admitted to intentionally missing a deadline. Mr. Tardy said he believed all violators should be held to the same standard.

Mr. Mitrani said Mr. Reiff had no knowledge of when the decision was made to support the ballot measures in Maine. Mr. Mitrani said that if there had not been a miscommunication, support of the ballot questions would have been on the registration.

Mr. Pattershall asked whether the method used to support Mr. Fulford was different from the method used to support the ballot questions. Mr. Mitrani said the method was exactly the same. Mr. Pattershall said the disclosure on the registration form was not the same with respect to the PAC's support of the two ballot questions.

Mr. Lee asked what public purpose is served by requiring the disclosure of the purpose of a PAC and requiring an amendment if the purpose of a PAC changes. Mr. Wayne said people involved in ballot questions like to know who will be financially active in ballot questions. He said if a PAC registers just prior to an election, they should disclose the ballot questions it intends to support or oppose so the public knows who is trying to influence the ballot questions. Mr. Lee asked if there were any prior similar cases that resulted in a penalty. Mr. Wayne said he did not have that information readily available and the only case he could think of was a late-filed registration in a municipal election. He said the PAC did disclose most of the required information when it registered and there was no intent to conceal the information. Based on those factors, the staff recommendation is for a small penalty, if any penalty is imposed.

Ms. Knox said the reason this registration was amended is because Commission staff advised the PAC to amend the registration. She said the PAC was told this would be a routine amendment. Ms. Knox said she has never seen this type of issue brought before the Commission other than in situations involving a late-filed registration or missing financial information in the initial report.

Mr. Nass said \$50,000 is a lot of money and people want to know where the money is coming from and how it is being spent. Ms. Knox said the amount of the money is not a material consideration in considering a PAC registration violation. Mr. Mitrani said the PAC had completely disclosed all of its financial activity in its campaign finance reports. Ms. Matheson said the public did not know that part of the money spent was spent to influence the two ballot questions. Ms. Lowry said the PAC has very experienced staff, which is a consideration when considering a penalty. Mr. Lee said there is no question this was an unintentional omission. However, this is a sophisticated organization and the public had no way of knowing it was supporting any ballot questions. Ms. Knox said the PAC was not claiming that the people involved with the PAC are inexperienced but is asking the Commissioners to focus on the intentionality factor and that the financial activity was appropriately reported.

Mr. Nass made a motion that, based on the fact that there was missing information, the staff recommendation is adopted and the PAC be fined \$250. Mr. Pattershall seconded the motion. Motion passed (5-0).

Mr. Wayne said there is some confusion about filing independent expenditure reports and the 24-hour reports because of the timing and overlap of information between the two reports. He said he would like to gather an informal group to discuss this process and bring a recommendation back to the Commissioners. Mr. Nass said he thought it was a great idea. Ms. Matheson agreed and suggested he wait until after the election.

It was agreed that, because they had agreed to meet on December 8th, the meeting scheduled for December 19th would be canceled. The Commissioners tentatively agreed to meet on January 8th to finalize the rulemaking.

Mr. Pattershall made a motion, seconded by Mr. Nass, to adjourn. The motion passed. The meeting adjourned at 12:44 p.m.

Respectfully submitted,
/s/ Jonathan Wayne
Jonathan Wayne, Executive Director