

STATE OF MAINE
SECRETARY OF STATE

In re: Challenge of Daniel Landers to
Nomination Petition of Albert Joy, Nonparty
Candidate for Sheriff, Knox County

Agency Docket No. SOS-26-004

FINAL DECISION

I have reviewed the Recommended Decision of the Presiding Officer in this matter, dated June 16, 2026, together with the objection of Candidate Albert Joy and the response to the objection filed by Challenger Daniel Landers. For the reason set forth below, I adopt in part and reject in part the Recommended Decision.

I agree with the findings and legal analysis of the Presiding Officer concluding that Mr. Joy has met the certification requirements set forth in 30-A M.R.S.A. §371-B(3) (D). I thus adopt Part I.A and B of the Recommended Decision in full.

The question of whether Mr. Joy has met the requirement of supervisory employment experience is a closer one. There is no question that the statutory language contained in 30-A M.R.S.A. §371-B(3)(E) that requires a candidate for Sheriff to “swear or affirm that the candidate has at least 2 years of supervisory employment experience in law enforcement or corrections” could use a clearer statutory definition to avoid the frequency of challenges that we have experienced in 2026.

In the absence of the statutory definition, the test of having “held a position requiring oversight of subordinate employees creates an objective test that allows for consistent and uniform application across candidacies” is a reasonable one as it reduces the risk of uneven and inconsistent enforcement.

What distinguishes the case of Mr. Joy is that the list of “Essential Duties and Responsibilities” detailed in the Position Description of the Criminal Investigator, dated January

1, 2015, specifically requires the person holding the position to engage in supervision of not just tasks or situations, but personnel. Specifically, the job description includes:

- Oversees and supervises the Resident Greeter Program, contract law enforcement officers and provides management oversight training and guidance to all staff assigned to the program.
- Provides supervision and guidance to Criminal Investigators I and II.

Joy Ex. 1. The Position Description thus confirms that the duties of the position involve formal supervision of personnel.

Mr. Joy's commander, Chief of Police Felix Vess, and a subordinate of Mr. Joy at the time in question, Mr. Giuseppe Trancone, affirmed under oath that the duties and responsibilities performed by Mr. Joy from November 2016 to June 2019 were supervisory in nature because of his responsibility to "supervise contract law enforcement officers." While per diem contractors are not employees in the strict legal definition of the word, they had to submit logs and follow the direction of Mr. Joy as described in the testimony of Chief Vess and Mr. Trancone. Thus, Mr. Joy's position involved many of the hallmarks of a traditional supervisory position, and provided him with similar experience to that of a more traditional supervisor. That the subordinate personnel were contract officers is not, in my view, sufficient by itself to render the position non-supervisory in nature. I thus conclude that Mr. Joy's position can fairly be characterized as "supervisory employment."

Mr. Joy's refusal to submit to questioning and cross examination is troubling for all of the reasons outlined in the hearing officer's decision. However, in this case, I conclude that the testimony of Mr. Joy's witnesses was sufficient to overcome any adverse inference that might follow from Mr. Joy's failure to testify. In declining the treat Mr. Joy's failure to testify as

dispositive, I also find it significant that the Challenger, not Mr. Joy, bore the burden of proof in this matter.

The fundamental question for me is whether any part of Mr. Joy's declaration is found to be false. Given the testimony of Mr. Joy's Chief and a subordinate contract law enforcement officer provided under oath, I conclude that Mr. Joy did not make a false statement in affirming that he met the requirement of at least 2 years of supervisory employment experience in law enforcement given Mr. Joy's tenure as a Criminal Investigator at the Chattanooga Housing Authority.

The removal of a question or individual from the ballot is not a responsibility I take lightly. In this case, in contrast to other cases before me this spring, I find that the position description and the testimony of both a chief and a subordinate support that this case meets the test of a position that requires supervisory responsibility of subordinates.

For that reason, I reject Part II of the Recommended Decision and find Mr. Joy qualified to proceed to the ballot.

June 18, 2026


Shenna Bellows
Secretary of State

NOTICE OF APPEAL RIGHTS

The challenger or candidate may appeal this decision to the Maine Supreme Judicial Court, sitting as the Law Court, by filing with this Office a Notice of Appeal and a docketing fee of \$175 within 3 business days of the date of this decision, pursuant to 21-A MRSA section 356, subsection 2, paragraph E.

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RECOMMENDED DECISION

On June 11, 2026, a hearing was held under 21-A M.R.S.A. § 356 on a challenge by Daniel Landers to the candidate consent form of Albert Joy as a nonparty candidate for Knox County Sheriff. For the reasons set forth below, I conclude that Candidate Joy's nomination petition and consent are invalid.

Procedural History

On June 1, 2026, Daniel Landers, a registered voter in Knox County, filed a challenge to the candidate consent form submitted by Albert Joy. Mr. Landers alleged that Candidate Joy was not qualified to hold the office of Sheriff because (1) Candidate Joy has never been certified as a law enforcement officer in Maine, allegedly in violation of 21-A M.R.S.A. § 371-B(3)(D), and (2) Candidate Joy did not possess two years of law enforcement and/or corrections supervision employment experience as required by 30-A M.R.S.A. § 371-B(3)(E).

On June 3, 2026, the Department of Secretary of State issued a notice of hearing to Candidate Joy and Mr. Landers, scheduling an adjudicatory hearing for 9:00 AM on Thursday, June 11, 2026, in Augusta. In addition, the notice of hearing indicated that I had been designated as the presiding officer for the hearing.

The hearing was held as scheduled on June 11, 2026. At the start of the hearing, the following exhibits were incorporated into the agency record:

- Candidate Joy's candidate petition (SOS Ex. A);
- Candidate Joy's candidate consent form and attachments (SOS Ex. B);

- the written challenge filed by Mr. Landers, dated June 1, 2026 (SOS Ex. C);
- the Notice of Hearing emailed to parties on June 1, 2026 (SOS Ex. D).

At hearing, Mr. Landers called the following witnesses:

Curt Andrick, Chief Deputy, Knox County Sheriff's Office;
Daniel Landers, Deputy, Knox County Sheriff's Office, Challenger.

Mr. Landers also attempted to call Candidate Joy as a witness. Although Candidate Joy was present and was listed on Mr. Landers's witness list, he refused to submit to questioning. My counsel warned Candidate Joy that his refusal to testify could result in adverse inferences drawn against him. Following that warning, Candidate Joy confirmed that he was declining to testify.

Candidate Joy called the following witnesses:

Felix Vess, Police Chief, Chattanooga Housing Authority.
Giuseppe Trancone, Officer, Troy, Michigan, Police Department

In addition, the following exhibits were admitted into evidence:

Joy Exhibits

1. Chattanooga Housing Authority Criminal Investigator Position Description
2. Letter from Felix Vess to Maine Criminal Justice Academy, dated June 8, 2026
3. Certification letter from the Maine Criminal Justice Academy
4. Hearing memorandum (admitted only for its legal arguments and not for the truth of any factual assertions contained within)
5. Declaration of Albert Joy (admitted only to the extent that it might be relevant other than for the truth of the matters asserted within)

Following the close of evidence, each party was permitted to make a closing statement.

Legal Requirements

To qualify for the ballot in a primary election, a candidate must file a candidate consent form that, among other things, contains a sworn statement that the candidate meets the qualifications of the office the candidate seeks. 21-A M.R.S.A. § 355. If, upon a challenge under 21-A M.R.S.A. § 356(2), "any part of the declaration" by the candidate "is found to be

false by the Secretary of State, the consent and the primary petition are void.” *Id.* § 355(3). In such challenges, the challenger bears the burden of proof. 21-A M.R.S. § 356(2)(B).

The statute setting forth qualifications for the office of Sheriff includes the following requirements:

3. Minimum qualifications for officers. A person may not be appointed to the office of sheriff, be a candidate for election to the office of sheriff or serve as sheriff of any county in the State unless the candidate meets the following qualifications:

A. The candidate swears to or affirms the Law Enforcement Code of Ethics;

B. The candidate has never been convicted of a Class C or higher crime;

C. The candidate applies to the Secretary of State for a criminal background investigation;

D. The candidate submits written certification from the Maine Criminal Justice Academy that the candidate:

(1) Is currently certified as a law enforcement officer and has met the basic law enforcement training standards under Title 25, section 2804-C; or

(3) Was previously certified as a law enforcement officer and agrees to meet the basic law enforcement training standards under Title 25, section 2804-C within one year of taking office; and

E. The candidate swears to or affirms that the candidate has at least 2 years of supervisory employment experience in law enforcement or corrections or a combination of both and submits the name, address and telephone number for the relevant employer or employers.

30-A M.R.S.A. § 371-B(3).

Proposed Findings of Fact

Based on the testimony and evidence submitted, I recommend that the Secretary make the following findings of fact:

Prior Law Enforcement Certification

1. Candidate Joy has never been certified by the Maine Criminal Justice Academy as a law enforcement officer. (SOS Ex. 2; Andrick Testimony)

2. Candidate Joy submitted with his candidate consent form a letter from the Director of the Maine Criminal Justice Academy certifying that “[a]cademy records reflect that you were previously a certified full-time law enforcement officer in TN in addition to having served as a (provision part-time law enforcement officer with Boothbay Harbor Police Department in ME.” (SOS Ex. 2)

Supervisory Employment Experience

3. Candidate Joy was employed by the Chattanooga Housing Authority in a position called Criminal Investigator I between November 2016 and June or July of 2019. (Voss Testimony; Joy Ex. 2)

4. In that position, Candidate Joy did not hold a rank giving him command authority, such as Sergeant, Corporal, Lieutenant, or Chief. (Voss Testimony)

5. The job description of Criminal Investigator 1 lists 33 “essential duties and responsibilities.” Most of these items describe non-supervisory law enforcement functions. Item 2 specifies that the Criminal Investigator 1 “[oversees and supervises the Resident Greeter Program, contract law enforcement officers and provides management oversight training and guidance to all staff assigned to the program.” Item 26 specifies that the Criminal Investigator I “[p]rovides supervision and guidance to Criminal Investigators I and II.” (Joy Ex. 1)

6. According to the job description, the Criminal Investigator I position was supervised by the Criminal Investigator II position, though it is unclear whether any person was

employed in that position while Candidate Joy was employed by the Housing Authority. (Joy Ex. 1)

7. At the time of Candidate Joy's employment, the Chattanooga Housing Authority employed 5 or 6 sworn law enforcement officers: a Chief, a Captain, a Lieutenant, and investigators. (Andrick Testimony; Voss Testimony)

8. Candidate Joy did not hold the rank of Chief, Captain, or Lieutenant at the Chattanooga Housing Authority. (Voss Testimony).

9. The Criminal Investigator I position is similar to the Criminal Investigator Detective position at the Knox County Sheriff's Office, which is not a supervisory position. (Andrick Testimony)

10. At the time Candidate Joy was employed there, the Chattanooga Housing Authority contracted with approximately 20 sworn law enforcement officers from the Chattanooga Police Department and other jurisdictions. (Voss Testimony; Joy Ex. 1)

11. Contracted law enforcement officers are not employees by the contracting law enforcement agency. Rather, they act as independent contractors, providing services to the contracting law enforcement agency as a means to earn additional income. The contracting agency is more of a customer than an employer. (Andrick Testimony; Voss Testimony)

12. A contracting law enforcement agency may terminate or decline to renew a contract in response to disciplinary issues by a contracted officer but has no authority to take other disciplinary actions against the officer. Rather, only the contracting officer's employer may take such actions. (Andrick Testimony; Trancone Testimony)

13. Candidate Joy was involved in overseeing and directing the work of some of the contract officers who worked for the Chattanooga Housing Authority. (Voss Testimony)

14. Candidate Joy was also involved in overseeing the work of less experienced peers. (Trancone Testimony)

Legal Analysis

I. The candidate satisfied the certification qualification set forth in 30-A M.R.S.A. § 371-B(3)(D).

Mr. Landers first argues that Candidate Joy did not meet the qualifications for office because he did not submit a valid “written certification” from the Maine Criminal Justice Academy (MCJA) attesting that Candidate Joy was “previously certified as a law enforcement officer.” 30-A M.R.S.A. § 371-B.

A. The Secretary should conclude that the letter from the MCJA’s director is a “written certification.”

Mr. Landers argues that Candidate Joy failed to meet the relevant qualification because he submitted a letter from the MCJA’s executive director attesting to his prior certification in Tennessee and not some sort of more formal document issued by the board of trustees of the MCJA.

I recommend that the Secretary find that a letter from the MCJA’s director is sufficient to satisfy 30-A M.R.S.A. § 371-B. The statutory language does not specify that the board of trustees must issue the certification, only that it must issue from the “Maine Criminal Justice Academy.” 30-A M.R.S.A. § 371-B(3)(D). The position of director is a statutorily established position that comes with the authority to “plan, direct and supervise the day-to-day operation of the academy and shall be charged with the responsibility of carrying out the policy and procedures established by the board.” 25 M.R.S.A. § 2804-A. Issuing a letter of qualification falls within the scope of these statutory duties. Moreover, nothing in the statute setting forth the

powers and duties of the board of trustees suggests that only the board may issue the certifications in question. *See* 25 M.R.S.A. § 2803-A.

B. The Secretary should conclude that Candidate Joy meets the applicable certification requirements.

Mr. Landers further argues that the MCJA’s certification of Candidate Joy is deficient because the statutory language requiring a candidate to be “previously certified as a law enforcement officer” implicitly requires certification specifically by the MCJA. Under this theory, certification as a law enforcement officer by another state’s certifying body is inadequate. In support of his argument Mr. Landers points to a definition of “law enforcement officer” in 25 M.R.S.A. § 2801-A, which requires a person to have a “current and valid certificate issued by the [MCJA] board.” 25 M.R.S.A. § 2801(6). Mr. Landers contends that this statutory definition compels a reading of 30-A M.R.S.A. § 371-B(3)(D) as requiring current or past Maine certification.

I disagree that Mr. Landers’s proffered interpretation of the qualification statute is compelled by the applicable statutory language. The statutory definition of “law enforcement officer” to which Mr. Landers points, by its own terms, applies only to Chapter 341 of Title 25 of the Maine Revised Statutes, setting forth the responsibilities of the Maine Criminal Justice Academy. *See* 25 M.R.S.A. § 2801-A. It does not apply to Title 30-A, where the qualification statute is located. Moreover, given the substantially different purposes of the two statutory frameworks, there is no reason to think that Title 25 definition should carry over to Title 30-A. Moreover, review of the legislative history of 30-A M.R.S.A. § 371-B(3)(D) gives no indication of whether the Legislature intended to recognize out-of-state certifications when it enacted the current statutory language in 2021. In light of these factors, the Legislature’s silence on whether in-state certification is required suggests that it intended no such restriction.

I also find it significant that the Maine Criminal Justice Academy issued the candidate a certification under § 371-B(3)(D)(3) stating that Candidate Joy was certified as a law enforcement officer in Tennessee. This certification was based on “Academy records,” indicating that the Academy has some means to verify a candidate’s law enforcement certifications in other states. I note in this regard that the literal wording of the qualification itself does not require the candidate to be currently or previously certified as a law enforcement officer. Rather, it requires the candidate to “submit[] written certification from the Maine Criminal Justice Academy” attesting to such certification. The Legislature’s decision to phrase the qualification in this manner strongly indicates that it intended for the MCJA, not the Secretary, to make the determination of whether the candidate is or was “certified” as a law enforcement officer. Such a delegation of responsibility on the MCJA makes sense given the MCJA’s greater expertise on matters of law enforcement certification. Here, based on its issuance of the letter, it appears that the MCJA determined that Candidate Joy met the certification requirements.

Given these considerations, I recommend that the Secretary conclude that Candidate Joy meets the requirements of 30-A M.R.S.A. § 371-B(3)(D).

II. The Secretary should conclude that Candidate Joy does not have the required supervisory employment experience.

To qualify as a candidate for the office of Sheriff, a candidate must, among other requirements, “swear[] to or affirm[] that the candidate has at least 2 years of supervisory employment experience in law enforcement or corrections or a combination of both and submit[] the name, address and telephone number for the relevant employer or employers.” 21-A M.R.S.A. § 371-B.

The evidence at hearing established that Candidate Joy held a position for approximately 2.5 years as an investigator with the Chattanooga Housing Authority. While credible evidence did indicate that this job included exercising some oversight over other officers, most notably over the contract officers that worked with Candidate Joy, I nevertheless recommend concluding that this position was not “supervisory employment experience” within the meaning of the statute.

The Secretary has in the last few months issued two decisions adopting a narrow interpretation of “supervisory employment experience.” In *Pellerin v. Corbett* (Apr. 3, 2026),¹ the Secretary rejected claims that supervising situations, such as the transfer of prisoners, was sufficient to meet this qualification:

A sheriff is responsible for managing an entire law enforcement agency with many employees. The qualification is plainly meant to ensure that individuals assuming the office of Sheriff have some pre-existing experience in managing personnel.

Id. at 6 n.1.

Then, in *Samson v. Nichols* (June 8, 2026),² the Secretary considered whether certain forms of peer supervision, such as serving as a Field Training Officer, could be sufficient to meet the requirements. The Secretary interpreted the statute as requiring her to evaluate whether the candidate’s “positions were supervisory in nature, not whether he exercised some de facto oversight over employees during his career.” She further explained that “[a] test that focuses on the nature of the positions held, rather than the actual job conduct of the candidate, will thus

¹ Available at <https://www.maine.gov/sos/sites/maine.gov.sos/files/inline-files/FInal%20Decision%20York%20County%20Sheriff%20challenge.pdf>

² Available at https://www.maine.gov/sos/sites/maine.gov.sos/files/inline-files/KNichols_Andro%20Cty%20Sheriff_Final%20decision%20%28002%29.pdf

provide clarity to both prospective candidates and voters who might be considering challenges to a candidacy.” The Secretary then relied on facts including the lack of any subordinate positions below the candidate’s position on an organization chart and the candidate’s lack of a command rank to conclude that the candidate’s prior positions were not “supervisory employment.”

It is apparent from the evidence presented here that Candidate Joy’s position at the Chattanooga Housing Authority shares many of the same formal characteristics as the positions the Secretary considered in *Samson v. Nichols*. Although no organization chart was offered into evidence, the testimony made clear that Criminal Investigator I was the lowest-level position at the Chattanooga Housing Authority, with no subordinate positions underneath it, and a Lieutenant, Captain, and Chief providing three layers of supervision above it. What is more, there is no dispute that Candidate Joy never held any sort of command rank during his time at the Authority. And, as *Samson v. Nichols* reasoned, Candidate Joy’s oversight of less experienced peer employees is not sufficient to make his employment “supervisory employment.”

Candidate Joy did raise one contention that was not at issue in the other two hearings: he contended that his responsibility for overseeing contract officers made his role at the Authority “supervisory employment.” I disagree. While Candidate Joy’s position did appear to require him to exercise some degree of oversight over the contract officers, this oversight differed from supervision of subordinate employees in important ways. Among other things, disciplinary options were limited and in some cases the contract officer being “supervised” by Candidate Joy outranked him. Moreover, the job description for Criminal Investigator I makes clear that these oversight responsibilities were only a small aspect of what was largely a non-supervisory investigator position similar to that of Detective here in Maine.

I further note in this regard that although the testimony of the other witnesses was useful in understanding Candidate Joy's responsibilities in the Criminal Investigator I position, it left unanswered questions about the exact nature of Candidate Joy's duties and, in particular, his formal responsibilities with regard to the contract officers in which he was involved with overseeing. Given these unanswered questions, Candidate Joy's refusal to testify is troubling.

The Law Court has held "the omission by one party to take the stand or offer evidence, which may be within his reach, to deny or explain evidence given by others, adversely affecting his rights or interests, may be regarded as conduct in the nature of an admission from which adverse inferences may be drawn." *Davis v. Coshnear*, 151 A. 725, 727 (1930); accord *Twin Island Dev. Corp. v. Winchester*, 512 A.2d 319, 326 (Me. 1986) (holding that a factfinder may draw an adverse inference against a party based on "the unexplained failure of [the party] to testify with respect to material facts within [his] own knowledge, or to take the stand and deny the existence of material facts testified to by the adverse party"); *Fowles v. Dakin*, 205 A.2d 169, 172 (1964) ("failure of this defendant to take the stand under these circumstances is a fact which cannot be disregarded.").

Here, the Challengers submitted testimony raising legitimate questions about whether Candidate Joy's oversight of contract officers amounted to "supervisory employment" within the meaning of the statute. Candidate Joy could have provided answers to the questions but declined to do so. Based on the caselaw discussed above, I may assume that Candidate Joy's refusal to testify was based on a concern on his part that subjecting himself to cross-examination would produce testimony that would have been unhelpful to his case.

In short, based on the proposed findings and the foregoing analysis, I recommend that the Secretary conclude that Mr. Joy has not satisfied the statutory requirement that he have two years

of “supervisory employment experience” as required by 30-A M.R.S.A. § 371-B(3)(D). Specifically, I recommend concluding that having oversight of contract officers, with no command rank or formal subordinate employees, is insufficient to constitute “supervisory employment” within the meaning of the statute. I further recommend that, to the extent that any such determination might be dependent on the specific nature of Candidate Joy’s oversight over the contract officers, an adverse inference should be drawn against him based on his refusal to submit to questioning by the Challenger.

Conclusion

I conclude that Mr. Landers met his burden under 21-A M.R.S. § 356(2)(B) to provide sufficient evidence to find that Candidate Joy’s candidate consent form was invalid because he lacks the relevant supervisory employment experience required by 30-A M.R.S.A.

§ 371-B(3)(E). I therefore recommend that the Secretary of State declare that Mr. Joy’s consent and nomination petition are void under 21-A M.R.S.A. § 355(3).

Opportunity to Object

Any party may file an objection to this recommended decision for consideration by the Secretary of State. Objections must be filed by email no later than **Thursday, June 18, 2026 at 10:00 a.m.**

Dated: June 16, 2026

/s/ Katherine McBrien
Katherine McBrien
Chief Deputy Secretary of State
Presiding Officer