



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

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December 12th, 2001

Minutes of the December 12th, 2001, meeting of the Commission on Governmental Ethics and Election Practices held in the Commission (MLRB) Hearing Room, 242 State Street, Augusta, Maine.

Present: Chair Peter B. Webster; Members Hon. Michael Carpenter, Dr. Linda Cronkhite and Hon. Harriet P. Henry; Director William C. Hain, III; Counsel Phyllis Gardiner, Esq.; and Candidate Registrar Diana True.

Chair Webster called the meeting to order at 9:35 a.m. The Commission considered items on the published agenda as follows:

Agenda Item #3: Shawn S. Lavoisier; Candidate Campaign Finance Report Filing Violation

The Commission considered Mr. Lavoisier's unpaid previous penalty balance of \$63.13, together with his 42-day post-general election report that was filed 228 days late, his July 2001 semiannual report that was filed late but reflected zero activity for the reporting period, and his late-filed candidate's sources of income statement for which no statutory penalty is provided. Mr. Lavoisier addressed the Commission, expressed his embarrassment at the late-filed reports, and assured Members of his attempts to address his personal organizational problems. He stated that he is prepared to pay the full amount of the penalties the Commission may assess and apologized for any troubles his late reports may have caused. Judge Henry moved, Ms. Cronkhite seconded and, after discussion, Members voted unanimously to assess a penalty of \$337.44, and to direct the total payment of \$400.57 when combined with the unpaid penalty of \$63.13.

Agenda Item #4: William Smith, Lobbyist for Pfizer, Inc.; Lobbyist Monthly Disclosure Report

The Commission considered the late filing of Mr. Smith's October monthly lobbyist disclosure report and considered the mitigating circumstances presented in his letter of November 30, 2001. Judge Henry moved, Ms. Cronkhite seconded, and Members voted unanimously to waive any penalty in full based upon the mitigating circumstances presented in Mr. Smith's letter.

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Agenda Item #1: Ratification of Minutes

Ms. Cronkhite moved, Judge Henry seconded, and Members voted unanimously to accept the minutes of the November 14th, 2001 meeting as submitted.

Agenda Item #2: David C. Ireland; Maine Clean Election Act Violations

The Commission considered possible violations of the Maine Clean Election Act and implementing Commission regulations and guidelines, the late 6-day pre-general election campaign finance report; and un-liquidated property purchased with Maine Clean Election Act funds.

Prior to the Commission meeting, as directed by the Commission at its previous meeting, Mr. Hain and Counsel Gardiner had met with Mr. Ireland to attempt to reach agreement on the possible resolution of matters to be presented to the Commission. At the Commission's meeting, Mr. Ireland acquiesced to the list of items that were presented to the Commission as non-campaign-related personal expenditures for which reimbursement to the Maine Clean Election Fund would be required. Consequently, the Commission considered the issues associated with Mr. Ireland's campaign's use of Maine Clean Election Fund revenues. Judge Henry moved, Ms. Cronkhite seconded and after detailed discussion, Members voted unanimously to require Mr. Ireland to reimburse the Maine Clean Election Fund for the following expenditures:

\$ 375.00	Unicel Telephone (personal expenses portion of telephone bills)
\$ 30.00	Dudley's Garage (travel)
\$ 460.36	Staples (laser printer, supplies, etc.)
\$2,627.11	Jen LaLond (reimbursement of computer purchase for laptop)
\$ 461.05	Staples (office equipment: phones, phone headsets, computer tables)
\$ 375.00	Norma Sibley Computers (computer consulting for used computers)
\$ 300.00	Bob Numryck (computer consulting for building voter database)
\$1,500.00	David Ireland (reimbursement of purchase of 4 computer systems)
\$ 175.00	Surplus Business Assets (office equipment: round table)
\$ 280.00	Surplus Business Assets (office equipment: chairs, office dividers x4)
\$ 50.00	Walmart (VCR)
\$ 207.90	Kelly Temp (temps for telephoning)
\$ 375.00	WorkSource (temps for telephoning)
\$ 50.00	House Republican Leadership (donation)
\$7,266.82	TOTAL REIMBURSEMENTS

Additionally, Mr. Carpenter moved, Ms. Cronkhite seconded, and Members voted unanimously to require reimbursement of \$800.00 for non-campaign-related travel expenses that were deemed to have been personal in nature. The total amount of \$8,066.82 is to be reimbursed to the Maine Clean Election Fund.



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Ms. Cronkhite then moved, Mr. Carpenter seconded, and Members voted unanimously to require Mr. Ireland to repay the unaccounted, unspent amount of revenues not yet reimbursed to the Maine Clean Election Fund in the amount of \$316.21.

Ms. Cronkhite moved, Judge Henry seconded, and Members voted unanimously to assess a penalty of \$529.74 for the late filing of Mr. Ireland's 6-day pre-general election campaign finance report.

Finally, Judge Henry moved and Ms. Cronkhite seconded to assess a \$5,000.00 penalty pursuant to 21A M.R.S.A. §1127, sub-§1 for violation of 21A M.R.S.A. §1125, sub-§6 (unauthorized use of funds) and 21A M.R.S.A. §1016, sub-§1 (commingling campaign funds with personal funds). Judge Henry supported her motion based upon what she characterized as Mr. Ireland's cooperation in acquiescing to the reimbursements proposed by the Commission Director and Counsel, and the fact that the Attorney General had determined that criminal proceedings were not appropriate.

Mr. Carpenter stated his belief that Mr. Ireland's credibility was wanting and his cooperation was only reluctant. He stated his belief that Mr. Ireland still did not agree with the Commission staff's assessment of how he had used Maine Clean Election Act public funds, particularly as that use pertained to the Campbell campaign with which Mr. Ireland had been involved. Mr. Carpenter stated that while candidates may zealously use their own money in their own campaigns, the limitations on personal use prevents them from being as zealous with the use of public money in a Clean Election Act campaign. Finally, Mr. Carpenter stated that he would vote against the motion and that, if Judge Henry's motion failed, he would move to assess a \$7,000 penalty as a more appropriate reflection of the gravity of Mr. Ireland's conduct.

Ms. Jenny Cook, Mr. Ireland's treasurer, addressed the Commission and expressed her appreciation for Mr. Carpenter's comments. She explained how and why she had first raised her concerns about the financial practices of the Ireland campaign with Mr. Hain, noting that Mr. Ireland had not made her aware that he was running a Maine Clean Election Act campaign. She explained the telephone call she had received from Mr. Ireland telling her that he needed to come up with \$7,000 and her reaction to the receipt of correspondence from the Commission staff about the liquidation of property and equipment. She noted that Mr. Ireland's story changed several times and that at one point he had told her not to write a statement or to cooperate with Mr. Hain. She stated that she had tried to convince Mr. Ireland to be forthcoming about how he had managed his campaign's finances and to cooperate with Mr. Hain, but that at each turn Mr. Ireland seemed to avoid that course of action. She noted that Mr. Ireland claimed that he had the money he was required to repay to the Fund following the election, but that he would not give Mr. Hain the satisfaction of repaying it earlier than when he thought it was due based upon his interpretation of that due date.

Following that discussion, Members voted 3-1 (Mr. Carpenter opposed) to assess a \$5,000 penalty. Therefore, the Commission determined total of all reimbursements and penalties to be \$13,912.77. The Commission noted its policy permitting installment payments over a reasonable



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period and emphasized the requirement that the unpaid balance would be immediately due and payable if any payment is not paid according to the established schedule.

Agenda Item #5: Proposed Statutory/Regulatory Amendments

Mr. Hain explained proposed amendments to the campaign finance reporting statutes and the Maine Clean Election Act implementing rules. Following brief discussion of the rulemaking procedures, Mr. Carpenter moved, Judge Henry seconded and Members voted unanimously to post the proposed rule amendments for public comment and to schedule a public hearing and comment period in accordance with the provisions of the Maine Administrative Procedures Act.

There being no further business, on motion and unanimous vote, the Commission adjourned at 12:35 p.m.

Respectfully submitted,

William C. Hain, III
Director