



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

Commission Meeting 02/24/2021  
Agenda Item #5

To: Commissioners  
From: Erin Gordon, Candidate Registrar  
Date: February 10, 2021  
Re: April Turner – Use of Maine Clean Election Act Funds to Reimburse for  
Household Expenses

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In the 2020 elections, April Turner ran for the third time as a Maine Clean Election Act (MCEA) candidate for the Maine House of Representatives, District 99. She qualified for \$9,275 in funds for the general election and did not return any surplus funds at the end of the 2020 campaign. Under the Commission’s guidelines for permissible MCEA expenses, candidates may not use MCEA funds for personal expenses that they would purchase independently of their political campaign, such as day-to-day household expenses or utility payments.

In her December 2020 campaign finance report, Ms. Turner disclosed that she paid her spouse \$817.56 on October 23, 2020 to cover a portion of cell phone and internet charges for a nine-month period of March-November 2020. On December 21, 2020, Candidate Registrar Erin Gordon advised Ms. Turner by phone that these were not allowable campaign expenses. The candidate acknowledged needing to return the funds. Since then, the candidate has not responded to repeated attempted contacts by Ms. Gordon and the Commission’s Executive Director made through U.S. Mail, phone, and email.

## **LEGAL REQUIREMENTS**

*Limits on spending MCEA funds.* MCEA candidates are required to spend public campaign funds for “campaign-related purposes.” 21-A M.R.S. § 1125(6). ETH. 21. That section of the MCEA directs the Commission to “publish guidelines outlining

permissible campaign-related expenditures.” ETH. 22. The guidelines are intended to balance providing MCEA candidates with a full opportunity to engage in traditional campaigning while limiting or prohibiting expenses that could appear wasteful or self-serving to the public.

The 2020 MCEA Expenditure Guidelines state:

Candidates may not use MCEA funds for personal expenses. ... Personal expenses are for goods and services that the candidate would otherwise purchase independently of the campaign, such as:

- Day-to-day household expenses and supplies
- Mortgage, rent, or utility payments for the candidate's personal residence, even if part of the residence is being used by the campaign.

ETH. 4-5.

*Repayments of MCEA funds.* For good cause shown, a candidate who has been found in violation of the MCEA may be required to repay to the Commission “any funds not used for campaign purposes.” 21-A M.R.S. § 1127(1). ETH. 23. The Commission may also assess a civil penalty of up to \$10,000 for any violation of the MCEA. *Id.* In almost all cases, candidates and political committees in Maine pay penalties and return MCEA funds to the Commission promptly upon request. When necessary, however, the Commission will refer debts that are overdue for more than 30 days to the Office of the Attorney General for collection under 21-A M.R.S. § 1004-B.

## **DISCUSSION**

Ms. Turner’s 42-Day Post-General Report, filed on December 16, 2020, showed two payments dated October 23, 2020 to her spouse, Craig Turner, for internet and cellphone costs:

- \$301.86 for “1/3 of Internet cost – Mar. Apr, May, June, July, Aug, Sept, Oct, Nov 2020, \$33.43 per month x 9 month”; and
- \$515.70 for “cellphone 57.30 x 9 months March-November 2020”

ETH. 2. The Commission's two Candidate Registrars advise candidates that they may *not* use MCEA funds to pay for internet service to the candidate's household. When asked by candidates about cell phone service, the Commission staff responds that:

- the candidate may *not* use MCEA funds for their regular cellphone service that they would ordinarily pay if they were not a political candidate, but
- if the candidate purchases any additional services for campaign purposes, those *are* acceptable for payment with MCEA funds (*e.g.*, a prepaid phone or coverage charges to be added to the candidate's account for the duration of the campaign).

*December 21, 2020 phone conversation.* On December 17, 2020, Ms. Gordon sent an email to Ms. Turner and her treasurer, Kimberly Tinsman, to inform the candidate the internet expenditure was not permitted and would need to be repaid as surplus funds.

ETH. 6. Ms. Gordon also requested cell phone billing records to determine if any part of that expenditure might be allowed.

After not receiving a reply to the Dec. 17 email, on December 21, 2020 Ms. Gordon called Ms. Turner and spoke to her about these charges. In that conversation, Ms. Turner informed Ms. Gordon that she had not increased her cell phone coverage and that this payment represented a portion of her regular cell phone bill. With that information, Ms. Gordon determined that the cell phone expenditure was not allowed. Ms. Turner acknowledged that she would need to return both expenses and repay them as surplus MCEA funds.

*No response by candidate to subsequent contacts.* Since Dec. 21, 2020, the Commission staff tried contacting the candidate several times to request the return of \$817.56, but she has not responded. The attempts are documented at ETH. 6-20 in the attached documents.

- On January 6, 2021, Ms. Gordon sent a second email to Ms. Turner and Ms. Tinsman to follow up. In the email, she confirmed the two expenditures were impermissible and the total amount of expected surplus funds to be returned would be \$817.56. In this email, Ms. Gordon requested that Ms. Turner reply as soon as possible with her plan for repayment of these funds. ETH. 6-7.

- On January 25, 2021, Ms. Gordon called and left Ms. Turner a voicemail to advise her that prompt action on this matter was required and that Ms. Turner should contact the Commission staff as soon as possible to set up a payment plan for the surplus funds.
- On January 27, 2021, Ms. Gordon sent a letter to Ms. Turner by email and U.S. mail (dated Jan. 26) requesting the repayment of \$817.56 and notifying her that a penalty of \$152.60 for filing the December 15, 2020 report late was now considered final. The letter alerted her that this matter would be scheduled for your February 24 meeting, unless the Commission received the funds or a plan to repay the funds within a period of six months. ETH. 8-10.
- On January 29, 2021, Executive Director Jonathan Wayne attempted to call Ms. Turner, but received an outgoing message that her mailbox was full and would not accept voicemail messages. ETH. 11.
- Since the candidate was being non-responsive, on January 29, 2021, Mr. Wayne emailed the campaign treasurer, Kimberly Tinsman, to request the treasurer to ask the candidate to contact the Maine Ethics Commission right away, citing possible referral of this matter to the Attorney General's Office. ETH. 12. Ms. Tinsman confirmed by email that she would ask the candidate. ETH. 13-14.
- On February 5, 2021, Executive Director Jonathan Wayne tried to call Ms. Turner. This time, her mailbox allowed him to leave a voicemail message. ETH. 15.
- That day, Mr. Wayne also sent the candidate a follow-up email that attached Ms. Gordon's letter dated January 26. ETH. 16. He copied the campaign treasurer, Ms. Tinsman.
- Two hours later, Ms. Gordon received an email from Ms. Tinsman confirming that she had texted Ms. Turner on January 29 to contact Jonathan Wayne. Ms. Tinsman wrote "She did respond to me, so I know she received my message." ETH. 17.
- On February 11, 2021, Mr. Wayne sent by U.S. Mail a "NOTICE OF PENALTY/REPAYMENT ORDER" to the candidate. The letter requested the repayment of \$817.56. ETH. 18-19. The letter also notified her of a possible finding of legal violation and civil penalty and explained how she could respond

to the possible enforcement actions in writing or by participating in the February 24 meeting by Zoom.

- On February 11, 2021, Mr. Wayne also emailed the notice to the candidate. ETH. 20.

The Commission staff has sent all notices to the mailing address (P.O. Box 1 in Freedom) and email address (aprilturnerforhouse@gmail.com) that April Turner provided when she registered as a candidate. Candidates may always update their email address with the Commission to facilitate communication, but the candidate has provided no other email addresses. None of the letters or emails has been returned to the Commission as undeliverable. The candidate responded to her campaign treasurer concerning our interest in speaking to her. The unavoidable conclusion is that Ms. Turner is aware that our office is trying to collect the funds. We believe the Commission staff has met due process requirements for notice and opportunity to be heard in this enforcement matter.

#### **STAFF RECOMMENDATION**

The prohibition against using MCEA funds for day-to-day household expenses is clearly stated in the expenditure guidelines. Although candidates have been allowed to pay for additional cell phone expenses with MCEA funds under certain conditions, Ms. Turner's expenditure did not appear to meet that standard, because it covered expenses she would otherwise pay independently of the campaign. Once she was informed of the disallowed expenditures in December of 2020, Ms. Turner should have remained in contact with Commission staff to promptly establish a plan for repayment of the total \$817.56. The Commission staff has made repeated attempts to get her attention to repaying this debt. If she had responded with an argument that these expenses should be allowed or a request for a hardship exception, we would be happy to schedule that for your consideration, but she has not responded.

In the post-election audit of Elizabeth Sweet's gubernatorial campaign in 2018, it was determined she had made two reimbursements to herself, portions of which were for impermissible expenditures. Of the \$11,143.12 Ms. Sweet was reimbursed by the campaign, only \$3,075.92 was permissible. The remaining \$8,067.20—made for mileage

and purchases incurred during the Seed Money period and cell phone service for her home and lobbying business—was ordered by the Commissioners to be repaid at their meeting on December 18, 2019.

The staff recommends that you:

- determine that Ms. Turner violated 21-A M.R.S. § 1125(6) for spending MCEA funds for purposes that were not campaign-related, and
- direct Ms. Turner to repay \$817.56 to the Maine Clean Election Fund pursuant to 21-A M.R.S. §1127(1).

Ms. Turner also owes a penalty of \$152.60 for filing the Dec. 15, 2020 campaign finance report one day late. That penalty is now final and requires no action by you.

If the candidate does not make the \$817.56 repayment and pay the \$152.60 penalty within 30 days after receiving your direction to repay the funds, the staff intends to refer both amounts to the Office of Attorney General for collection pursuant to 21-A M.R.S. § 1004-B. We recommend against assessing any penalty for the violation of 21-A M.R.S. § 1125(6), because paying \$970.16 in personal funds to the State of Maine is a sufficient deterrent for other candidates who might make similar errors in the future.

Thank you for your consideration of this memo.



Commission on Governmental Ethics and Election Practices  
Mail: 135 State House Station, Augusta, Maine 04333  
Office: 45 Memorial Circle, Augusta, Maine  
Website: [www.maine.gov/ethics](http://www.maine.gov/ethics)  
Phone: 207-287-4179  
Fax: 207-287-6775

## 2020 CAMPAIGN FINANCE REPORT

### FOR MCEA CANDIDATES

COMMITTEE		TREASURER	
Mrs. April Dawn Turner PO Box 1 Freedom, ME 04941 PHONE:(207) 323-7016 EMAIL: aprilturnerforhouse@gmail.com		Kimberly Tinsman 309 West Main Street Monroe, ME 04951 PHONE: EMAIL: kimberlawson@gmail.com	
REPORT	DUE DATE	REPORTING PERIOD	
42-Day Post-General Report	12/15/2020	10/21/2020 - 12/08/2020	

#### FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$7,630.23	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$20.00
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$0.00	\$9,800.00
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$0.00
6. MINUS EXPENDITURES (SCHEDULE B)	\$7,630.23	\$9,820.00
7. CASH BALANCE AT CLOSE OF PERIOD	\$0.00	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

I, Kimberly Tinsman, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: ERIN GORDON on behalf of Kimberly Tinsman  
REPORT FILED ON: 12/16/2020 8:07:14 PM  
LAST MODIFIED: 12/21/2020 11:42:18 AM  
COMMITTEE ID: 356335

## SCHEDULE B EXPENDITURES

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
10/23/2020	Craig Turner 36 BRYANT RD FREEDOM, ME, 04941	1/3 of Internet Cost- Mar. Apr, May, June, July, Aug, Sept, Oct, Nov 2020, \$33.54 per month x 9 month	OFF	\$301.86
10/23/2020	Craig Turner 36 BRYANT RD FREEDOM, ME, 04941	cellphone 57.30 x 9 months March- November 2020	OFF	\$515.70
10/25/2020	Facebook 1601 S. California Ave Palo Alto, CA, 94304	social media ads	ONL	\$75.00
10/28/2020	Frame Media 188 State Street Ste 202 Portland, ME, 04101	Debt Payment  social media advertising	ONL	\$300.00
10/28/2020	Frame Media 188 State Street Ste 202 Portland, ME, 04101	Debt Payment  design, printing, mailing, and postage	MHS	\$4,302.00
<del>10/28/2020</del>	<del>Frame Media 188 State Street Ste 202 Portland, ME, 04101</del>	<del>mailers</del>	<del>MHS</del>	<del>\$4,302.00</del> DELETED 12/21/2020
<del>10/28/2020</del>	<del>Frame Media 188 State Street Ste 202 Portland, ME, 04101</del>	<del>social media video production and ads</del>	<del>ONL</del>	<del>\$300.00</del> DELETED 12/21/2020
10/29/2020	Facebook 1601 S. California Ave Palo Alto, CA, 94304	social media ads	ONL	\$75.00
10/29/2020	ksw fcu 222 COLLEGE AVE WATERVILLE, ME, 04901	debit card replacement	OTH	\$15.00



10/29/2020	Nick Huff 597 Newburg Road Carmel, ME, 04419	singage	LIT	\$650.00
10/29/2020	US Postal Service Freedom, Maine 93 BELFAST RD FREEDOM, ME, 04941	stamp	POS	\$0.55
10/31/2020	staples 40 Waterville Commons Drive Waterville, Me, 04901	palm cards	LIT	\$258.26
10/31/2020	Walmart 80 WATERVILLE COMMONS DRIVE WATERVILLE, ME, 04901	ink	OFF	\$31.49
11/3/2020	unity shop n save 35 PLAZA DR UNITY, ME, 04988	food for volunteers	FOD	\$46.09
11/4/2020	Toskr Inc. dba GetThru po box 2690 Alameda, CA, 94501	Texting services	PHO	\$69.29
11/4/2020	Toskr Inc. dba GetThru po box 2690 Alameda, CA, 94501	texting services	PHO	\$49.10
11/4/2020	Toskr Inc. dba GetThru po box 2690 Alameda, CA, 94501	texting services	PHO	\$100.00
11/9/2020	April D. Turner PO Box 1 Freedom, ME, 04941	campaign mileage	TRV	\$689.92
11/11/2020	Walmart 80 WATERVILLE COMMONS DRIVE WATERVILLE, ME, 04901	replacement of office supplies used in campaign, ink, paper, etc.	OFF	\$73.55
11/27/2020	April D. Turner PO Box 1 Freedom, ME, 04941	Mileage for campaign	TRV	\$77.42
<b>TOTAL EXPENDITURES FOR CANDIDATE:</b>				<b>\$7,630.23</b>

# 2020 EXPENDITURE GUIDELINES

*Candidates must spend Maine Clean Election Act (MCEA) funds for campaign-related purposes and not for other purposes such as the candidate's personal benefit, party-building, or to promote another candidate's campaign. Candidates are required to comply with these guidelines for all expenditures of MCEA funds.*

## PERMISSIBLE EXPENDITURES

Expenditures for "campaign-related purposes" are those which are traditionally accepted as necessary to promote the election of a candidate to political office. Candidates using MCEA funds must also take into account the public nature of the funds, the underlying objectives of the MCEA, and the reasonableness of the expenditures under the circumstances. In Maine, traditional campaign expenses have included:

- Political advertising expenses
- Campaign communications such as signs, bumper stickers, T-shirts, or caps with campaign slogans, etc.
- Campaign events (e.g., invitations, food, tent or hall rental, etc.)
- Printing and mailing costs
- Office supplies
- Campaign staff expenses
- An entry fee for an event organized by a party committee, charity, or community organization or an ad in an event publication, as long as the expenditure benefits the candidate's campaign
- Campaign travel expenses, such as fuel and tolls.

## **Ballot Questions**

Candidates may state their position with respect to a ballot question in a communication financed with MCEA funds. Candidates may not use MCEA funds for a paid communication that primarily supports or opposes a referendum or citizen initiative.

## **Campaign Training**

Candidates may use MCEA funds for tuition or registration costs for campaign or policy issues training.

**If you have questions about these Guidelines or a specific expenditure, contact your Candidate Registrar at 287-4179.**

## PROHIBITED EXPENDITURES

**Candidates may not use MCEA funds for personal expenses.** This means candidates may not borrow from or use MCEA funds for personal or other non-campaign expenses, even if temporarily and with the intention of repaying the funds. Personal expenses are for goods and services that the candidate would otherwise purchase independently of the campaign, such as:

- Day-to-day household expenses and supplies
- Mortgage, rent, or utility payments for the candidate's personal residence, even if part of the residence is being used by the campaign ←
- Vehicle repair and maintenance
- Non-campaign transportation expenses
- Clothing, including attire for political functions such as business suits or shoes

### **MCEA funds may not be spent to:**

- pay a consultant, vendor, or campaign staff for anything other than campaign goods or services
- compensate the candidate or their spouse or domestic partner for services provided
- make independent expenditures supporting or opposing any candidate, ballot question, or political committee
- assist in any way the campaign of any candidate other than the candidate for whom the funds were originally designated
- contribute to another candidate, a political committee, or a party committee other than in exchange for goods and services
- make a donation to a charity or a community organization, other than in exchange for campaign goods or services
- promote political or social positions or causes other than the candidate's campaign
- make a thank-you gift (including a gift card) to a volunteer or supporter, or hold an election night or post-election party
- pay civil penalties, fines, or forfeitures to the Commission, or defend the candidate in enforcement proceedings brought by the Commission
- assist the candidate in an election recount.

## Car Travel

MCEA campaigns may reimburse the candidate or campaign workers for their car travel, as long as the person reimbursed has kept a *contemporaneous* travel log. The campaign may make a travel reimbursement up to the number of miles traveled as reported in the log multiplied by \$0.45. Campaigns must keep the travel logs for three years, and provide them to the Commission if requested. Candidates and their spouses/domestic partners may spend any amount of their personal funds for campaign travel without seeking reimbursement. Other individuals may spend up to \$350 of their personal funds to pay for travel without making a contribution to the campaign. Any mileage incurred during the pre-certification Seed Money period must be reimbursed with Seed Money if reimbursed.

## Food

Candidates may spend a reasonable amount of MCEA funds on food for campaign events or to feed volunteers while they are working, but must take into account the public nature of MCEA funding. Legislative candidates may not use MCEA funds to purchase food that is consumed *only* by the candidate and/or members of the candidate's immediate family. Generally, reasonable amounts for food should not exceed \$5 per person for breakfast, \$10 per person for lunch, and \$20 per person for dinner. If candidates wish to spend greater amounts per person for food, the Commission recommends that the candidate contact the Commission staff for guidance.

## Lodging

Candidates may use MCEA funds to pay for lodging if necessary for campaign purposes, but must keep lodging expenses reasonable and may not exceed the lodging rates approved by the Office of State Controller for state employees conducting travel for state business. MCEA candidates may use personal funds for lodging, provided that they are not reimbursed by others.

## Office Supplies

Candidates may spend MCEA funds for office supplies that they reasonably anticipate will be used for campaign purposes only. MCEA funds may not be spent for office supplies to be used for constituent communications or for other expenses associated with service as a public official. The Commission may require candidates to repay their campaign for any office supplies with a value of \$50 or more that were not used for campaign purposes or were used minimally for campaign purposes.

## Post-Election Notes & Parties

Candidates may spend up to the following maximum amounts of MCEA funds on post-election thank you notes or advertising to thank supporters or voters: \$250 for State Representative candidates and \$750 for State Senate candidates. Candidates may also use personal funds for these purposes. Candidates may not spend any amount of MCEA funds on post-election events or parties.

## Promotional Items

Candidates may spend MCEA funds on inexpensive items to promote their candidacies or to gain visibility at public events. Purchases of apparel generally should not cost more than \$10 per item. Candidates may purchase other types of promotional items, but the cost should not exceed \$5 per item. Candidates may purchase up to two pieces of outerwear (e.g., fleeces or sweatshirts) to promote their election. Professional clothing is not considered a promotional item.

## Property & Equipment

Goods purchased with MCEA funds for \$50 or more that could be converted to personal use after the campaign (e.g., computers, fax machines, and cell phones) must be sold at fair market value and the proceeds returned to the Maine Clean Election Fund no later than 42 days after the final report for the campaign. If the campaign sells the property or equipment to the candidate or a member of the candidate's immediate family or campaign staff, the campaign must receive at least 75% of the original purchase price paid by the campaign. Candidates are welcome to lease electronic and other equipment.

## Salary & Compensation

Candidates may use MCEA funds to pay for campaign-related services by staff or consultants, provided that compensation is made at or below fair market value and sufficient records are maintained to show what services were received. Documentation must include a description of the labor performed by the staff member or consultant, and an itemization of any goods or services purchased from other vendors including date, vendor, and amount.

## Unnecessary Goods

Legislative candidates may not spend MCEA funds for goods not typically necessary for a House or Senate campaign, such as office furniture, a brief case, or large storage items. If you are unsure whether an item you wish to purchase is within this category, please call the Ethics Commission for guidance.

**If you are unsure if an expenditure is allowable under the MCEA Guidelines, contact your Candidate Registrar by email or call 287-4179 .**

## Gordon, Erin

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**From:** Gordon, Erin  
**Sent:** Wednesday, January 6, 2021 9:33 AM  
**To:** 'aprilturnerforhouse@gmail.com'  
**Cc:** 'kimberlawson@gmail.com'  
**Subject:** REQUIRED: Return of Surplus MCEA Funds

Good morning Ms. Turner,

I am writing to follow up on the conversation we had regarding this email at the end of December. Per that discussion, I determined that both the \$301.86 and the \$515.70 paid to Craig Turner were improper expenditures and must be returned as surplus MCEA funds. The total amount that must be returned is \$817.56.

Surplus MCEA funds were required to be returned no later than December 15, 2020. Please let me know as soon as possible your plan for repayment of these funds.

Thank you,

*Erin Gordon*

*Candidate Registrar*

Maine Ethics Commission

(207) 287-3651 | [www.maine.gov/ethics](http://www.maine.gov/ethics)

135 State House Station, Augusta, ME 04333-0135

45 Memorial Circle, Augusta, ME

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**From:** Gordon, Erin  
**Sent:** Thursday, December 17, 2020 9:27 AM  
**To:** aprilturnerforhouse@gmail.com  
**Cc:** kimberlawson@gmail.com  
**Subject:** Questions: 42-Day Post-General and 24-Hour Report

Good morning,

Thank you for filing your 42-Day Post-General Report. After reviewing it, and the 24-Hour Report that was also filed the same day, I have a few concerns:

- The expenditure for Internet, a reimbursement to Craig Turner, for \$301.86 must be returned and paid back to the Maine Clean Election Fund. MCEA candidates are prohibited from paying utility expenses for the candidate's personal residence, even if the residence is being used by the campaign.
- The expenditure for Cell phone costs for the length of the campaign, also reimbursed to Craig Turner, for \$515.70 may need to be returned as well. Did you increase your cell coverage for the length of the campaign or does this cover a portion of your normal bill? I will need to see cell phone bills from January, February, March, and April in order to determine if this is a permissible expenditure.
- The 24-Hour Report was filed for an expenditure to Frame Media dated 10/28/2020. Was this date the date of the invoice or the date you placed the order?

Please let me know if you have any questions. I hope to hear from you soon.

Thank you,

*Erin Gordon*

*Candidate Registrar*

Maine Ethics Commission

(207) 287-3651 | [www.maine.gov/ethics](http://www.maine.gov/ethics)

135 State House Station, Augusta, ME 04333-0135

45 Memorial Circle, Augusta, ME



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

January 26, 2021

*By Email and Regular Mail*

April Dawn Turner  
P.O. Box 1  
Freedom, Maine 04941

**Re: Penalty and Repayment of Public Funds**

Dear Ms. Turner:

This letter is to follow up with prior contacts regarding two disallowed reimbursements made with Maine Clean Election Act (MCEA) funds and an unpaid late-filing penalty; and to notify you of potential enforcement action that may be taken at the Commission's February 24, 2021 meeting.

**Unpaid Penalty for Late-Filed 42-Day Post-General Report**

Your 42-Day Post-General Report was filed one day late and a preliminary penalty of \$152.60 was calculated based on your reported activity. You were sent a letter on December 16, 2020 advising you of this penalty and your right to request a waiver of the violation or penalty within 14 days of the letter's receipt. You did not respond to this letter. On January 6, 2021, you were sent an email stating that the penalty amount of \$152.60 was now final. That penalty remains unpaid.

**Disallowed Reimbursements and Return of Surplus Funds**

On your 42-Day Post-General Report, you reported two reimbursements to Craig Turner: An expenditure for internet, in the amount of \$301.86; and an expenditure for "cell phone costs for the length of the campaign," in the amount of \$515.70. Under the Commission's expenditure guidelines, a candidate may not pay MCEA funds for "[m]ortgage, rent, or utility payments for the candidate's personal residence, even if part of the residence is being used by the campaign."

After a phone conversation on December 21, 2020, we determined that, because the cell phone costs were no different than your normal cell phone bill, it was not a permitted campaign expense and the full amount would need to be returned with the internet expense as surplus MCEA funds. On January 6, 2021, you were sent an email stating that the total amount of expected repayment is \$817.56. That amount has not been repaid.

Please contact us no later than February 12, 2021 with payment of both the penalty and the surplus MCEA funds or to set up a plan for full payment within six months.

**Commission's Meeting on February 24, 2021 - Potential Finding of Violation and Order to Repay MCEA Funds**

MCEA candidates are required to spend public campaign funds for "campaign-related purposes" in accordance with expenditure guidelines published by the Commission. 21-A M.R.S. § 1125(6). The 2020 guidelines state that candidates may not use MCEA funds for "utility payments for the candidate's personal residence, even if part of the residence is being used by the campaign."

If the Commission staff does not receive a payment of \$817.56 or payment plan to pay this amount within six months, we will schedule these matters for the February 24, 2021 Commission meeting as a possible violation of 21-A M.R.S. § 1125(6) and an order to repay MCEA funds and/or pay a civil penalty. The meeting will begin at 9:00 am and be conducted by Zoom videoconference. If the matter is scheduled for the February 24<sup>th</sup> meeting, the staff would recommend that you participate in the meeting to respond to questions from the Commission members. You would be welcome to submit a written response to these potential actions by the Commission by emailing them to me at [Erin.Gordon@maine.gov](mailto:Erin.Gordon@maine.gov) no later than February 12, 2021.

Thank you for your attention to these matters.

Sincerely,



Erin Gordon  
Candidate Registrar

## Gordon, Erin

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**From:** Gordon, Erin  
**Sent:** Wednesday, January 27, 2021 10:20 AM  
**To:** aprilturnerforhouse@gmail.com  
**Subject:** Attached: Notice of Possible MCEA Violation  
**Attachments:** Turner, April - Disallowed Reimbursements.pdf

Good morning Ms. Turner,

Please see the attached PDF of a letter notifying you of an unpaid penalty and repayment of public funds. This letter is also coming to you by US Mail. Your prompt attention and response are required.

Thank you,

*Erin Gordon*

*Candidate Registrar*

Maine Ethics Commission

(207) 287-3651 | [www.maine.gov/ethics](http://www.maine.gov/ethics)

135 State House Station, Augusta, ME 04333-0135

45 Memorial Circle, Augusta, ME



## Wayne, Jonathan

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**From:** Wayne, Jonathan  
**Sent:** Friday, January 29, 2021 4:47 PM  
**To:** Wayne, Jonathan  
**Cc:** Gordon, Erin  
**Subject:** Attempted Call to April Turner

I tried to call her at 323-7016. I received a message that the mailbox was full and would not receive messages.

Jonathan

## Wayne, Jonathan

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**From:** Wayne, Jonathan  
**Sent:** Friday, January 29, 2021 5:11 PM  
**To:** kimberlawson@gmail.com  
**Cc:** aprilturnerforhouse@gmail.com; Gordon, Erin; Brann, Lorrie J  
**Subject:** Please Ask April Turner to Call Ethics

Ms. Tinsman,

If you are in touch with April Turner, will you please ask her to contact the Maine Ethics Commission right way?

We have made several attempts to contact her concerning two payments of Maine Clean Election Act funds to Craig Turner that were not allowed. We have been asking her to repay these funds to the State of Maine.

The situation is getting more serious. If she continues not to respond, we will refer this to the Attorney General's Office for collection.

Thank you for whatever assistance you can provide in getting her attention to this.

Jonathan Wayne  
Executive Director  
Maine Commission on Governmental Ethics and Election Practices  
135 SHS  
Augusta, ME 04333  
287-4179

## Wayne, Jonathan

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**From:** Kimberly Lawson-Tinsman <kimberlawson@gmail.com>  
**Sent:** Friday, January 29, 2021 6:26 PM  
**To:** Wayne, Jonathan  
**Subject:** Re: Please Ask April Turner to Call Ethics

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Jonathan,  
I will ask her to contact Ethics.

Thank you,  
Kimberly Tinsman

On Fri, Jan 29, 2021, 5:11 PM Wayne, Jonathan <[Jonathan.Wayne@maine.gov](mailto:Jonathan.Wayne@maine.gov)> wrote:

Ms. Tinsman,

If you are in touch with April Turner, will you please ask her to contact the Maine Ethics Commission right way?

We have made several attempts to contact her concerning two payments of Maine Clean Election Act funds to Craig Turner that were not allowed. We have been asking her to repay these funds to the State of Maine.

The situation is getting more serious. If she continues not to respond, we will refer this to the Attorney General's Office for collection.

Thank you for whatever assistance you can provide in getting her attention to this.

Jonathan Wayne

Executive Director

Maine Commission on Governmental Ethics and Election Practices

135 SHS

Augusta, ME 04333

287-4179

## Wayne, Jonathan

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**From:** Wayne, Jonathan  
**Sent:** Friday, February 5, 2021 11:36 AM  
**To:** Gordon, Erin  
**Cc:** Brann, Lorrie J; Burke, Emma; Lavin, Paul  
**Subject:** Successful Voicemail for April Turner

I left a voicemail for April Turner at 323-7016. (Her phone accepted messages.) Roughly I said:

It's Jonathan Wayne, the director of the Ethics Commission. It is critical that you call our office at 287-4179 and ask to speak to Erin Gordon. We have been sending you correspondence about your payments for cell phone and internet service, and haven't heard back. The issue is now scheduled for a Commission meeting on February 24. We need to hear whether you intend to repay these amounts or want to work out a payment plan. So, please call us.

Jonathan

## Gordon, Erin

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**From:** Wayne, Jonathan  
**Sent:** Friday, February 5, 2021 12:35 PM  
**To:** aprilturnerforhouse@gmail.com  
**Cc:** Gordon, Erin; Brann, Lorrie J; Lavin, Paul; Kimberly Lawson-Tinsman; Burke, Emma  
**Subject:** Ethics Commission Enforcement Action  
**Attachments:** Turner, April - Signed Disallowed Reimbursements Ltr\_01-26-2021.pdf

Ms. Turner,

Our office has been trying to contact you concerning two payments of Maine Clean Election Act funds totaling \$817.56 to Craig Turner for cellphone costs and internet service, which are not allowed under the Commission's MCEA expenditure guidelines. In addition, you have not paid or requested a waiver of a late-filing penalty of \$152.60 for filing your Dec. 15, 2020 campaign finance report one day late.

These matters are now scheduled for a February 24, 2020 meeting of the Commission. Please see the attached letter.

If you do not resolve these issues soon, the Commission will consider assessing **an additional civil penalty** against you for violating the terms of the Maine Clean Election Act program.

Please contact Erin Gordon at 287-4179 or [Erin.Gordon@maine.gov](mailto:Erin.Gordon@maine.gov) to resolve these issues and to avoid any additional penalty.

Thank you.

Jonathan Wayne  
Executive Director  
Maine Commission on Governmental Ethics and Election Practices  
135 SHS  
Augusta, ME 04333  
287-4179

## Gordon, Erin

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**From:** Gordon, Erin  
**Sent:** Friday, February 5, 2021 3:21 PM  
**To:** Kimberly Lawson-Tinsman  
**Subject:** RE: April Turner funds

Hello,

Thank you for reaching out. Because of the amount of funds in question, there really should be someone present from the campaign, but ideally that would be April herself. During my last contact with Ms. Turner in late December, she didn't mention that you had any particular involvement in the expenditures that must be returned. That conversation was the last time I heard from her. We have had to proceed with enforcement action only because she hasn't gotten in touch with us to resolve these matters. I appreciate your efforts to contact April. I hope she emails or calls us soon so that we don't need to present this matter to the Commissioners. We would rather resolve matters before it gets to the enforcement level.

Thank you,

*Erin Gordon*  
*Candidate Registrar*  
Maine Ethics Commission  
(207) 287-3651 | [www.maine.gov/ethics](http://www.maine.gov/ethics)  
135 State House Station, Augusta, ME 04333-0135  
45 Memorial Circle, Augusta, ME

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**From:** Kimberly Lawson-Tinsman <kimberlawson@gmail.com>  
**Sent:** Friday, February 5, 2021 2:31 PM  
**To:** Gordon, Erin <Erin.Gordon@maine.gov>  
**Subject:** April Turner funds

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Erin,

I sent April a text to contact Jonathan Wayne on 1/29 and advised that the emails (regarding the campaign funds needing to be repaid) are going to the campaign email address. She did respond back to me, so I know she received my message.

If there is a hearing on 2/24 do I need to be present? I am not really sure how this works or if there is anything I can do to assist, so I apologize.

Thank you,  
Kimberly Tinsman



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

February 11, 2021

**By Email and Regular Mail**

April Dawn Turner  
P.O. Box 1  
Freedom, Maine 04941

**NOTICE OF PROPOSED PENALTY/REPAYMENT ORDER  
AND OPPORTUNITY TO RESPOND**

Dear Ms. Turner:

This letter is to follow up on the January 26, 2021 letter from Erin Gordon and other attempts of this office to contact you concerning your use of \$817.56 in Maine Clean Election Act (MCEA) funds to pay your husband for internet and cell service in connection with your 2020 campaign for Maine House of Representatives.

Potential legal violation. MCEA candidates are required to spend public campaign funds for “campaign-related purposes” in accordance with expenditure guidelines published by the Commission. 21-A M.R.S. § 1125(6). Under those guidelines:

**Candidates may not use MCEA funds for personal expenses.** This means candidates may not borrow from or use MCEA funds for personal or other non-campaign expenses .... Personal expenses are for goods and services that the candidate would otherwise purchase independently of the campaign, such as:

- Day-to-day household expenses and supplies
- Mortgage, rent, or utility payments for the candidate's personal residence, even if part of the residence is being used by the campaign

Commission Meeting on February 24, 2021. This matter will be considered at a meeting of the Maine Ethics Commission on February 24, 2021. The meeting will begin at 9:00 a.m. and be conducted via Zoom videoconference. At the meeting, the Commission staff will recommend that the Commission request you repay the \$817.56 and consider whether to find that you violated 21-A M.R.S. § 1125(6) by spending MCEA funds for purposes that were not campaign-related. The Commission may assess a penalty of up to \$10,000 for the violation.

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE  
WEBSITE: [WWW.MAINE.GOV/ETHICS](http://WWW.MAINE.GOV/ETHICS)

PHONE: (207) 287-4179

FAX: (207) 287-6775



Ms. April Turner  
February 11, 2021  
Page 2

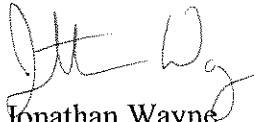
The staff recommends that you participate in the meeting to respond to the potential repayment order, finding of legal violation and assessment of a civil penalty. You are welcome to submit a written response to these potential actions by the Commission by emailing it to [Jonathan.Wayne@maine.gov](mailto:Jonathan.Wayne@maine.gov). If you submit a written response, we will forward your response to the Commissioners.

To Resolve this Matter. Please repay the MCEA funds by writing a check payable to "Treasurer, State of Maine" in the amount of \$817.56 and mailing it to the Commission. Or, to pay with a debit or credit card, visit [www.maine.gov/ethics](http://www.maine.gov/ethics) and click on the square in the lower-right corner labeled Penalty Payments. If you would like to make arrangements for a payment plan to repay the \$817.56, please contact this office as soon as possible.

Also, please pay the \$152.60 late-filing penalty for filing the 42-day post-general election report one day late, to avoid referral of the penalty to the Office of the Attorney General for collection. We advised you of the preliminary penalty and your opportunity to request a waiver almost two months ago. That penalty is now final.

If you have any questions about either matter, please contact Erin Gordon at 287-4179 or [Erin.Gordon@maine.gov](mailto:Erin.Gordon@maine.gov). Thank you.

Sincerely,



Jonathan Wayne  
Executive Director

cc: Kimberly Tinsman, Treasurer

## Wayne, Jonathan

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**From:** Wayne, Jonathan  
**Sent:** Thursday, February 11, 2021 12:59 PM  
**To:** aprilturnerforhouse@gmail.com  
**Cc:** Kimberly Lawson-Tinsman; Gordon, Erin  
**Subject:** Notice of Ethics Commission Meeting  
**Attachments:** Notice of Ethics Commission Meeting and Enforcement - April Turner.pdf

Ms. Turner,

The Ethics Commission will be considering the issues concerning your use of Maine Clean Election Act (MCEA) funds to pay for internet and cell phone use at its February 24 meeting. The Commission staff will be urging the Commission to request that you repay the funds. The Commission staff may also suggest an additional civil penalty for violating the MCEA. Please refer to the attached letter for more information on the February 24 meeting.

To resolve this matter, please repay the \$817.56 in MCEA funds to the Commission and pay the \$152.60 late-filing penalty.

Also, as explained in the letter, you are encouraged to participate in the February 24 meeting to respond to these proposed enforcement actions or to respond in writing.

Thank you.

Jonathan Wayne  
Executive Director  
Maine Commission on Governmental Ethics and Election Practices  
135 SHS  
Augusta, ME 04333  
287-4179

**5-A. Revocation of certification.** The certification of a participating candidate may be revoked at any time if the commission determines that the candidate or an agent of the candidate:

- A. Did not submit the required number of valid qualifying contributions;
- B. Failed to qualify as a candidate by petition or other means;
- C. Submitted any fraudulent qualifying contributions or qualifying contributions that were not made by the named contributor;
- D. Misrepresented to a contributor the purpose of the qualifying contribution or obtaining the contributor's signature on the receipt and acknowledgement form;
- E. Failed to fully comply with the seed money restrictions;
- F. Knowingly accepted any contributions, including any in-kind contributions, or used funds other than fund revenues distributed under this chapter to make campaign-related expenditures without the permission of the commission;
- G. Knowingly made a false statement or material misrepresentation in any report or other document required to be filed under this chapter or chapter 13;
- H. Otherwise substantially violated the provisions of this chapter or chapter 13; or
- I. As a gubernatorial candidate, failed to properly report seed money contributions as required by this section.

The determination to revoke the certification of a candidate must be made by a vote of the members of the commission after an opportunity for a hearing. A candidate whose certification is revoked shall return all unspent funds to the commission within 3 days of the commission's decision and may be required to return all funds distributed to the candidate. In addition to the requirement to return funds, the candidate may be subject to a civil penalty under section 1127. The candidate may appeal the commission's decision to revoke certification in the same manner provided in subsection 14, paragraph C.

**5-B. Restrictions on serving as treasurer.** A participating or certified candidate may not serve as a treasurer or deputy treasurer for that candidate's campaign, except that the candidate may serve as treasurer or deputy treasurer for up to 14 days after declaring an intention to qualify for campaign financing under this chapter until the candidate identifies another person to serve as treasurer.

→ **6. Restrictions on contributions and expenditures for certified candidates.** After certification, a candidate must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission. Candidates may also accept and spend interest earned on fund revenues in

campaign bank accounts. All revenues distributed to a certified candidate from the fund must be used for campaign-related purposes. The candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for any but campaign-related purposes. The candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for post-election parties. This section does not prohibit a candidate from using personal funds for post-election parties as governed by rules of the commission. The commission shall publish guidelines outlining permissible campaign-related expenditures.

**6-A. Assisting a person to become an opponent.** A candidate or a person who later becomes a candidate and who is seeking certification under subsection 5, or an agent of that candidate, may not assist another person in qualifying as a candidate for the same office if such a candidacy would result in the distribution of revenues under subsections 7 and 8-F for certified candidates in a contested election.

**6-B. Expenditures as payment to household members.** [Repealed]

**6-C. Expenditures to the candidate or family or household members.** Expenditures to the candidate or immediate family member or household member of the candidate are governed by this subsection.

**A.** The candidate may not use fund revenues to pay or compensate the candidate or the candidate's spouse or domestic partner, a sole proprietorship of the candidate or the candidate's spouse or domestic partner, a business entity in which the candidate or the candidate's spouse or domestic partner holds a significant proprietary or financial interest or a nonprofit entity in which the candidate or the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer for campaign-related goods or services.

**B.** A candidate may make expenditures using fund revenues to pay a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner; a business entity in which a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner holds a significant proprietary or financial interest; or a nonprofit entity in which a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer, as long as the expenditure is made:

- (1) For a legitimate campaign-related purpose;
- (2) To an individual or business that provides the goods or services being purchased in the normal course of the individual's occupation or the business; and

of revenues for the fund, distribution of fund revenue to certified candidates, return of unspent fund disbursements, disposition of equipment purchased with clean election funds and compliance with the Maine Clean Election Act. Rules of the commission required by this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

### § 1127. Violations

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→ **1. Civil fine.** In addition to any other penalties that may be applicable, a person who violates any provision of this chapter or rules of the commission adopted pursuant to section 1126 is subject to a fine not to exceed \$10,000 per violation payable to the fund. In addition to any fine, for good cause shown, a candidate, treasurer, consultant or other agent of the candidate or the political committee authorized by the candidate pursuant to section 1013-A, subsection 1 found in violation of this chapter or rules of the commission may be required to return to the fund all amounts distributed to the candidate from the fund or any funds not used for campaign-related purposes. If the commission makes a determination that a violation of this chapter or rules of the commission has occurred, the commission shall assess a fine or transmit the finding to the Attorney General for prosecution. A final determination by the commission may be appealed to Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C. Fines assessed or orders for return of funds issued by the commission pursuant to this subsection that are not paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B. Fines paid under this section must be deposited in the fund. In determining whether or not a candidate is in violation of the expenditure limits of this chapter, the commission may consider as a mitigating factor any circumstances out of the candidate's control.

**2. Class E crime.** A person who willfully or knowingly violates this chapter or rules of the commission or who willfully or knowingly makes a false statement in any report required by this chapter commits a Class E crime and, if certified as a Maine Clean Election Act candidate, must return to the fund all amounts distributed to the candidate.

### § 1128. Study report

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By March 15, 2011 and every 4 years after that date, the commission shall prepare for the joint standing committee of the Legislature having jurisdiction over legal affairs a report documenting, evaluating and making recommendations relating to the administration, implementation and enforcement of the Maine Clean Election Act and Maine Clean Election Fund.