



Minutes of June 4, 2014, Special Meeting of the  
Commission on Governmental Ethics and Election Practices  
45 Memorial Circle, Augusta, Maine

Present: Walter F. McKee, Esq., Chair; Margaret E. Matheson, Esq.; Michael T. Healy, Esq.  
By phone: Hon. Jane Amero; André G. Duchette, Esq.  
Staff: Jonathan Wayne, Executive Director; Phyllis Gardiner, Counsel

Chair Walter McKee convened the meeting at 4:05 p.m.

The Commission considered the following items:

**1. Request by Cumberland County Sheriff Kevin Joyce to Investigate Citizens for a Safe Cumberland County PAC**

Ms. Amero disclosed that 14 years ago she ran for Congress and the Maine State Police Association endorsed her candidacy. Mike Edes was an officer at that time. She said she has not been in communication with Mr. Edes since that time and believed she could be objective during this matter.

Mr. Wayne explained that the Commission received a request by Cumberland County Sheriff Kevin Joyce to verify the sources of funding for the Citizens for a Safe Cumberland County PAC and whether his primary election opponent, Michael T. Edes, cooperated with the PAC concerning its expenditures. Specifically, he said, the issues to clarify are whether the source of money spent by the PAC really did come from Brentwood Financial LLC, a Florida company associated with a real estate developer, Michael Liberty, and whether Mr. Edes has been involved in any of the communications paid for by the PAC.

Mr. McKee said some of these questions had been answered by a late filing from the PAC's counsel. Mr. Wayne explained that some of the details of where the PAC got some of the images for the materials may be helpful for the Commission in making their decision. He said the source of the funds beyond what was reported appears to be unknown to the PAC.

Mr. McKee said for clarity, as far as the PAC is concerned, it was Brentwood Financial paying the funds and Mr. Wayne confirmed this.

Sheriff Kevin Joyce said his campaign manager made this request when it was noticed that an unprecedented amount of money was being donated to run some attack ads. He said \$100,000 is very unusual for a simple sheriff race in Maine. He said his campaign questions whether there may have been communication between his opponent and the funder of the PAC since they were childhood friends. Mr. Joyce said the owner of the LLC, Mr. Liberty, seems to have disappeared and no one has been able to confirm with him where the funds came from or his connection to Mr. Edes. He also questioned whether the photos in the flyers were paid for by the PAC and questioned whether the PAC obtained them from the candidate's campaign. He said the voter registration list purchase was reported on Mr. Edes' report but nothing reported on the PAC's report which raises the question of whether it could have been shared between the PAC and Mr. Edes. He said also that comments were made on Facebook that Mr. Edes and the PAC's treasurer, Christine Massengill, were working together to put signs out on Memorial Day. He questioned whether Mr. Edes and Mr. Liberty have not spoken at all since they claimed to be childhood friends. He said giving \$100,000 for a campaign and not speaking at all about that large sum of money, not even a thank you, creates reasonable suspicion. He questioned why there had been no response from Mr. Liberty. Also, how did the PAC obtain the personal photos of Mr. Edes without any communication between the PAC and the candidate. He said several photos of Mr. Edes are the same ones used for both the candidate's communications and the PAC's communications. In closing, he questioned why someone would spend \$100,000 of their own money to try and sway an election for a sheriff's race.

Mr. McKee said in reviewing the additional materials submitted by Mr. Walker, some of Mr. Joyce's questions were answered, for instance where photos may have come from.

Mr. Joyce said he believed this was a case of "follow the money" and there is no proof that what the PAC states is true. He said it seems very unlikely that these two friends did not speak of this large donation at some point in the months prior.

Mr. McKee said this type of case has arisen before, where friends or like-minded people decide to make a donation just before the election, but that alone is not reason enough to assume or suspect that there was any coordination. He said Mr. Liberty's donation is really his business and he is free to do so.

Mr. Joyce explained that suspicion arises when such a large sum of money appears out of nowhere and claims to be without any coordination.

Paul Brunetti, Esq., campaign manager for Michael Edes, explained that he knew there was a PAC registered with the Ethics Commission when he became involved with the Edes campaign in late April. He said he did not know who was funding it or what their plan was. He said he was committed to running a hard campaign and raising as much money as possible. He said the Edes campaign has raised nearly \$40,000 and has sent out some mailers and purchased the party voter list for door-to-door work. He explained that he is in charge of all campaign literature and the candidate, Mr. Edes, is overseeing the Facebook page. He said he is the only person that has access to the voter file so accusations of sharing the list are erroneous. He said the mailing the Edes campaign did were not the same addresses as the PAC mailing so the lists are different. All the images used by the PAC may be found on the campaign's Facebook page and no one contacted him about getting some pictures. He said the tone of some of the PAC mailings were not anything he would support as campaign manager and the campaign requested via the Facebook page and website that the negative advertising stop. Any allegations of coordination are completely false. He said considering the demographics of this race and the number of people who support Mike Edes, the amount of money involved is really not that outlandish.

Mr. McKee stated what he really would like to know from Mr. Brunetti was whether there was any coordination or communication with this PAC. Mr. Brunetti said absolutely not and Mike Edes would not condone the mailers going out from this PAC. They learned of the mailers when the public learned of them. He said they did not know who was funding, how much was being funded, what the message would be or who it was going to.

Mr. Healy asked Mr. Brunetti if he had any communications with Mr. Liberty and Mr. Brunetti said he did not know Mr. Liberty. Mr. Brunetti, in response to Mr. Healy, said he did not know of any communications between Mr. Liberty and anyone on the Edes campaign or with Mr. Edes directly. He said any campaign consultants that were hired by the PAC have not had any contact with anyone on the campaign, except possibly secondary conversations between last October and February by Mr. Edes and campaign workers, but no contact with him.

Mr. Healy asked if there were any communications between Mr. Brunetti and Ms. Massengill, the PAC treasurer. Mr. Brunetti stated he did not know Ms. Massengill.

Daniel Walker, Esq., representing the Citizens for a Safe Cumberland County PAC, said he was joined today by Christine Massengill, the treasurer for the PAC. He said the PAC was properly registered and has filed the required reports to-date. He said this is politics and money is spent in politics. The law is set up so that the public can follow the money by looking at campaign finance reports and this PAC has disclosed its funding in those reports. He said Michael Liberty is the sole member of the Brentwood Financial LLC and that the LLC is used for Mr. Liberty's various financial activities.

Mr. Healy asked Mr. Walker if there was any communication between Mr. Liberty and the PAC. Mr. Walker said the treasurer has never met or spoken to Mr. Liberty. He said to the best of their knowledge there was no communication between Mr. Liberty and anyone on the campaign or the PAC and as far as they know the money belonged to Mr. Liberty.

Mr. McKee stated where the money actually came from is important, if it was money put into Brentwood from other sources. Mr. Walker agreed and was familiar with that scenario.

Mr. McKee asked if Mr. Walker was aware of any communications between the PAC and Mr. Edes. Mr. Walker said there were no communications, and further, people were advised not to communicate with the Edes campaign or Mr. Edes.

Mr. Walker said the standard for review is the proponent must state in their request the reasons and show sufficient grounds for further investigation. He said in reviewing this request there are many questions and only allegations, but there are not sufficient grounds to initiate an investigation.

Ms. Matheson asked Mr. Walker if there were other contributions made to the PAC after May 27 reporting period and Mr. Walker said there were not. He explained that the reference to a 2010 activity must have been a typographical error since the PAC was not formed until February, 2014.

Sheriff Kevin Joyce, after listening to the testimony, referred to a Facebook post regarding a conversation between Mr. Edes and John and Christine Massengill during petition collecting in March at the caucus. He said this would appear to be coordination between the candidate and the people involved with the PAC that was set up in February. He said this involvement raises questions about coordination. He said also he questions whether this marketing company had their own mailer list because there is no proof of this.

Mr. McKee said there is really no evidence to suggest otherwise.

Mr. Joyce said ethically the lists are not supposed to be passed around. He said he got the disclaimer not to share the list and he has not. He said there still remain many unanswered questions.

Mr. McKee said the Commission has, over the years, had to deal with PACs coming in at the end of the election, spending large sums of money, and it makes everyone scramble. He said providing enough information in a very short window of time to support a request for an investigation is difficult, especially during the last few days and weeks before an election. But the statute requires that the Commission meet and respond quickly to complaints in this time period.

Mr. Wayne reviewed the Commission's options and said one option would be for the Commission to decide there was insufficient evidence produced that a violation may have occurred, and vote to take no further action. The middle option was the Commission could perform a limited inquiry into where the money came from and whether Brentwood Financial LLC obtained the money from any other source.

Mr. McKee questioned whether there was enough evidence to warrant that option based on information provided. He said that could happen with every PAC that has any money in its treasury. He said without solid evidence, the Commission has to accept the PAC's representation.

Mr. Wayne said he did not think that Sheriff Joyce has come forward with any strong evidence to question the donor identity. He said the lack of clarity on the formation of the PAC and where did the PAC expect the money came from is of concern.

Mr. McKee questioned whether the Commission should get involved in that area if there is no real evidence of a violation.

Ms. Gardiner said there were two separate questions to decide. One, where did the money come from that Brentwood transferred to the PAC but also was the money from Brentwood earmarked. She referred to § 1015(4) with regard to solicited contributions which are earmarked and required to be reported. She said if the Commission had concerns about earmarking contributions and what the source of money was going into Brentwood, that inquiry would be separate.

Mr. McKee said the evidence does not show that the donation was solicited.

Mr. Healy said he did not feel there were sufficient grounds for further investigation of the PAC or the Edes campaign. He said an issue could possibly be raised with regard to the money from Brentwood Financial and whether Brentwood Financial would qualify as a political action

committee and should register; however, there is no evidence that Mr. Liberty contributed the money to the LLC and then gave it to the PAC.

Mr. McKee said late contributions to a campaign by a PAC are perfectly legal and part of politics, right or wrong.

Mr. Healy moved that there are insufficient grounds for an investigation of the Citizens for a Safe Cumberland County PAC and Michael Edes' campaign based on the complaint filed by Sheriff Kevin Joyce. Ms. Matheson seconded.

Motion passed unanimously (5-0).

Meeting adjourned at 4:45 p.m.

Respectfully submitted,

*/s/ Jonathan Wayne*

Jonathan Wayne, Executive Director