



Government Oversight Committee Addendum

to the
Office of Program Evaluation and Government Accountability's
Information Brief on
State Funding for Good Will-Hinckley

January 2016

GOVERNMENT OVERSIGHT COMMITTEE OF THE 127TH LEGISLATURE

Senator Roger J. Katz, Chair
Senator David C. Burns
Senator Paul T. Davis, Sr.
Senator Christopher K. Johnson
Senator Stan Gerzofsky
Senator G. William Diamond

Representative Chuck Kruger, Chair
Representative Robert S. Duchesne
Representative Anne-Marie Mastraccio
Representative Michael D. McClellan
Representative Richard H. Campbell
Representative Deborah J. Sanderson

Table of Contents

Overview	1
Key GOC Dates	1
Summary of Public Comment Period	1
Summary of Special Inquiry	2
Additional Information and Context Gathered	2
GOC Vote on Endorsement of OPEGA Information Brief	3
Other GOC Actions	4
Appendix A. Information Provided by OPEGA on October 15, 2015 in Response to Committee Questions	A-1
Appendix B. Summary of Additional Information and Context Gathered through GOC Efforts	B-1
Appendix C. Acting Commissioner Desjardin's Written Comment to the GOC on October 15, 2015	C-1
Appendix D. Chief Counsel Montgomery's Letter Declining Request to Appear at Public Comment Period	D-1
Appendix E. Written Testimony Received During the GOC Public Comment Period	E-1
Appendix F. Subpoenas and Request Letters for Appearance and Records	F-1

Overview

This Addendum records the actions of the Legislature's Government Oversight Committee (GOC) in response to the Information Brief by the Office of Program Evaluation and Government Accountability (OPEGA) on State Funding for Good Will-Hinckley (GWH). It also includes a summary of additional or new information and context pertinent to the events reported in the Information Brief gathered during the GOC's public consideration of this report.

OPEGA's Information Brief can be found at www.legislature.maine.gov/opega/opega-reports. The GOC Meeting Summaries document, in more detail, the Committee's work and deliberations with regard to this report and can be found at www.legislature.maine.gov/opega/archive-of-previous-meeting. Copies of the Information Brief or summaries can also be obtained by contacting OPEGA at 207.287.1901 or email to etta.connors@legislature.maine.gov.

Key GOC Dates (See GOC Meeting Summaries on these dates for detailed record.)

Report Presentation: September 8, 2015

Public Comment Period: October 15, 2015

Special Inquiry of Officials and Other Representatives: November 12, 2015

Work Sessions: October 15, 2015 and December 3, 2015

Vote on Endorsing OPEGA Report: December 3, 2015

Consideration and Approval of GOC Addendum to Report: January 8, 2016

Summary of Public Comment Period

Following the presentation of OPEGA's Information Brief on September 8, 2015, the GOC decided to request that certain individuals attend the Public Comment Period to answer GOC questions. The GOC subsequently sent letters requesting attendance to:

- Cynthia Montgomery, Chief Legal Counsel, Governor's Office
- Aaron Chadbourne, Senior Policy Advisor, Governor's Office
- Thomas Desjardin, Acting Commissioner, Department of Education
- James Moore, Chairman, Good Will-Hinckley Board of Directors

Of these four, only Mr. Moore attended the Public Comment Period and answered GOC questions. The GOC's discussion with Mr. Moore is captured in the GOC Meeting Summary for October 15, 2015. Ms. Montgomery and Mr. Chadbourne declined to attend citing the current civil lawsuit on the related matter pending against the Governor. Acting Commissioner Desjardin was unable to attend for health reasons but did send written testimony. The Acting Commissioner's written testimony and the letter from Ms. Montgomery explaining why she and Mr. Chadbourne declined the request are in Appendices C and D of this Addendum. The letters requesting attendance at the GOC Public Comment Period are in Appendix F.

During the Public Comment Period on October 15, 2015, the GOC also heard and/or received written testimony from the following individuals. Copies of all written testimony are in Appendix E of this addendum.

Oral Testimony Only: Rep. Helen Rankin, Chris Myers Asch, Davey Crockett, David Travers, Deb Fahy, Barbara Moore, Harold Booth, Mike Wiley, Suzanne Hedrick, Will Neils, and Meredith Ares.

Oral and Written Testimony: Rep. Jeff McCabe on behalf of Howard Trotzky, Rep. Jeffrey Evangelos, Rep. Benjamin Chipman, Rep. Janice Cooper, Brian Hodges, Cushing Samp, Jeanie Coltart, Alan Tibbetts, Becky Halbrook, James St.Pierre, Jim Ramsey, Hendrik Gideonse, and William J. Brown.

Written testimony only: Susan Bloomfield, Andrew Cadot, Mary Chouinard, Walter Eno, Judith Farley, Lianne Mitchell, Elisabeth Ramsey, Charles Sims, Ed Spencer and Edward and Diane Potter.

Through their oral and written testimony, multiple commenters urged the GOC to take one or more of the following actions:

- Get the rest of the facts related to the GWH matter by issuing subpoenas and inviting others to a meeting, as necessary, to answer the GOC's questions.
- Engage the Attorney General's Office or a Special Prosecutor to determine whether there have been any crimes committed with regard to the GWH matter. One commenter specifically referenced the following statutes:
 - Title 17A §355: Extortion
 - Title 17A §603: Improper Influence
 - Title 17A §903: Misuse of Entrusted Property
- Increase the scope of the GOC's inquiry to find the facts associated with other situations the Governor has been involved in, or allegedly been involved in, to establish whether actions taken in the GWH matter are representative of a pattern of behavior/actions.
- Forward OPEGA's report and additional facts found on the GWH matter to the House of Representatives for its consideration in possible impeachment proceedings against the Governor.

Summary of Special Inquiry

During its Work Session on October 15, 2015, the GOC discussed its role in gathering facts and getting as much information as possible relevant to OPEGA's Information Brief on State Funding for Good Will-Hinckley. Accordingly, the GOC voted to issue subpoenas for Cynthia Montgomery and Aaron Chadbourne of the Governor's Office to appear at the GOC's next meeting as they had declined to appear at the Public Comment Period as requested. The GOC also voted to send letters to seven other individuals involved in the reported events requesting they too appear at the GOC's next meeting:

- Thomas Desjardin – Deputy Commissioner, Department of Education (former Acting DOE Commissioner)
- Suzan Beaudoin – Director of School Finance and Operations, Department of Education
- Rich Abramson – former GWH Interim President
- Sara Vanderwood – lobbyist for/representing GWH
- Jay Nutting – lobbyist and former GWH Board member
- William Brown – Chairman, Maine Academy of Natural Sciences Board of Directors
- Gregory Powell – Chairman, Harold Alfond Foundation Board of Trustees

The GOC Chairs also subsequently sent letters to each of the nine individuals subpoenaed or requested to appear requesting that they also produce any relevant correspondence that had not already been provided to OPEGA during the course of the review.

A summary of the GOC's discussion and a record of the votes taken can be found in the Meeting Summary for the GOC's October 15, 2015 meeting. The subpoenas, request for attendance letters and request for documents letters are in Appendix F of this Addendum.

All nine of the individuals appeared at the GOC's meeting on November 12, 2015 and answered questions from the Committee under oath. With the exception of Mr. Nutting, all also provided additional records, some of which OPEGA already had and some of which were new. Mr. Nutting testified that he did not have any records meeting the description of what the GOC Chairs had requested.

The GOC's protocols and procedures for the Special Inquiry were governed by several statutes, with interpretation as necessary from the GOC's counsel, Chief Deputy Attorney General Linda Pistner and OPEGA Director Beth Ashcroft. Those statutes are:

- Title 3 Chapter 21 – Legislative Investigating Committees
- Title 3 Chapter 37 – Legislative Oversight of Government Agencies and Programs
- Title 1 Chapter 13 – Public Records and Proceedings

The Meeting Summary for the GOC's November 12, 2015 includes a summary of the GOC's discussions and record of votes on the procedural matters. A written transcript of the proceedings and testimonies is being prepared and will be publicly available. A full audio recording of the meeting and testimonies can be found on the Government Oversight Committee's website at www.legislature.maine.gov/opega/archive-of-previous-meeting. The time stamps on the audio recording where each of the testimonies begins are as follows:

Aaron Chadbourne – 0:17:30
Cynthia Montgomery – 1:03:55
Thomas Desjardin – 1:59:00
Suzan Beaudoin – 3:38:30
Rich Abramson – 3:52:33
Sara Vanderwood – 4:42:00
Jay Nutting – 4:59:15
Bill Brown – 5:11:45
Greg Powell – 5:56:28

Additional Information and Context Gathered

Following presentation of the Information Brief on September 8th, the GOC made requests for additional information. The Committee also directed OPEGA to conduct an interview with William Brown, the Chair of the MeANS Board and a staffer for Speaker Eves, whom OPEGA had not interviewed during the review. OPEGA provided the GOC with the requested information, as well as a summary of OPEGA's interview with Mr. Brown, at the Committee's October 15th meeting. That information is in Appendix A of this Addendum.

Testimony and records obtained through the GOC's Public Comment Period and Special Inquiry produced additional information and details pertinent to events reported in OPEGA's Information Brief on State Funding for Good Will-Hinckley (Info Brief). Appendix B of this Addendum is a summary of new

information gathered (not reported in the Info Brief) or information that provided relevant additional detail or context for events that were reported in the Info Brief.

GOC Vote on Endorsement of OPEGA Report

A provision in OPEGA's enabling statute, Title 3 §997.2, provides that the Committee may, at its discretion, vote to endorse, to endorse in part or to decline to endorse the report submitted by the OPEGA Director. The Committee's written process and procedure for receiving OPEGA reports states that endorsement indicates the Committee's public approval of, and support for, OPEGA's reported results and recommendations. Generally, the Committee will fully endorse the report if it finds that:

- a. the reported results are credible, objectively derived and sufficiently relevant and complete with regard to the assigned scope for the review; and
- b. the reported recommendations are reasonable and appropriate for addressing the issue(s) identified.

As OPEGA's Info Brief contained no recommendations, this criteria was not relevant to the GOC's vote.

Seven members of the GOC voted to Fully Endorse the OPEGA Information Brief. Those members were: Senator Diamond, Senator Katz, Senator Gerzofsky, Senator Johnson, Representative Duchesne, Representative Kruger and Representative Mastraccio.

Five members voted to Endorse In Part. Those members were: Senator Burns, Senator Davis, Representative Campbell, Representative Sanderson and Representative McClellan. They stated that they endorsed the entirety of the report with the exception of the section on page 21 of the Info Brief which described GWH's selection process as "consistently adhered to" and "fair to all candidates". They noted that, from their perspective:

- GWH did not adhere consistently to the established qualifications for the position as advertised when selecting the successful candidate; and
- the involvement of William Brown, MeANS Board Chair and one of the Speaker's staffers, in the selection process – even with his recusals at various points – did not make the process fair for all candidates, particularly as Mr. Brown testified that he had given the Speaker advice on the parts of his background and experience that GWH would be interested in and that he might consider highlighting.

Other GOC Actions

The GOC agreed to formally transmit the OPEGA Information Brief and this GOC Addendum to both the House and Senate via a communication that would appear on the House and Senate Calendars.

Appendix A. Information Provided to GOC by OPEGA on October 15, 2015 in Response to Committee Questions of September 8, 2015

How big a part of GWH is the MeANS school: what % of the budget for both revenues and expenses; what % of all students served by GWH are attending the MeANS school; what % of all staff under the GWH umbrella work for MeANS; and any other metric that GWH might use to describe what portion of its entire organization is attributable to MeANS.

GWH provided the following information:

- GWH's budget for the current year is \$5,201,207, with MeANS part of the budget at \$1,606,625 or 31% of the total. MeANS is budgeted to bring in \$1,372,768 in revenue, leaving a short fall in MeANS expenses of \$233,857 that GWH covers.
- GWH currently has 156 students on campus with 124 of them, or 79%, being MeANS students.
- GWH and MeANS share some staff which makes it difficult to determine what percentage of total staff is working for MeANS. A quick estimate is that 40 – 50% of the total GWH staff is allocated to MeANS. GWH is working to provide more specific numbers on this.

Was the \$530,000 in funding for GWH part of the Governor's Line Item Veto of the budget?

Based on discussions with the Office of Fiscal and Program Review, it is OPEGA's understanding that the \$530,000 for GWH would not have been affected by the Governor's line item vetoes. The Governor did line item veto all of the proposed **increase** in the General Purpose Aid for Local Schools Program which included his own proposed increases as well as the additional \$19.5 million the Legislature had added to that Program. While the GWH funding (Center of Excellence funding) is captured under the GPA program, no increases had been proposed for that funding line – the \$530,000 per year was the same as the previous years' budgets – and so technically it was not vetoed.

Please provide a copy of the June 18th letter to GWH from the Harold Alfond Foundation.

See attached letter which OPEGA is providing with permission from the HAF Board Chair.

Please provide the handwritten note from the Governor to GWH Board Chairman Jack Moore.

OPEGA requested categories of documents from GWH that would have included the handwritten note. OPEGA also specifically asked the GWH Board Chair to provide the handwritten note. He told OPEGA he no longer has the note.

OPEGA also requested categories of documents from the Governor's Office that would have included any copy of the handwritten note the Governor may have kept. The Governor's Office declined to provide any documents to OPEGA beyond what has been released in response to an

external FOAA request citing the pending lawsuit against the Governor. A copy of the handwritten note was not among the documents the Governor's Office provided.

OPEGA followed up with the Governor's Office to see if they could provide confirmation as to whether or not a copy of the note exists. The response was received from the Governor's Chief Legal Counsel. She said the Governor has indicated that he sent a personal note to Chair Moore but that the Governor's Office does not have any copies of that personal note.

Is the June 28th WMTW video referenced in the OPEGA Information Brief on page 20 available?

The video can be found on the Internet at <http://www.wmtw.com/politics/deadline-looms-for-possible-state-budget-veto/33826418>. OPEGA also has the audio clip of the actual interview which includes the reporter's questions to the Governor. A transcript of that audio clip is attached.

Please provide any details available on the donations that have been pulled from GWH and the negative feedback received:

- How many donors have pulled donations and what is the dollar amount associated with that?
- What reasons have the donors given for pulling their donations?
- How much of the negative feedback received by GWH or Chairman Moore has been related to GWH's choice to hire Speaker Eves in the first place versus related to GWH and the Chair not standing up to the Governor but rather terminating the Speaker's contract instead?

GWH has been asked to provide this information and/or for Board Chair Jack Moore to be prepared to answer these questions.

Please provide a copy of the Ethics Commission letter to the Speaker.

See attached letter.

Summary of interview with William Brown, Chair of the Maine Academy of Natural Sciences Board of Directors

OPEGA interviewed Mr. Brown as requested by the GOC and his description of his role in the recruitment and selection process is consistent with what was described by others OPEGA interviewed and what was reflected in the documentation OPEGA reviewed from GWH's recruitment and selection process. He did review and prioritize all the nineteen applications that were received to determine who should be interviewed, he did not make any comment on whether Speaker Eves should be interviewed or not and he did participate in the telephone interviews with five of the candidates. Mr. Brown did not participate in the telephone interview with Speaker Eves and also recused himself at any point a decision was to be made, or an interview was to be conducted involving anyone he knew that was an applicant. He was present at the Board meetings with both candidates, but his role was only to open and preside over the meeting and categorized

the MeANS Board as guests and the GWH Board did the voting. Mr. Brown did participate in the May 13th informal meeting that Chairman Moore arranged in Brunswick with the top two candidates. The MeANS Board thought it was important to have a representative of their Board at the meeting since it was a departure from the process that had been laid out and because no one else from MeANS was available Mr. Brown went. He said the discussion with each candidate was different, but the purpose of the meetings was to discuss questions they felt had not been completely addressed in the interviews up to that point. Mr. Brown recollected that the primary questions for Speaker Eves were in regard to his future political ambitions.

Director Ashcroft said Mr. Brown said he made Speaker Eves aware of the employment opportunity after the former President of GWH had approached him and asked him specifically to relay to Speaker Eves that the opening was available. She said Mr. Brown said he did not have any role in determining whether the Speaker's contract should be terminated. That was a vote of the GWH Board. Mr. Brown did not recall having any conversations with any Board members about Mr. Eves as a candidate.



Harold Alfond[®]

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June 18, 2015

Mr. John P. Moore, Chairman of the Board
Good Will-Hinckley
P.O. Box 159
Hinckley, ME 04944

RE: Grant agreement for the Moody School renovation and expansion

Dear Jack:

In response to recent events concerning Good Will-Hinckley and the Maine Academy of Natural Sciences (collectively "GWHMe") and, specifically, the likely loss of \$1,060,000 in state funding over the next two years for the residential programming at GWHMe, we are writing for two reasons.

First, we want to express the serious concern of the Harold Alfond[®] Foundation regarding the future financial viability of GWHMe, given the likely state funding loss—and, by extension, its ability to achieve the goals underpinning the Foundation's September 10, 2014 grant agreement with Good Will to renovate and expand the Moody School. As you know, of the \$5,500,000 in possible grant funds from the Foundation, \$2,750,000 is contingent on GWHMe achieving measurable performance goals, including reaching enrollment of 210 by the 2019-2020 year.

Second, we want to inform you that, given our concern about the likely state funding loss and the material negative impact it may have on GWHMe going forward, the Foundation has re-engaged Larry Sterrs to revisit the GWHMe budget and financial forecasts.

As you will recall, the Foundation previously engaged Larry in August of 2014. His charge then was to review the GWHMe base-line budget and financial forecast submitted as part of Good Will's grant request. To conduct his analysis, Larry worked closely with GWHMe officials and a Principal at Berry Dunn, an audit, tax and consulting firm. While Larry did recommend some adjustments to the original budget and forecast, his analysis ultimately

¹ Harold Alfond[®] is a registered trademark of the Harold Alfond Foundation.

confirmed that the GWHMe plan, as submitted to the Foundation, was *feasible provided that certain assumptions underlying the plan proved to be true*. For your reference, the following is a summary of the key elements of the GWHMe plan.

- In the 2015-2016 year, GWHMe would have 110 students and reach financial breakeven in operations, with state funding for residential programming in the amount of \$530,000.
- Annual state funding for residential programming would continue through the 2016-2017 fiscal year.
- In the 2019-2020 year, thanks in large part to the increased physical capacity provided by the renovated Moody School, GWHMe would have 210 students and generate net income from operations of nearly \$460,000.

Because the GWHMe plan did rely on certain assumptions, such as the continued receipt of state funding for residential programming, Larry's final report was careful to note potential challenges, which included, but were not limited to:

- "The stabilization of state revenues for the delivery of educational and residential services."
- "A need to increase alternative revenue streams, including fund raising, to provide a financial 'Plan B' in the event of the disruption of any of the primary revenue sources."

Given recent events, these potential challenges have become current problems. Accordingly, we have asked Larry to take another look at how the financial plan has been impacted by the likely loss of state funding. We ask that you please extend your full cooperation to Larry in his analysis, as you did in 2014. Please consider Larry's work as part of the annual reporting required by Good Will under our grant agreement and due to the Foundation in July.

In the meantime, we ask that you please share a copy of this letter with your fellow Good Will board members and your colleagues on the MeANS board. We would hope that the boards of both Good Will and MeANS will be giving full consideration to the new challenges presented by the likely state funding loss. Thank you.

Sincerely,

HAROLD ALFOND FOUNDATION



Gregory W. Powell

cc: HAF Board of Trustees, Larry Sterrs, Travis Cummings

**Transcript of Audio Clip
of Reporters Paul Merrill and Mal Leary interviewing Governor LePage on June 29, 2015**

PAUL MERRILL: Wondering about your reaction to the talk of impeachment...

GOV. LEPAGE: It is what it is; it's a free country. They can do whatever they want.

PAUL MERRILL: Regarding Speaker Eves... was there any explicit threat about his employment?

GOV. LEPAGE: First of all- I don't understand about a "threat". Here is a person who for five years has been going against charter schools. HE voted against them; he spoke harshly against them. And NOW he's concerned? I dunno what he's talking about. I'm a pro charter school advocate; he's an opponent. Would I stand up against him? And incidentally, about monies you are talking about? The money you're talking about is out of the budget. Unbeknownst to me at the time, the legislature took that money out of the budget. So...

PAUL MERRILL: So you never threatened to withhold money.

GOV. LEPAGE: Yeah, I did! If I could, I would! Absolutely; why wouldn't I? Tell me why I wouldn't take the taxpayer money, to prevent somebody to go into a school and destroy it. Because his heart's not into doing the right thing for Maine people.

PAUL MERRILL: But they would say that- if you said, "If you hire him, then I don't get the money", that's blackmail.

GOV. LEPAGE: No, it's not. Go, go read the definition. Please go read the definition of "blackmail". I don't gain anything out of it and neither does he. So there's nobody gaining anything. So I think you are misusing the word. And that's coming from a Frenchman.

MAL LEARY: The 'New York Times' yesterday portrayed you as "a party of one". How do you feel when you read that you're "a party of one"?

GOV. LEPAGE: Let me tell you something. This is how- my only comment about that is I was elected by 1.3 million people, with the most votes in the history of Maine governors, to come to Maine and to get rid of the status quo and the corruption. And I will continue do that, with every ounce of blood until my last day. Whichever, whichever comes first- the impeachment or my- the term of office.

PAUL MERRILL: You expect to veto the budget this afternoon?

GOV. LEPAGE: Absolutely.

PAUL MERRILL: Do you know about what time? What's time frame?

GOV. LEPAGE: It will before I leave at 5 o'clock. (giggles)

PAUL MERRILL: Any comments about the veto, the impending veto?

GOV. LEPAGE: Uh, it's gonna be different. Than you've ever seen. (giggles)

PAUL MERRILL: How so?

GOV. LEPAGE: That's all I'm gonna say. (giggles)



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

June 15, 2015

Hon. Mark W. Eves
Speaker of the Maine House of Representatives
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:

I am writing to respond to your June 11, 2015 letter asking for advice concerning whether voting on L.D. 1019 would constitute a conflict of interest according to the standards established in 1 M.R.S.A. § 1014(1). L.D. 1019 is the biennial budget bill proposed by Governor Paul R. LePage for fiscal years 2016 and 2017, which has been modified in majority and minority reports of the Joint Standing Committee on Appropriations and Financial Affairs. It continues \$530,000 in annual funding for an educational program that is administered by Good Will-Hinckley (GWH). GWH is the assumed name of the Good Will Home Association, a non-profit corporation based in Hinckley, Maine.

One of GWH's largest programs is the Maine Academy of Natural Sciences, a charter school specializing in natural sciences. The school is organized as a separate non-profit corporation. The \$530,000 in state funding allows a portion of the student population to reside on the GWH campus, in what is referred to as the "Campus Life Program." Among other programs, GWH also administers the Glenn Stratton Learning Center, which is a day school offering educational services to students with social-emotional and behavioral challenges, and a residential "College Step Up" program for young adults to attend Kennebec County Community College.

GWH has offered you, and you have accepted, the position of President and Executive Director, which you intend to begin on July 1, 2015. You are asking whether you may vote on L.D. 1019 even though it continues the funding of the Campus Life Program at GWH. In your letter, you explain that you have not advocated for this funding and have exerted no influence over the

consideration of the funding by the Joint Standing Committee on Appropriations and Financial Affairs (AFA). The budgets in both the majority and minority reports of the AFA committee contain the same funding for this program (\$530,000 for fiscal years 2016 and 2017).

Applying the statutory standards, it is the opinion of the Ethics Commission staff that it would not constitute a conflict of interest for you to vote on L.D. 1019 in the 126th Legislature even though the budget bill provides \$530,000 in continued funding to GWH. Please bear in mind that this advisory letter is provided on behalf of the staff of the Maine Commission on Governmental Ethics and Election Practices. It is not binding on the members of the Commission, if a complaint alleging a violation were filed.

Role of Commission in Providing Advice

The Commission is authorized by law to issue advice to Legislators on ethical issues, such as whether it would be a conflict of interest to vote on or influence legislation. (1 M.R.S.A. § 1013(1)(A)) The Commission bases its advice on the definition of a "conflict of interest" set forth in 1 M.R.S.A. § 1014(1). It is a violation of legislative ethics for a Legislator to attempt to influence a bill or other legislative matter if the member has a conflict of interest in connection with that matter. (1 M.R.S.A. § 1014(1))

Advice from the Commission and its staff is based, in large part, on factual information provided by the Legislator requesting the guidance. If the Legislator provides incomplete or inaccurate information, the Commission's assessment of the question and its advice may change if the Commission receives additional, contrary information.

Factual Information Provided

History of state funding. In 2009, the Legislature enacted L.D. 1443 which established a residential and nonresidential program for educating at-risk students, in 20-A M.R.S.A. §§ 6951-6954. P.L. 2009, c. 296. Section 2 of the Public Law directed the Maine Department of

Education to arrange with GWH to implement the program. It charged the Commissioner of Education and the Chief Executive Officer of GWH to develop a plan for funding the program with the goal of providing services by September 1, 2010.

In the past four fiscal years, the State has provided the following funding for the program:

FY 2012	\$330,000
FY 2013	\$530,000
FY 2014	\$530,000
FY 2015	\$530,000

L.D. 1019 proposes to continue the funding at \$530,000 for both fiscal years 2016 and 2017.

Campus Life Program at Maine Academy of Natural Sciences. For purposes of this opinion, I interviewed James Jurdak, the Vice President of Finance and Administrative Services for GWH. The purpose of the funding is to facilitate the attendance of students at the Maine Academy of Natural Sciences by residing at the GWH campus. He said that in the current school year, the total population of the school is 77 students, and that 14-24 students have lived on campus. The total population of the school is intended to increase to 122 for the next school year beginning in the fall of 2015.

The Maine Academy of Natural Sciences and GWH both operate on a fiscal year that begins July 1. The projected budgets for the coming year (beginning July 1, 2015) are:

Maine Academy of Natural Sciences	\$1.37 million
Good Will-Hinckley	\$3.43 million
Total	\$4.80 million

The annual funding of \$530,000 is paid quarterly by the State of Maine directly to GWH. GWH spends the revenue to pay for salary, wages, and benefits, and other operational expenses such as

food, transportation and utilities. The money does not flow through the Maine Academy of Natural Sciences, although it does support the Campus Life Program of the school. In the coming fiscal year, the \$530,000 in revenue represents roughly 11% of the total combined revenue of the Maine Academy of Natural Sciences and GWH.

If the State's funding of the Campus Life Program were eliminated, it is expected that most of the students who currently reside on campus would continue to attend the school by commuting. Mr. Jurdak said that, based on his discussions with the school's Director of Admissions, he would foresee no significant impact on the number of students attending the school. There might be a small reduction, on the order of a handful of students. If the State's funding were eliminated, Mr. Jurdak would not expect a change in the salary of any manager or the laying off of any faculty or administrative staff. When asked, he noted that your compensation is established by a written contract for a term of two years, beginning July 1, 2015, and that the amount of your salary is not dependent on the amount of any revenue stream.

Applicable Conflict of Interest Standards

Maine law sets the standards for when a member of the Legislature must recuse himself or herself due to a conflict of interest. The Legislative Ethics Law defines the term "conflict of interest" in 1 M.R.S.A. § 1014(1) to cover a number of situations which are set forth in paragraphs (1)(A) through (1)(F). If a member has a conflict of interest in connection with a bill or other legislative matter, it is a violation of legislative ethics for the Legislator to attempt to influence that bill or matter. (1 M.R.S.A. § 1014(1))

Recusal on bills affecting a Legislator's business, client, or employer

Paragraph 1(A) relates to situations in which the Legislator has a "close economic association" with an entity that is affected by proposed legislation. This could cover the Legislator's employer as well as other organizations with which the Legislator is affiliated (e.g., if a

Legislator serves as a member of a non-profit organization's board of directors, or passively owns more than 10% of a family business).

A. When a Legislator or a member of the Legislator's immediate family has or acquires a direct substantial personal financial interest, distinct from that of the general public, in an enterprise that would be financially benefited by proposed legislation, or derives a direct substantial personal financial benefit from close economic association with a person known by the Legislator to have a direct financial interest in an enterprise affected by proposed legislation;

The Commission has taken the view that voting on legislation results in a conflict of interest under § 1014(1)(A) only if the Legislator or immediate family member *personally benefits* from the legislation. In a March 12, 2010 advisory opinion to Rep. Jon Hinck, the Commission endorsed the reasoning of a June 10, 1983 advisory opinion of Maine Attorney General James E. Tierney. In the latter opinion, a Legislator had inquired whether she was prevented from voting on a bill because her husband had rendered legal advice to a client concerning the bill. After reviewing the legislative history of 1 M.R.S.A. § 1014(1)(A), the Attorney General observed that

[I]t is clear that the Legislature never intended that a member of either House must be disqualified from voting on a proposal merely because she or a member of her immediate family is compensated for work performed for an employer or a client who might be affected by the legislation. The "direct substantial personal financial benefit" referred to in 1 M.R.S.A. §1014(1)(A) must involve a financial reward separate and distinct from the remuneration one receives as an employee or agent for services rendered.

The Attorney General concluded that

In short, §1014(1)(A) does not prevent a Legislator from voting on a measure unless she or a member of her immediate family will receive a financial benefit

either directly or through a third party, by virtue of the proposed legislation. To suggest otherwise, leads to the conclusion, clearly not contemplated by the Legislature, that any Legislator employed in the private sector must abstain from voting on legislative matters which affect the profession or business in which the Legislator is employed.

For purposes of this advice letter, the Commission staff is relying on the reasoning of Attorney General Tierney in his June 10, 1983 advisory opinion and the Ethics Commission's endorsement of that reasoning in its March 12, 2010 advisory opinion to Rep. Jon Hinck. Both of those opinions interpret § 1014(1)(A) to mean that a Legislator does not have a conflict of interest merely because his or her employer is financially benefited by legislation. Under this reasoning, a conflict results only if the Legislator *personally* receives a benefit from the legislation.

Recusal on bills relating to a Legislator's employment, profession or trade

Two of the paragraphs apply to legislation that relates to a Legislator's employment:

E. When a Legislator or a member of the Legislator's immediate family accepts or engages in employment that could impair the Legislator's judgment, or when the Legislator knows that there is a substantial possibility that an opportunity for employment is being afforded the Legislator or a member of the Legislator's immediate family with intent to influence the performance of the Legislator's official duties, or when the Legislator or a member of his immediate family stands to derive a personal private gain or loss from employment, because of legislative action, distinct from the gain or losses of other employees or the general community; and

F. When a Legislator or a member of the Legislator's immediate family has an interest in legislation relating to a profession, trade, business or employment in

which the Legislator or a member of the Legislator's immediate family is engaged, and the benefit derived by the Legislator or a member of the Legislator's immediate family is unique and distinct from that of the general public or persons engaged in similar professions, trades, businesses or employment.

These two paragraphs contain a number of tests for determining whether a Legislator has a conflict of interest. In summary, a Legislator has a conflict of interest in influencing legislation related to his employment, profession or trade, if (1) the legislation would result in a financial benefit to the Legislator, and (2) that benefit is unique or distinct from other individuals in the same trade or profession or employment as the Legislator. Additionally, a conflict may exist under § 1014(1)(E) when a "Legislator knows that there is a substantial possibility that an opportunity for employment is being afforded the Legislator ... with intent to influence the performance of the Legislator's official duties."

Advice from the Commission Staff

Based on the standards set forth in 1 M.R.S.A. § 1014(1) and the facts you have provided, the Commission staff advises that it would not be a conflict of interest for you to vote on the majority or minority version of L.D. 1019 even though both include the proposed funding of \$530,000 for the Campus Life Program operated by GWH. In your June 11, 2015 letter, you stated that "My family and I will receive no direct personal benefit from the funding." The information that I received from the Vice President for finance at GWH confirms this. He advised that your compensation is set by a two-year written contract and has no relationship to any revenue received by GWH. If the Maine Legislature were to cut back or eliminate the funding, the Maine Academy of Life Sciences would continue to operate without the Campus Life Program in the short term. He said that the number of students would not change significantly and he would expect no change in the compensation of any manager at GWH. The other programs of GWH, such as the Glenn Stratton Learning Center and the College Step-Up program, would continue as well.

Hon. Mark W. Eves

Page 8

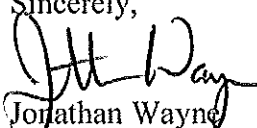
June 15, 2015

Given the lack of evidence that you would receive any personal benefit from the enactment of L.D. 1019, it is not a conflict of interest for you to vote on the budget bill under 1 M.R.S.A. § 1014(1)(A) (as interpreted by the Commission and the Maine Attorney General), the final clause of § 1014(E), or § 1014(F). In addition, given the timing of the Governor's inclusion of the proposed funding in L.D. 1019 and your subsequent application and acceptance of the position, there does not seem to be any basis to infer that GWH offered you the position with the intent to influence you with respect to the budget bill or any other legislative action.

We note that several factual circumstances would diminish any public perception that you have a conflict of interest in voting on L.D. 1019. The legislative decision to fund a program for at-risk youth and to direct its administration by GWH was made in 2009. At that time, you were in your first year in the Maine Legislature and, presumably, no future employment by GWH could be anticipated. The proposed funding for fiscal years 2016 and 2017 is the same as in the three prior fiscal years. There is no evidence presented that you have used your position to advocate for the Governor's (or the AFA Committee's) inclusion of the continued funding in the budget. Finally, Legislators have an important duty to their constituents to vote on comprehensive budget legislation that will determine the funding of Maine state government, including all state programs and services, for the next two years. The funding for GWH is a very small component of the overall state budget.

With regard to other legislation that could arise in the remainder of your current term of service, we recommend considering whether you may need to recuse yourself from voting on particular matters that would affect GWH, in order to avoid the appearance of any conflict of interest.

Thank you for your consideration of this advisory letter from the staff of the Maine Ethics Commission.

Sincerely,

Jonathan Wayne
Executive Director

Appendix B. Summary of Additional Information and Context Gathered through GOC Public Comment Period and Special Inquiry

Testimony and records obtained through the GOC's Public Comment Period and Special Inquiry produced additional information and context pertinent to events reported in OPEGA's Information Brief on State Funding for Good Will-Hinckley (Info Brief). OPEGA's summary of this information is presented here and is generally organized by Info Brief page number, with reference to the particular event, or discussion, on that page to which it is relevant. It should be noted that at the time of OPEGA's review Thomas Desjardin's title was Acting Commissioner of the Department of Education, but at the time of his testimony to the GOC his title was Deputy Commissioner. For the sake of consistency with the OPEGA Info Brief, he is referred to throughout this summary as Acting Commissioner.

Relevant to Page 6 of the Info Brief

- The last paragraph describes a plan GWH submitted to the Administration in December 2012 that the GWH President at the time indicated was intended to have GWH independent of State Center of Excellence funds in 24 months. In response to GOC questions on October 15th, GWH Board Chair Jack Moore said that this plan to be independent of this State funding has been the focus of GWH all along. However, it became clear that in order to achieve sustainability, GWH needed to rebuild the School and grow enrollment. As enrollment grows, they can allocate fixed costs over a wider population, but they were curtailed on enrollment with the current environment they had. Hence, the effort to renovate and expand the Moody School building that is expected to be paid for with the remaining balance of the Alford Foundation grant.

Relevant to Page 9 of the Info Brief

- The second paragraph describes that Speaker Eves submitted his application for the President's position on March 8th, the closing date for the posting. In his interview with OPEGA and in his testimony before the GOC, MeANS Board Chair Bill Brown said he mentioned the job opening to the Speaker at the urging of GWH's former President Glenn Cummings. An email exchange between Mr. Cummings, Mr. Brown and the Speaker's Chief of Staff (all using non-State email addresses) shows that Mr. Cummings forwarded the job posting to Mr. Brown on February 18th asking if it might be of interest to the Speaker and noting that GWH would likely be flexible during session and the salary was good. Mr. Brown responded that he hadn't thought of that and then forwarded the email to the Speaker's Chief of Staff saying that the Speaker should take a look at the posting. Mr. Cummings subsequently responded to Mr. Brown that the Speaker was a "great fit".
- The fourth paragraph discusses the telephone interviews conducted with the top six candidates by the expanded Search Committee on April 22nd and 24th. In his interview with OPEGA and in his testimony to the GOC, Bill Brown, the MeANS Board Chair who was also a legislative staffer for Speaker Eves, stated that he was not part of the telephone interview with Speaker Eves. He stated he did participate in the telephone interviews with the other five candidates, listened to their answers, evaluated them against the criteria that had been established and advocated for the inclusion of his top choices in the next round. GWH's documentation on the selection process that OPEGA examined during the review confirms that Mr. Brown was not present on the call for the Speaker's interview. The documentation also shows that following the telephone interviews, when the Search Committee was narrowing the list to three candidates, Mr. Brown only gave his top two candidates, neither of which was the Speaker, while the other seven Search Committee members gave their top three.

- The last bullet describes a March 3rd meeting of GWH Board Chair Jack Moore and GWH Interim President Rich Abramson with the Governor and Senior Policy Advisor Aaron Chadbourne. Mr. Abramson had previously described to OPEGA that in this meeting he also briefly talked with the Governor about GWH's plans to get off the \$530,000 in State funding. In his testimony, Mr. Abramson also described conversing with the Governor about the funding in a meeting he was in with the Governor, Mr. Moore, Mr. Abramson and Ms. Vanderwood in April. Mr. Abramson testified that at that meeting he let the Governor know that he was aware that the funding being provided through DOE was time limited and that part of his (Mr. Abramson's) responsibility was to develop a plan on how GWH would continue with providing the residential component without State funds. Mr. Abramson said he was reporting to the Governor that he had begun building that plan. In his testimony, Mr. Chadbourne also referenced attending a meeting with GWH in April where others were present and where he said he first heard of GWH's search for a President. (Note: OPEGA reported the date of this meeting as March 3rd based on documentary evidence obtained during the review. OPEGA is unaware of any meeting of the Governor's Office with the School other than that meeting. Though both Mr. Chadbourne and Mr. Abramson say in their testimonies that this meeting took place in April, given the attendees they described as being present it is likely the March 3rd meeting they were referencing.)

Relevant to Page 10 of the Info Brief

- The second and third paragraphs describe informal meetings with the top two candidates that were arranged by the GWH Board Chair and held in Brunswick on May 13th. In his testimony, GWH Interim President Rich Abramson explained that he had several conversations with GWH Board Chair Jack Moore throughout the search process that included such questions as the Speaker's time commitment, his relationship with the Governor and how someone could run an organization like GWH while being Speaker of the House and living in Southern Maine. Mr. Abramson testified that the May 13th meetings came about because Mr. Moore wanted to privately meet with the Speaker to get comfort in the responses to those questions as he didn't feel the Speaker had answered them to his satisfaction through the interview process. Mr. Abramson said he reminded Mr. Moore of the need to be consistent in their selection process and, if he was going to meet with the Speaker, he needed to have those same conversations with the second candidate. Mr. Abramson testified that he insisted either he or the GWH Vice-President be present at those meetings to serve as a witness that could attest to what took place at those meetings. Mr. Abramson testified that Mr. Moore related to the Board that, as a result of those two meetings, he was comfortable with moving the Speaker's nomination forward.
- In his testimony, the MeANS Board Chair Bill Brown, also a legislative staffer for Speaker Eves, stated that he attended those meetings on May 13th but did not participate. He did not ask or answer any questions. He stated he was there in an observer role because it was important for a MeANS Board member to be there. Mr. Brown also stated that he did not participate in discussions the GWH Board Chair and Vice President had about the candidates following the interviews. Mr. Brown said he had tried to find another member of the MeANS Board to attend but was unable to. An email exchange, provided by Mr. Brown, shows that on the evening of May 11th Mr. Brown asked the Vice Chair of the MeANS Board if he could attend the interviews, but the Vice Chair responded that he was not available. Emails obtained by OPEGA during the review shows that the GWH Board Chair did not settle the date, time and location of the interviews until late afternoon on May 11th.
- The fifth paragraph discusses the May 15th interviews the top two candidates had with both the GWH and MeANS Boards. In his testimony, MeANS Board Chair Bill Brown stated that he was present at the Speaker's interview with the MeANS Board, but did not participate. He stated he only opened the meeting and observed while other Board members asked the interview questions.

- That paragraph also describes the GWH and MeANS Boards coming together after those interviews to deliberate on the two candidates. In his testimony, GWH Interim President Rich Abramson said that he thought each Board deliberated separately for about 45 minutes and then the two Boards got together to deliberate further. Mr. Abramson said that GWH Board Chair Jack Moore worked very hard when the two Boards were together to make sure that everybody had an opportunity to offer their perspectives on the interviews of the final two candidates even though it was the GWH Board that had the legal authority to vote. Mr. Abramson testified that the Board spent a great deal of time and effort on which of the final two candidates could best represent both organizations, MeANS as well as GWH, also on who had the most experience. It was noted that one was a Maine person, the other was from away. He said the Board was also deliberating how much time would be spent in a honeymoon period catching either candidate up on everything that was going on and it was anticipated that it would take the second candidate a lot more time to hit the ground running than it would Speaker Eves. Mr. Abramson also testified that the Board gave more weight to abilities that would make a candidate a good outward facing leader for GWH than to education experience and certain other credentials. This was because the Board had great confidence in GWH's and MeANS Senior Leadership Team but felt GWH needed to restore its image in community across the State and needed to raise additional funds for capital projects that were underway.

Relevant to Page 11 of the Info Brief

- Page 11 describes a May 22nd lunch meeting between GWH Board Chair Jack Moore and Acting DOE Commissioner Thomas Desjardin. Acting Commissioner Desjardin told OPEGA that during the meeting Mr. Moore appeared to be asking him if he was interested in the position even though, as OPEGA reported, by that date the GWH Board had already voted to offer the position to Speaker Mark Eves. Mr. Moore told OPEGA he did portray at the meeting that Speaker Eves' hiring was not a done deal as a final contract had not been signed, and he did think he asked a couple of times who the Acting Commissioner thought would be great for the position. In responding to GOC questions on October 15th, Mr. Moore maintained that he did not offer the job to the Acting Commissioner. He said he might possibly have asked if the Acting Commissioner was interested in the job given the Acting Commissioner's level of enthusiasm and his level of disapproval over Speaker Eves. However, he did not recall asking this, and therefore, he could say it was not a meaningful part of their conversation. Mr. Moore described his efforts in meeting with the Acting Commissioner as diplomacy in presenting the notion that Speaker Eves was their selection and trying to determine if that would negatively impact GWH.
- In his testimony, Acting Commissioner Desjardin stated that at the May 22nd lunch meeting Mr. Moore told him that the Search Committee had arrived at two final candidates. Those candidates being Speaker Eves and a woman from Massachusetts. The Acting Commissioner said Mr. Moore also expressed interest in a third person who might be a strong candidate but had not applied for the position and, therefore, was not considered. Mr. Moore wanted the Acting Commissioner's feelings about that person as well. As OPEGA reported, the GWH Search Committee did arrive at two final candidates and those candidates met with Mr. Moore and others in Brunswick on May 13th and interviewed with the GWH and MeANS Boards on May 15th. OPEGA examination of GWH's recruitment and selection documentation shows that the other final candidate was not a woman from Massachusetts.
- Acting Commissioner Desjardin testified that there were three different times over the course of their May 22nd discussion that Mr. Moore said to him "you know you'd be great for this position." The Acting Commissioner stated that after the third time he started to realize there may be something more to it than Mr. Moore just being complimentary so he told Mr. Moore he appreciated his confidence, but he was just getting started in the Department of Education, things were going well, and he was not

interested in leaving State government. Acting Commissioner Desjardin also testified that his clear impression from the lunch meeting was that Mr. Moore was not happy about hiring the Speaker and was looking for some other alternatives. The Acting Commissioner said he perceived it as Mr. Moore didn't like either of the two names the Search Committee had come up with, that he needed to do something to change that and was looking for the Acting Commissioner's opinion and advice on names of people that might be so much better for the job than the Speaker that he could go back to the Board and ask them to reconsider. The Acting Commissioner said he was not able to come up with any names off the top of his head. The Acting Commissioner testified that Mr. Moore expressed to him that he was generally very displeased with the thought of having to hire the Speaker, but the Acting Commissioner could not recall any specific reasons Mr. Moore gave for that. He explained that they had a general discussion about it and some of the reasons being discussed were the Acting Commissioner's thoughts and some were Mr. Moore's thoughts. During OPEGA's interviews with Acting Commissioner Desjardin, he did specify the reasons he gave Mr. Moore for being critical of the idea of the Speaker as GWH's President. Those reasons are given in the second paragraph on page 11 of the Info Brief.

Relevant to Page 12 of the Info Brief

- The second paragraph describes a June 5th meeting between the Acting DOE Commissioner and the Governor regarding the logger training initiative, the meeting where the Acting Commissioner told the Governor that Speaker Eves had been hired. In his testimony to the GOC, Aaron Chadbourne (the Governor's Senior Policy Advisor) said that he was also present at that meeting. He testified that this was the first time he heard the news and that he believes it to be the first time the Governor heard the news. Mr. Chadbourne said the Governor was very surprised and that his instant reaction was to question what Speaker Eves knew about running a school for adverse kids. He described the Governor as puzzled over what qualifications the Speaker might have had that led to such a decision. Mr. Chadbourne also testified that in this meeting the Governor asked him whether or not it was permissible under law for a member of the Legislature to be employed by a charter school that receives its funding directly from the State. Mr. Chadbourne said he researched that question after the meeting by taking it to Assistant Attorney General Sarah Forester. Mr. Chadbourne said this was the only thing the Governor asked him to do coming out of that meeting.
- In his testimony to the GOC, Acting Commissioner Desjardin described the Governor's reaction to the news at the June 5th meeting as surprised and a little shocked, but the Acting Commissioner said he had seen the Governor have much stronger reactions to other issues. The Acting Commissioner said that, in that meeting, the Governor went down a list of things that did not make the Speaker an excellent candidate. The Acting Commissioner said the Governor's list included the Speaker's fairly vehement opposition to charter schools over the years, how much time the Speaker would have to run the School while serving as Speaker and living so far from the School, and how much of a background the Speaker had in education.
- The second bullet describes Senior Policy Advisor Aaron Chadbourne's interactions with GWH's lobbyist Sara Vanderwood on June 5th. In his testimony, Mr. Chadbourne confirmed that he had called Ms. Vanderwood and asked her to stop by his office, that he asked her to confirm whether Speaker Eves had been hired and that she said she did not know. He said this contact with Ms. Vanderwood was on his own initiative, no one told him to contact her. He testified that Ms. Vanderwood came back to see him that afternoon with the information and he thought she was also surprised to learn of it. Mr. Chadbourne said he let her know of the Governor's concerns about Speaker Eves' qualifications and whether this decision had been made in the best interest of GWH. Mr. Chadbourne testified that Ms. Vanderwood asked whether the Governor would still speak at GWH commencement. He said GWH funding was not discussed, he was not familiar with the details of GWH's funding at that time, and

whatever Ms. Vanderwood inferred about the funding being in jeopardy was not a direct result of things that he said. Mr. Chadbourne testified that no one ever directed, or asked, him to convey a message about the funding being in jeopardy to Ms. Vanderwood or anyone else.

- In her testimony about these conversations with Mr. Chadbourne, Ms. Vanderwood said that Mr. Chadbourne told her the Governor was very upset if it was Speaker Eves that had been selected and that the Speaker was not qualified to hold the position, either educationally or from the perspective that he was a vocal opponent of charter schools. Ms. Vanderwood said she also believes Mr. Chadbourne stated that the Governor knew the at-risk student population very well and that Speaker Eves would be incapable of handling a group of at-risk students. Mr. Chadbourne said the Governor had been very supportive of GWH in the past and he did not think that support would continue if GWH hired Speaker Eves as their President. Ms. Vanderwood testified that to her the issue of the Governor's support was directly related to funding and that it seemed very clear to her, without funding being mentioned, that funding is what support meant and she did relay that to Mr. Abramson. She said there was nothing further that happened after that to ever make her question her assessment of that message. Ms. Vanderwood maintained throughout her testimony that she was given the impression the funding was in jeopardy and testified that there was no doubt in her mind that the funding was threatened because GWH hired the Speaker and that funding was restored because he was then fired. She noted in her testimony that, although she worked on some other minor issues for GWH, her primary role was to ensure the funding for GWH stayed in the budget, that she had had conversations with Mr. Chadbourne leading up to this whole situation and that she thinks he understood what her role was. Ms. Vanderwood stated that she thought Mr. Chadbourne was operating on his own initiative and that, although he told her he had had conversations with the Governor, she did not have the sense that Mr. Chadbourne and Acting Commissioner Desjardin had been corresponding or anything.
- In her testimony, Ms. Vanderwood referred to Acting Commissioner Desjardin's earlier testimony when he said that even prior to June 5th he had conversations with lobbyists about GWH possibly being a candidate for some of the money he needed to find in the budget. Ms. Vanderwood stated that she did not have any conversations with Acting Commissioner Desjardin about the GWH money perhaps being in jeopardy prior to June 5th or any time up to when the budget was actually finalized and voted on, which she thought was on June 17th. She said she did send the Acting Commissioner an email on June 24th just asking him if he had seen the Speaker's contract had been rescinded and that she did not receive a response from him on that.
- The last bullet describes the GWH Interim President Rich Abramson receiving a call from the Governor on June 5th sometime between 10 am and noon. In his testimony, Mr. Abramson further described his conversation with the Governor. He said the Governor informed him that he was extremely upset that he had learned Speaker Eves had been hired as the next President of GWH. Mr. Abramson said the Governor expressed his concerns about the Speaker, particularly around his voting record on charter schools. Mr. Abramson testified it was obvious that the Governor was upset with GWH, the Board and with him for having led the process. Mr. Abramson said the Governor used a few profanity words in describing the Speaker and the Speaker's work, but that the Governor was not yelling or screaming. Mr. Abramson said he tried as hard as he could to explain to the Governor the process GWH had followed, but that didn't mean much to the Governor and he was still pretty upset after the explanation. It was clear the Governor wanted to make a point. Mr. Abramson testified that the Governor did share as part of that conversation that he had been a big proponent of MeANS and that, if GWH was making this type of decision, GWH would lose his support. There was no mention of money, it was merely stated that GWH had lost his support if it moved forward with this decision. Mr. Abramson testified that he did not know what "support" meant at that time but there were several possibilities including funding, whether the Governor would not participate in graduation or whether he would no longer want to be

affiliated with MeANS. Mr. Abramson asked the Governor what he wanted him to do as he worked for the Board and the Board had followed a straightforward process. The Governor shared a couple of people he thought GWH should have considered but who didn't apply. Mr. Abramson said he knew the people the Governor mentioned and said they would be excellent candidates, but they did not apply for the position. Mr. Abramson said he asked once more if there was anything more the Governor would like him to do and the Governor replied "No" and the conversation ended. Mr. Abramson said the conversation lasted about 15 minutes.

- In his testimony, Mr. Abramson also described his conversation with GWH lobbyist Sara Vanderwood when she called him on June 5th. He said it was a very short conversation in which she relayed she had been called to the Governor's Office and met with Senior Policy Advisor Aaron Chadbourne but not the Governor. He testified that Ms. Vanderwood told him that the GWH funding was in jeopardy. Mr. Abramson also thought they talked a little about how the whole thing puts GWH in a very awkward position. He testified that Ms. Vanderwood encouraged him to continue to move forward, not knowing whether or not the funding would be withheld, and that the Board should not be intimidated into changing its decision. Mr. Abramson said it is what he heard from Ms. Vanderwood together with what GWH Board Chair Jack Moore told the Board about the situation that led him to believe that the Governor's "support" meant the funding and that the loss of funding was a very real possibility if GWH continued with Speaker Eves as President.

Relevant to Page 13 of the Info Brief

- The first bullet describes a telephone call Acting Commissioner Desjardin made to GWH Board Chair Jack Moore on June 5th. In his testimony, Acting Commissioner Desjardin told the GOC that this was the first telephone call he made after the official word had come out and his purpose was to clarify who some of the people were on the GWH and MeANS Boards. The Acting Commissioner testified they had heard that both Boards had voted unanimously to hire the Speaker. Someone in the Governor's Office had looked up the names of the Board members and found a few names that raised questions. The Acting Commissioner said they asked him to call Mr. Moore and find out if these names were the people they thought they were. Acting Commissioner Desjardin testified that the purpose of his call was mostly to confirm whether people, according to press reports, that had voted to hire the Speaker were in fact the same individuals the Governor's Office thought they were. As reported in the Info Brief on page 15, the first press reports on the Speaker being hired that OPEGA was able to identify were not posted until June 9th.
- Regarding his June 5th telephone call with Mr. Moore, Acting Commissioner Desjardin also testified that he did not believe he told, or suggested to, Mr. Moore during that conversation that the funding for GWH might be cut if the Speaker were hired. He stated to the GOC, however, that before all this occurred and before he had any knowledge of the Speaker being hired, the Legislature had cut \$5.5 million dollars from two areas in the budget that the Department had discretion over and that the Department was going to have to find \$1.5 million somewhere in the account that contained the GWH funding. The Acting Commissioner said he remembered thinking, prior to all this happening, that GWH was going to be a really good candidate for at least some form of cut to help reach that because it was the only charter school to be receiving this kind of additional funding. He said he thought it was always going to be hard for him to justify giving this money to one school, especially when he also knew that funding had been intended to be temporary. The Acting Commissioner testified that it was always in his mind that GWH was a candidate for at least a portion of the \$1.5 million they would need to find and so he may, prior to all this occurring, have had conversations mostly with lobbyists saying that it was going to be difficult to get through the \$1.5 million and that giving GWH this funding was going to be hard to justify. He initially testified that he did not think he made these statements to Mr. Moore. However, later

in his testimony, the Acting Commissioner stated that during his June 5th discussion with Mr. Moore he was conveying to Mr. Moore what had been on his mind for a long time, which was that the leadership of the Department was going to have to really sharpen the pencil after the budget was passed and find a million and a half dollars. Acting Commissioner Desjardin acknowledged to the GOC that the Governor's dissatisfaction with GWH was one of the things the Department leadership was going to have to consider when it got together to figure out what to do about the \$1.5 million.

- The third bullet describes the role of the lobbyist Jay Nutting, who was also a GWH Board member, in informing the Speaker's Chief of Staff about the situation with the Governor's displeasure over hearing about Speaker Eves being hired by GWH. In his testimony, Mr. Nutting stated that later on the morning of June 5th he did find the Speaker's Chief of Staff just to check in and see if they were knowledgeable about what was going on. He said he thought they would be given how quickly news spreads. However, he doesn't believe she was aware of it until he told her that the Governor had conveyed to various folks that he was displeased with the hiring.
- The fourth bullet describes information obtained from OPEGA's interview with the GWH Director of Finance regarding telephone conferences held by the GWH and MeANS Boards on June 5th. A copy of an email exchange provided by the MeANS Board Chair confirms that an emergency meeting of the MeANS Executive Committee via conference call was scheduled for 3:30 pm on June 5th and that GWH's Vice President of Operations was asked, and agreed, to participate on that call.
- The last bullet mentions the Harold Alfond Foundation (HAF) Board Chair Greg Powell receiving a voice message from GWH Board Chair Jack Moore on June 5th and the third paragraph on page 14 describes the conversation between Mr. Powell and Mr. Moore when Mr. Powell returned the June 5th call. In his testimony, Mr. Powell said that the June 5th messages were ones that were left with his office so he did not get a voice mail. He was on his way to Arizona at the time and returned Mr. Moore's call over the weekend, either June 6th or 7th. Mr. Powell testified that he believes they may have exchanged voice mails with each other and was not confident that they actually had a two-way conversation at that time. It was, however, through those exchanges that he came to understand something of the nature of the controversy that was brewing. It was his first indication that there had been controversy brewing about the hiring of the Speaker and the Governor's dissatisfaction with that.

Relevant to Page 14 of the Info Brief

- The second bullet describes a June 7th email from GWH Board Chair Jack Moore to Acting Commissioner Desjardin, with a carbon copy to Senior Policy Advisor Aaron Chadbourne. In the email, Mr. Moore wrote, in part, "I can see that this will certainly be very (financially) detrimental as we have yet to make the transition to 200 students where the School becomes self-supportive." Throughout his testimony, Acting Commissioner Desjardin maintained that he did not threaten to withhold funding and he did not communicate to GWH that DOE or the Governor was threatening to withhold funding. He stated that he never said to Mr. Moore that hiring the Speaker is going to lead to the loss of money and that he wouldn't have said that, even after the Governor told him on June 9th that he didn't want to send them any money, because the Acting Commissioner has seen many occasions where the Governor has changed his mind. The Acting Commissioner testified that, in his conversations with Mr. Moore, he did not directly link funding being gone if the Speaker was hired or funding staying if the Speaker was fired. He said he never intended to communicate that and cannot comment on how Mr. Moore, or GWH, got that impression from any conversations he had with them or that others in the Governor's Office had with them.

- Acting Commissioner Desjardin testified that the Governor did not direct him to communicate anything to GWH Board Chair Mr. Moore. Nor did the Governor instruct him to communicate with anybody about anything in particular regarding this situation.
- The second paragraph describes conversations GWH Lobbyist Sara Vanderwood had with the GWH Interim President Rich Abramson and Board Chair Jack Moore over the weekend of June 6th and 7th and into the following week. Ms. Vanderwood testified that she had some conversations with Mr. Chadbourne over the weekend about whether or not the Governor would change his mind and the response she heard from Mr. Chadbourne was that the Governor realized people make mistakes and that people can change their minds, particularly if the mistake is rectified. Ms. Vanderwood stated that she relayed this message to Mr. Abramson over the weekend and that in her mind the mistake being referred to was GWH making a mistake in their hiring. She said she doesn't believe she spoke with Mr. Moore until around June 8th or 9th or maybe even later.
- The fifth paragraph describes the contents and status of a handwritten note GWH Board Chair Jack Moore received from the Governor. In response to GOC questions on October 15th, Mr. Moore confirmed that he no longer had the note. He said may have showed it to his wife but he knows that it never left his house and that it ended up in a pile that was heading for the dumpster. He described it as a short note and said he did remember what it said. Mr. Moore said in the note the Governor recognized the note Mr. Moore had just sent to him. Mr. Moore also said there was an element in the note where the Governor said that he would have trouble supporting GWH if they were to hire, and Mr. Moore believes there were two words and one was scribbled out, but he did refer to Speaker Eves as a hack.
- The last paragraph describes the GWH Board Chair's recollections of two conversations he had with Senior Policy Advisor Aaron Chadbourne, although he could not recall the dates of those conversations. In his testimony, Mr. Chadbourne said the date of his first conversation with Jack Moore, GWH Board Chair, was on June 8th and that he called Mr. Moore on his own initiative. Mr. Chadbourne said he had spoken to Sara Vanderwood prior to the weekend. She had indicated that Mr. Moore might like to meet with the Governor and he had indicated to her that the Governor might be willing to meet. Mr. Chadbourne's purpose in calling Mr. Moore on June 8th was to let him know that the Governor had instead decided to send him a letter outlining his concerns with their selection of the Speaker and that the Governor hoped they would continue the selection process. Mr. Chadbourne testified that during this conversation he laid out the same objections that were in the Governor's letter. He also described Mr. Moore asking him about whether the Governor was objecting because Speaker Eves was a Democrat to which the answer was no, it was about the Speaker's qualifications. A June 7th email that OPEGA obtained during the review suggests that someone had already told Mr. Moore prior to June 8th that the Governor did not want to meet. In the email, which is described in the second bullet on the top of page 14 of the Info Brief, Mr. Moore also states he understands if the Governor is not interested in meeting.
- Mr. Chadbourne maintained throughout his testimony that the only message he intended to convey to Mr. Moore during the June 8th call was that the Governor disagreed with their selection and did not have confidence in the selection process, that the Governor did not believe Speaker Eves was qualified. The Governor could not support their decision and encouraged them to continue their search process. Mr. Chadbourne also maintained that he did not tell Mr. Moore the funding was in jeopardy nor did he ever bring up the funding situation. Mr. Chadbourne said he did not remember his exact words and could not say for certain that he did not say "we would have trouble supporting GWH if you hire the Speaker", but he maintained it was not his intent to communicate anything about the funding. He said he was not even aware at that time of the extra \$530,000 in funding that GWH was receiving from the State as it was not part of the budget he had worked on before it was submitted. Mr. Chadbourne said

he did not know what he said that would have led Mr. Moore to conclude that the funding was in jeopardy. Mr. Chadbourne also testified that he did not have any direct knowledge of the Governor instructing anyone else to convey concerns about the funding to GWH.

- Mr. Chadbourne testified that it was also in this June 8th conversation that Mr. Moore indicated the Speaker had signed a contract with GWH over the weekend. That fact was not known to Mr. Chadbourne, or the Governor, when they were putting together the Governor's June 8th letter to the GWH and MeANS Board Chairs. Mr. Chadbourne testified that when Mr. Moore told him this he told Mr. Moore that it seemed the Board had made its decision then and there was nothing to talk about.
- When asked why the Governor did not have confidence in the selection process, Mr. Chadbourne said that it was because the Governor had learned that the Chair of the MeANS Board was one of Speaker Eves' staffers. Mr. Chadbourne acknowledged that he personally did not know much about the selection process other than a couple of details that Mr. Moore may have mentioned in the June 8th conversation. Mr. Chadbourne also testified that he did not believe the Governor had any additional knowledge, beyond what was described in the OPEGA report, of GWH's selection process or how the MeANS Board Chair was involved in it.
- The last sentence describes that the GWH Board Chair was informed at some point by Senior Policy Advisor Aaron Chadbourne that their lawyer would like to speak to him. Mr. Chadbourne testified that he did not recall the specific date of this call but thought it was just before July 4th. He called Mr. Moore to let him know that he was giving Mr. Moore's contact information to Cynthia Montgomery, Governor's Chief Legal Counsel, and that she might be contacting him given that there was pending litigation. Emails provided show that Ms. Montgomery first contacted GWH Board Chair Jack Moore on July 20, 2015 and a meeting was set for July 23, 2015. Ms. Montgomery had to cancel that meeting on July 22, 2015 and intended to reschedule. She testified that her purpose in arranging a meeting with Mr. Moore was that by that time she had been contacted by Speaker Eves' attorney and it was clear that litigation was going to be filed and that is what she wanted to talk with Mr. Moore about. Ms. Montgomery stated, however, that the meeting was never held as she became consumed by issues emerging at that time regarding the legal status of a large number of bills on the Governor's desk. In addition, during the period she was dealing with that, an outside attorney had been obtained for the Governor.

Relevant to Page 15 of the Info Brief

- The first bullet discusses Acting Commissioner Desjardin's recollections of comments made by the Governor and himself at a Cabinet meeting on June 9th. In her testimony, the Governor's Chief Counsel Cynthia Montgomery stated she was also at the Cabinet meeting and recalls the Governor making just one off-hand comment about Speaker Eves having been hired. She recalls the nature of the comment as being "can you believe they hired somebody who's not qualified" or "I can't believe they hired Mark Eves." Ms. Montgomery stated it was just a comment and she wouldn't even characterize as venting.
- The fourth paragraph describes the June 8th conversation between the HAF Board Chair Greg Powell and the Governor. Mr. Powell testified that there was no mention in the conversation about whether there would be continued State funding or not. He stated that the Governor told him he could not support the School and was in a sense expressing regret because they had been partners in trying to help the School. It seemed to Mr. Powell the Governor felt he should tell him personally about his position because he was pulling out of the partnership. Mr. Powell said the Governor definitely used the word "support" and he was not smart enough at the time to question the Governor in detail about what he

meant by support. Mr. Powell did understand the Governor's past support to be moral, public and being an active promoter of funding. He said he was certainly concerned after the call that part of that support would involve the funding as financial support from State government has been an issue that the HAF has been familiar with for years. Mr. Powell testified that he did come to believe that the Governor's "support" meant the funding. He said he talked with Mr. Moore and former GWH President Glen Cummings and came to the conclusion that pulling the funding was within the range of the Governor's possibilities and it was something very likely to happen.

- Mr. Powell also testified that he did not think the Governor spoke disparagingly of the Speaker during the June 8th conversation, with the possible exception of describing his educational skills as being able to fit in a thimble. Other than this, the Governor just listed the reasons the GOC has already heard about as to objections to the Speaker. Mr. Powell said his response to the Governor was that the School was his first interest and he doubted very much if anyone at GWH was disrespectful or ungrateful for the support the Governor had extended to the School. Mr. Powell told the Governor that he did not know anything about the hiring of Speaker Eves. Mr. Powell said he did not know anything about the points the Governor was making about Speaker Eves. Mr. Powell testified that he did not make the Governor any promises about looking into the situation or anything and that, as a matter of fact, the Governor told him the contract had already been signed with the Speaker. Mr. Powell felt the Governor was just expressing his regret.
- The last bullet describes a June 9th DOE Lead Team meeting and Acting Commissioner Desjardin's decision to stop a check to GWH that was in process. In his interviews with OPEGA, the Acting Commissioner said that he did not mention in this meeting the Governor not wanting to send GWH any money not required by law. In his testimony, Acting Commissioner Desjardin stated that although he doesn't believe he did, and he really can't recall, it is possible that he mentioned it and if others recall him mentioning it then he did. Acting Commissioner Desjardin also testified that the Governor's dissatisfaction with the hiring of Speaker Eves had very little to do with his decision to hold the payment that was in process for GWH. He stated that the conversation with the Governor was clearly in his mind when he went into the DOE Lead Team meeting, but if it had been the dominant thing he would not have hesitated when deciding whether to pull the check. He testified that neither the Governor nor the Governor's Office instructed him to pull a check as they were unaware there was a check. The Governor was unaware for three weeks after that there was a check. Acting Commissioner Desjardin stated that instead he was really thinking about having to find \$1.5 million in the budget if it passed as is and that they wouldn't sit down as a group to figure that out until after the budget passed. He was thinking that there would be three or four more weeks before the decision had to be made about sending GWH any money and there were a lot of things that could happen in that time, including the Governor changing his mind. He stated he decided to wait until he had more information. Acting Commissioner Desjardin also testified that he did not see how the holding of this check could be seen as a threat as DOE never notified GWH that the payment had been pulled. He stated that at no time did anyone communicate either to the Governor or GWH that the School was not getting this money.
- In her testimony, the Governor's Chief Counsel Cynthia Montgomery stated that Acting Commissioner Desjardin talked to her about his decision to hold the check sometime after the June 9th Lead Team meeting though she could not recall when that conversation took place. She testified that the Acting Commissioner told her that he was in a staff meeting and there was a point in the meeting where there was a question about whether to hold a check that was going to GWH. Ms. Montgomery recalled the Acting Commissioner saying that he paused for quite a while before making the decision to hold it, and he told her his thought process was that it's easier to hold it than to get it back.

- The Acting Commissioner testified that a lot of what folks were interpreting as a threat came from the Governor himself specifically stating publicly his position on the GWH funding rather than any conversations he, Mr. Chadbourne, or others had with GWH. He said that any conversation he might have had about any of the issues he would have to consider with regard to the funding was outweighed by the clear, obvious statement by the Governor about his threat. The Acting Commissioner said he had not built the timeline around when the Governor was on the radio, or television, expressing his points of view and he was not present at any of the meetings where GWH was discussing why they had the impression they did. All he can do is tell what he said and how he said it. He can't explain why they took it the way they did. As reported in the OPEGA Info Brief, the Governor did publicly admit to threatening to withhold funding from GWH in an interview with a report on June 29th, five days after the GWH Board voted to terminate the Speaker's contract, and well after GWH perceived there was a threat. OPEGA is unaware of any other public statements the Governor made about his threat to withhold funding.

Relevant to Page 16 of the Info Brief

- On page 16, OPEGA reports that the Acting DOE Commissioner described a meeting he had with the Governor in which the Governor told him that he did not want to send any funds to GWH that were not required by law. The Acting Commissioner told OPEGA he could not recall when this conversation had taken place, though he did not think it was prior to his DOE Lead Team meeting on June 9th. In his testimony, the Governor's Senior Policy Advisor, Aaron Chadbourne, confirmed that he was present with the Acting Commissioner and the Governor during that conversation. Mr. Chadbourne testified that he did not specifically recall when the conversation took place but, after looking at his calendar recently, his best guess is that it took place following the June 9th Cabinet meeting. The Governor had a previously scheduled meeting with the Acting Commissioner immediately after the Cabinet meeting to talk about a teacher certification issue and he believes this is when the conversation about GWH funding took place. The meeting was in the Governor's Office and GWH was not at all the focal point of the conversation. Mr. Chadbourne described it as an incidental comment made as he and the Acting Commissioner were leaving. Mr. Chadbourne testified that he thought the Acting Commissioner made some comment about the Governor's past advocacy for more funding for GWH and at that point the Governor said very clearly to the Acting Commissioner that he wanted him to read the budget very carefully after it was passed and "we'll give them exactly what we are required by law and nothing more."
- In his testimony about this conversation with the Governor, Acting Commissioner Desjardin stated that he too also now believed it most likely took place just after the Cabinet meeting because of the nature of the meeting. He described his recollections that he was standing up, not sitting, and it was kind of an impromptu meeting as they sometimes have with the Governor after the Cabinet meeting. The Acting Commissioner told the GOC that he took the Governor's statements as the Governor expressing his opinion and that it was something he should take under advisement but that he had weeks before he needed to decide whether to act on the Governor's opinion and in two or three weeks the Governor's opinion might change. He also stated that when a person he is directly responsible to tells him to do something he does understand that those are his orders until they otherwise change. He acknowledged that the Governor's position did not change between the time of this conversation and the DOE Lead Team meeting that followed shortly thereafter.

Relevant to Page 17 of the Info Brief

- The fifth bullet point describes that HAF Board Chair Gregory Powell met with GWH Board Chair Jack Moore on June 15th, possibly over dinner. An email from Mr. Moore to Mr. Powell and another HAF associate dated June 21st briefly references a dinner meeting between Mr. Moore and Mr. Powell the previous week and indicates that GWH was a topic of discussion at that meeting with Mr. Moore writing, “During dinner last week, Greg asked if there was anything he could do (outside of GWH)...”. Mr. Powell testified that at that meeting the concerns about losing State funding and what that meant to GWH’s financial stability were discussed. Mr. Powell said Mr. Moore already knew about these concerns because he had asked Mr. Moore to help out at GWH. He said Mr. Moore is a very intelligent guy from a finance standpoint and Mr. Powell had wanted him to work with the Board to bring financial stability and sustainability to the operation. Mr. Powell testified that he thought Mr. Moore already knew that the loss of funding was a serious issue and that the more people were thinking about it the more concerned they became because \$500,000 a year was at least 15% of GWH’s total operating budget.
- The last bullet discusses the June 18th letter that Mr. Powell sent to Mr. Moore advising him of the HAF’s concerns with the likely loss of State funding and the HAF’s plan to re-engage a consultant to revisit the GWH and MeANS budget and financial forecasts. An email shows that this letter was sent to Mr. Moore via email at 5:21 pm on June 18th with a copy to the consultant. Another email shows that the consultant contacted Mr. Moore via email at 6:39 am on June 19th to let Mr. Moore know he will call him on Monday, June 22nd to discuss the process and schedule for this assessment. June 19th is also the date the GWH Board held its regularly scheduled Board meeting and discussed the financial risks associated with the loss of State funding as described on page 18 of the Info Brief. Minutes of the GWH June 19th Board Meeting show this meeting began at 8:10 am.

Relevant to Page 18 of the Info Brief

- The second and third paragraphs describe the GWH Board meeting on June 19th during which the Board discussed during Executive Session, and then with the Speaker present, the financial situation facing GWH. In his testimony, GWH Interim President Rich Abramson further described the discussion at that Board meeting. Mr. Abramson said that GWH Board Chair Jack Moore presented to the full Board a copy of the letter he had received from the HAF and indicated to the Board that, with the loss of State funding, a whole series of events might be triggered. First GWH would lose \$530,000 each year for two years of funding and that would put GWH in a different financial status and affect some of the parameters the HAF was holding their feet to the fire for. Also, that GWH would need to go through another financial audit or scrutiny from HAF to make sure GWH could sustain that blow and, if not, the possibility that HAF would not provide the rest of the grant funding which would potentially trigger a default on a bridge loan GWH had secured. Mr. Abramson said Mr. Moore laid this all out for the Board at that meeting. Mr. Abramson also stated that he was not aware of the HAF letter prior to coming into that meeting and he did not think the Board was aware of the letter prior to the meeting either. Mr. Abramson testified that Mr. Moore also talked with the full Board at that time about the conversations he had with Acting Commissioner Desjardin. Mr. Abramson recalled that as part of the Board’s conversation there were questions from Board members about whether the audit would go away, and whether the State funding and grant funding would remain, if the Board did not move forward with the Speaker’s contract. Mr. Abramson stated that Mr. Moore relayed to the Board that, from his conversations with the Acting Commissioner and the HAF, that would in fact occur.
- The last paragraph discusses communications occurring between GWH Board Chair Jack Moore and Speaker Eves on Sunday, June 21st. An email from Mr. Moore to HAF Board Chair Gregory Powell at 10:31 am on June 21st includes a post script note letting Mr. Powell know that he (Mr. Moore) has been

back and forth with Speaker Eves already that day and Mr. Moore hopes to have some developments later.

Relevant to Page 19 of the Info Brief

- The first paragraph describes communications that occurred between the Speaker's attorney and the Governor's Chief Legal Counsel Cynthia Montgomery on June 22nd and 23rd as described to OPEGA by the Speaker's attorney. In her testimony, Ms. Montgomery described two telephone calls she had with the Speaker's attorney. She stated that the Speaker's attorney called first to let her know that he thought he had a claim of constitutional retaliation against the Governor. He wanted her to look at some case law and wanted to know if the Governor would change his position with respect to the Speaker. Ms. Montgomery testified that she told him she agreed she would talk to the Governor and then would get back with him. She stated that she called the Speaker's attorney back the following day. She testified that during that conversation she did not say that the Governor would not withdraw his threat - rather she recalls specifically saying that the Governor was not inclined to change his mind about the Speaker.
- Page 19 discusses events occurring on June 24th, particularly the 4:30 pm GWH Board meeting. An email shows that it was also on this day, at 4:19 pm, that HAF Board Chair Gregory Powell informed the HAF Board of the situation regarding the threaten loss of State funding and his letter to GWH Board Chair Jack Moore. The subject of the email is "Foundation Update" and the GWH situation is one of two items Mr. Powell is updating the Board on. Mr. Powell attached to this email the Governor's June 8th letter to the GWH and MeANS Board Chairs and his own June 18th letter to Mr. Moore.
- The second bullet notes a *Bangor Daily News* story that was posted on June 24th regarding the HAF's letter to GWH raising concerns about the possible loss of State funding. During his testimony, MeANS Board Chair Bill Brown, who is also a staffer for Speaker Eves, was asked if he gave the HAF letter to the press or if he knew how the press got it. Mr. Brown testified that he did not give the letter to the press and does not know how the press got it.
- The last paragraph notes the June 25th posting of a *Maine Center for Public Interest Reporting* article about the Governor taking action to withhold a payment that was in process for GWH. Preceding the posting of that article are emails from the reporter to both the Governor's Office and DOE seeking confirmation of information she had obtained that the Governor or someone in his office had called an impromptu meeting with Suzan Beaudoin, DOE Director of School Finance and Operations, on June 9th and she was told to stop the payment to GWH. The Governor's Press Secretary forwarded that email to Senior Policy Advisor Aaron Chadbourne and others in the Governor's Office. Mr. Chadbourne replied by email at 1:36 pm on June 25th that he had not met with Ms. Beaudoin on this issue and did not believe anyone else in the Governor's Office had either. The DOE Director of Communications deferred all comment to the Governor's Office. According to the article, the Governor's Press Secretary replied to the reporter that "This is not accurate and due to pending litigation, we are unable to comment." In her testimony to the GOC, Ms. Beaudoin stated that she was not called to the Governor's Office to discuss this issue and she only spoke with the Acting Commissioner about it. She also said she was not aware of anyone else from her office going to the Governor's Office.

Relevant to Page 20 of the Info Brief

- Page 20 has a paragraph describing Acting DOE Commissioner Thomas Desjardin working with GWH's new Interim President during the period July 1st – July 11th to establish a new written agreement for the FY16-17 funding. OPEGA reported that on July 6th, Acting Commissioner Desjardin sent GWH a letter committing to sending the first quarterly check as soon as the agreement was signed. The agreement was signed and returned on July 8th which committed DOE to \$530,000 in funding for FY16 and FY17 if conditions were met. The Acting Commissioner had also previously told OPEGA that it was on July 7th that the DOE Lead Team met to determine how to address the \$1.5 million in cuts to the budget for the Miscellaneous Costs category of which the GWH funding was a part. Included in the records obtained through the Special Inquiry is a July 4th email from Senior Policy Advisor Aaron Chadbourne to Acting Commissioner Desjardin regarding the new draft agreement and the letter to GWH that is to accompany it. In this email, Mr. Chadbourne asks whether DOE has determined yet how much money would be available for GWH given the reductions to Miscellaneous Costs and suggests that the Acting Commissioner should let GWH know in the letter what they can expect for funding or where DOE is in its process of determining that.
- In his testimony, Acting Commissioner Desjardin repeatedly stated that his thinking throughout all these events, and particularly with regard to his decision to hold the check in process for GWH, was that he would not be in a position to decide whether to continue funding for GWH until DOE leadership met to determine how to deal with the \$1.5 million cut in Miscellaneous Costs. Acting Commissioner Desjardin also testified that the opinion on whether DOE should continue this funding for GWH changed when they learned that loss of the funding would impact the funding from the HAF as well and cause a devastating effect on the School. The Acting Commissioner stated that he was not aware, before learning of the HAF's letter to GWH, that the HAF was funding anything at GWH or how detrimental it would be for GWH to lose that. Acting Commissioner Desjardin said this information made it a different situation. They wanted the School to continue its work so GWH was told they had two more years to figure out how to get off the funding. In her testimony to the GOC, Ms. Beaudoin stated that all the sections within the Miscellaneous Cost category were mentioned when the DOE leadership met on July 7th to discuss the cuts and that included the funding to GWH. Ms. Beaudoin testified that the conversation around the GWH funding at that point was about the additional information they now had about the funding from the HAF, the need for GWH's residential facility and the fact that DOE had discovered there was no current written contract with GWH. She stated that the fact that Speaker Eves had been fired from GWH and was no longer in the running to be President there was not discussed at this meeting.

Relevant to Pages 21 and 22 of the Info Brief

- On page 21 and 22, OPEGA provides details about GWH's selection process. In response to GOC questions on October 15th, GWH Board Chair Jack Moore discussed further how the process led them to select Speaker Eves. Mr. Moore said that none of the applicants fit to a "T" the criteria GWH had listed when it advertised the position. Consequently, as they went through the process they needed to prioritize what was important to the School, look at the strength of each applicant, weigh how those strengths would most benefit GWH, and which applicants would best complement the existing GWH staff. Mr. Moore described the position as unique and outward facing, noting that the School already had strong senior leadership and staff that did very well day to day. Mr. Moore said they felt the Speaker had a good skill set for that outward facing role. He was a good communicator and it was their view that he could probably raise money as well as be a good spokesperson for the School. Mr. Moore said the Speaker was not hired because he was a politician, but politicians tend to have the type of skill sets they were looking for in this position. Mr. Moore said the GWH Board has not reached out in the past to the

Administration about who was acceptable to hire, or not hire, at GWH and GWH has not, at any other time, given the Administration the opportunity to veto any of the names of applicants being considered for a position. Mr. Moore said that if GWH had not been in jeopardy of losing the State funding he thinks Speaker Eves would have been the President of GWH today.

- The sixth bullet on page 21 describes the role of the MeANS Board Chair, Bill Brown, in the selection process as told to OPEGA by others involved in the process and as reflected in the recruitment and selection documentation maintained by GWH that OPEGA reviewed. In his testimony, Mr. Brown, who was also a legislative staffer for Speaker Eves, provided more specifics about his involvement at particular points in the process and those specifics have been captured at the appropriate points earlier in this document. Throughout his testimony, Mr. Brown maintained that he recused himself at any point during the process where the Board or Search Committee was considering the Speaker's candidacy. He stated that he offered no comment to anyone on the Speaker's candidacy but if he was asked a question he tried to respond truthfully, offering the response only as information. Mr. Brown recalled two occasions during the selection process when he had discussions with other Board members outside of the formal Board deliberations. One was a conversation with the Vice Chair of the MeANS Board who was also a member of the GWH Board. Mr. Brown said that conversation was about how they had some interesting candidates. Mr. Brown said on another occasion GWH Board Chair Jack Moore asked him about the relationship between the Speaker and the Governor. Mr. Brown said he believes his words were that "it's better than it was last legislative session and it's as good as anyone else's" – which Mr. Brown felt was true at that time. It was his view at that time that relations between the third and second floor seemed to be as good as they had been at any point in the last few years.
- In response to GOC questions about information he may have provided to the Speaker, Mr. Brown stated that he did not share with the Speaker any information about the Search Committee or Board's deliberations and did not provide the Speaker with any information about any of the other candidates. Mr. Brown stated that he did give the Speaker advice during the interview process. He described looking at the Speaker's resume, noting to him certain aspects of his resume and experience that he felt the School would be interested in, and telling the Speaker it might be helpful if he highlighted those areas.

Relevant to Pages 23 and 24 of the Info Brief

- Page 23 and 24 contain explanations for the actions taken by the HAF, particularly HAF Board Chair Greg Powell, in response to the possibility that GWH would lose the \$530,000 in annual State funding. In his testimony, Mr. Powell described further the HAF's actions and intentions. He maintained throughout his testimony that the HAF never said it was going to pull its grant funding, or threatened to do so, in the letter to GWH or otherwise, and that it was never HAF's intention to send such a message to GWH. Mr. Powell stated that the HAF Board had not had a meeting to talk about the circumstance to decide what to do about the grant, but the Board expects him to know the facts. He said he was very concerned about the possibility of losing the State funding because of the School's history with changes in State funding back in 2008 and the School needing to be resurrected from that. The \$530,000 in annual funding was part of the School's funding stream in the plan it put forth to the HAF for the grant to renovate the Moody School. Mr. Powell said that the HAF did understand the School would be weaned off this funding source at some point in time but expected it would be continuing for the next two years. Mr. Powell testified that HAF grants are in the form of agreements that they regard as contracts and, though they usually do everything they can to help grantees succeed, they do expect the grantees to do their part and live up to the business plans they put forward to the HAF. Mr. Powell stated that he thought the School would have survived without the State funding, but it would not have kept on track and that was a concern because it would have wasted the HAF's grant money. Mr. Powell said HAF wanted to find out where GWH was going to get the \$500,000 if it did not come from the

State. Not having the \$500,000 would require compromises in the way the School did business that would have made it more difficult to get to the 210 students GWH needed to be self-sustaining without further State support. So, if there was going to be a delay in getting the \$500,000, then what was the plan and how would GWH move forward. Mr. Powell said that is what the HAF wanted to know. He said the HAF frankly expected the State to do its part as these were kids who can't afford to have the education that they need to prosper so the withdrawal of funding was not a good thing.

- Mr. Powell testified that GWH Board Chair Jack Moore was keeping him up to date on what considerations the Board was undertaking to try to deal with the situation. Mr. Powell said Mr. Moore advised him that there were a whole bunch of options, everything from getting the Speaker and Governor together to try to resolve things, to having funding from another source, to operating the School differently and turning away kids who could not afford to pay. All of the options were on the table, but the progression increasingly moved toward the question of whether the Speaker would stay in his position. Mr. Powell thought one option was obviously that the Speaker and the GWH Board Chair would agree that it would be better if the Speaker didn't move forward with employment and to just simply put the School's interest first. Mr. Powell testified that when he was satisfied from his inquiries that the Governor's withdrawal of support likely meant that nobody was going to patch up and make things work, at that point he became worried about the loss of \$1 million over the next two years and that is why he wrote the June 18th letter to GWH. Mr. Powell said he wanted Mr. Moore and his Board to understand the HAF's concern. He wanted GWH to move forward in a way that would be as positive as possible for the Institution. Mr. Powell stated he wanted them to take it seriously and the HAF wanted to help. Mr. Powell said it was for that reason that the second part of his letter was to tell GWH that the HAF was engaging a consultant to come back in, look at the financial model, what are the options here to deal with the lack of funding, and how could funding be replaced some other way. Any and all ideas were up for grabs. He wanted a report back to him and the HAF Board as to what the plan was if \$500,000 per year for the next couple of years was not going to be there.
- When Mr. Moore spoke to the GOC on October 15th, he said his impression after conversations with Mr. Powell was that if the State funding wasn't received than the remaining \$2.75 million of HAF grant still due might also be in jeopardy. When asked to comment on this during his testimony, Mr. Powell stated he thought this was a conservative, cautious conclusion on Mr. Moore's part. He thought that Mr. Moore recognized, as all the HAF's grantees do, or should, that if they don't meet their end of the bargain they can't expect the HAF to step forward and fund.

Other relevant information of interest obtained from records or testimony

- OPEGA's first interview with Acting DOE Commissioner Desjardin was on July 23, 2015. In an email from the Acting Commissioner to the Governor's Chief Counsel, Cynthia Montgomery, dated July 24th, the Acting Commissioner said "Two things I would like to "add to the record" with OPEGA after yesterday's interview but wanted to check with you first." He included, for her review, a draft of the email he proposed to send to OPEGA. He wanted to let OPEGA know what Jack Moore told him during the May 22nd lunch meeting regarding Speaker Eves' responses to questions about his relationship with the Governor and whether his role as Speaker would interfere with his work at GWH. The Acting Commissioner also told Ms. Montgomery in the email about a question OPEGA asked him and another example he could provide OPEGA to show how the Governor separates personal issues from professional if she thought it would be useful for him to do so. Ms. Montgomery's response to his email is "Let's talk." She also forwarded the email chain to Mr. Chadbourne.

- In her testimony on Nov. 12th, Ms. Montgomery acknowledged this email from the Acting Commissioner and said she didn't really advise him. She said she let him know that in her opinion the arguments she raised with respect to OPEGA examining the Governor's exercise of executive authority did not apply to the agencies and, therefore, he would need to respond to OPEGA and she wasn't advising him on that one way or another. She also remembers specifically telling him, and others in DOE, that if they were asked to testify they should tell the truth. In his testimony, Acting Commissioner Desjardin explained that at one time he had asked Ms. Montgomery for some general advice when it became clear that the Governor's Office was not going to be participating in any interviews with OPEGA. He said there was one communication where he was asking Ms. Montgomery how he should approach this and her response was that it was for him to decide. Acting Commissioner Desjardin said it became clear that they would not be coordinating on those kind of communications and he had to make decisions on his own. During his testimony, Aaron Chadbourne said he thought there were several times that the Acting Commissioner reached out to the Governor's Office to let them know what he was sharing with OPEGA, but that Mr. Chadbourne at no time had given any direction about what Acting Commissioner Desjardin should do about sharing information, it was the Acting Commissioner's decision to make. Mr. Chadbourne testified that the only direction he provided the Acting Commissioner, and DOE, was that they should cooperate fully with OPEGA and be truthful and provide exactly what they were asked for (in terms of documents).
- Senior Policy Advisor Aaron Chadbourne testified that following the June 5th meeting with the Governor, where they both learned from the Acting DOE Commissioner about Speaker Eves being hired, there were only two other instances where he spoke with the Governor about the situation. One of those was when he was assisting the Governor with drafting the letter that was sent to GWH on June 8th. The other instance was on June 10th. Mr. Chadbourne said the Governor was traveling out of state that day and called him as he had heard something on the radio about education funding more broadly and had questions about that. Mr. Chadbourne said that during their conversations about this the Governor mentioned that he wanted Mr. Chadbourne to start working on charter school laws because he wanted to make sure that if Speaker Eves was going to be President of GWH that we have the toughest and best charter school laws in the country. Mr. Chadbourne testified that he relayed that comment to the Acting Commissioner who responded that because Maine's laws were so new they are some of the best. Mr. Chadbourne said he then relayed this to the Governor who responded that Arizona was ranked number one and Maine was only ranked number three and there is more we can do particularly if the Speaker is now interested in charter schools.
- The Governor's Chief Counsel testified that she had no direct involvement in any matters involving GWH until June 22nd when she was contacted by the Speaker's attorney as described on page 19 of OPEGA's Info Brief. She said she, therefore, did not have direct knowledge of any events prior to that date. She testified that she had no conversations with the Governor about GWH or funding for the School prior to June 22nd. The GOC did not require Ms. Montgomery to answer questions about any conversations she may have had with the Governor after this date, in acknowledgement of attorney/client privilege, since it was on that date the possibility of litigation against the Governor became known.

Appendix C. Acting Commissioner Desjardin's Written Comment to the GOC on
October 15, 2015



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0023

PAUL R. LEPAGE
GOVERNOR

THOMAS A. DESJARDIN
ACTING COMMISSIONER

October 13, 2015

Sen. Roger Katz, Chair
Government Oversight Committee
Maine State Legislature
Via electronic mail

Dear Senator Katz:

In its report to the committee, OPEGA provided the summary below of my answers to their questions regarding my decision on June 9 to hold a payment to GWH. I made this decision in response to a statement from DOE's Director of School Finance and Operations that she had already requested a check be sent to GWH and her question to me "Should I have it pulled?"

"The Acting DOE Commissioner explained the rationale for his decision as being rooted in not knowing what would occur between GWH and the Governor, or even what would occur with the FY2016 and 2017 budget as a whole. He believed it would be easier to issue payment a week later (if funded) rather than making the payment in error and trying to get the funds back from GWH. The Acting Commissioner also cited fundamental problems with issuing payments before the budget is finalized and said this practice has now ceased."
(OPEGA, p. 16)

For clarity, I wish to provide more detail to the committee as I did to the OPEGA investigators. Specifically, I think some general context surrounding the potential issuance of a check to GWH on June 9 may be helpful.

1. The state budget had not yet been enacted.

DOE had *no legal authority* to issue the check in question at that time. The \$132,500 quarterly payment to GWH was based on the FY 16-17 budget which the legislature had not yet enacted. Even if a budget had been in place at that time, the start of the new fiscal year was still more than three weeks away. Issuing checks from the state treasury for a budget that had not been enacted and a fiscal year that had not begun would have been highly irresponsible. Between June 9 and July 1 any number of things may have occurred that would have changed the scenario surrounding these funds.

For example, the legislature could have reduced or eliminated these funds from the budget prior to enactment. Had they done so, and the check had already been issued to GWH, DOE would have no legal recourse to retrieve this money, thus incurring an unrecoverable loss to the taxpayers.

2. There was no written agreement in place governing use of the funds.

When the funding for GWH's residential program was first appropriated to the school, DOE drafted a written agreement to govern the use of these funds. This agreement covered only the first biennium of funding, fiscal years 2012-2013. On June 9, 2015, no such agreement existed between GWH and DOE. Had DOE sent a check to GWH in mid-June, it would have done so without this important safeguard.

3. Good Will-Hinckley stated that it had no immediate need for the funds.

None of the information that was available to DOE on June 9 indicated that GWH was in need of the funding before the passage of the budget and the start of the new fiscal year. In fact, just a few days after the meeting at which the funding was held up, Jonathan Wayne, executive Director of the Maine Commission on Governmental Ethics and Election Practices, interviewed James Jurdak, Treasurer of GWH, about the impact that the loss of this funding might have on GWH. Wayne reported in a letter to Speaker Eves on June 15 that, according to Jurdak, the loss of these funds would have virtually no impact on GWH.

“The GWH Director of Finance (who had consulted with the School's Director of Admissions) believed that the loss of the funding would have no significant impact on the number of students attending the School and would not expect a change in the salary of any manager or the laying off of any faculty or administrative staff.” (OPEGA p. 17)

The next sentence of this letter states that “The other programs of GWH, such as the Glenn Stratton Learning Center and the College Step-Up program, would continue as well.” (Wayne to Eves, 6/15/15)

4. DOE still needed to make \$1.5 million in cuts from the source of the GWH funds.

The funds from which this GWH payment is drawn do not appear specifically in the enacted state budget. Instead, they fall under a line item in the budget known as “Miscellaneous Costs” that totals \$67 million. During its deliberations, the legislature reduced the amount allocated in this line item by \$1.5 million. At no time did it communicate to DOE where this reduction should come from. As such, the GWH funding was just as likely as many others to be reduced or eliminated to address this reduction.

Until the final budget was enacted into law, DOE leadership could not meet to decide what programs these cuts would come from. As such, sending a payment to GWH in June was

effectively making the commitment as to how much funding it would receive well before the appropriate time to make that decision.

As it turns out, DOE had no legal authority to send the check on June 9 due to the absence of an enacted budget and there were still more than three weeks left before the first day of the new fiscal year. I anticipated on June 9 that during the following three weeks any number of factors related to this funding could change. I was fully aware, for example, that DOE had to find more than \$1.5 million in unspecified cuts to the line item from which the GWH funds would be paid. Knowing that DOE still had these three weeks before it must issue this payment, I told staff to hold (not cut, eliminate, or withdraw) the payment until we had all of the information that might become available during these three weeks.

After these three weeks had passed, the budget had been enacted and the new fiscal year had begun, I drafted and sent a new written agreement to the interim president at GWH to govern use of these funds. Just after the new fiscal year began, DOE leadership met and made the \$1.5 million in cuts to various programs, deciding to leave the total GWH funding intact. During this interim, I also learned that the GWH Treasurer's statements to the Ethics Commission were grossly inaccurate and that GWH was in jeopardy of closing if they did not receive these funds. Once DOE received the signed agreement back from GWH, I asked staff to issue the quarterly payment which it did.

Had the payment been sent on June 9, it would have been too late to implement this written agreement. For this and other reasons, my decision to postpone the payment to GWH while we awaited further information was a sound one.

I have since directed DOE staff that the department will no longer issue checks prior to the enactment of the appropriate budget and the start of the new fiscal year.

I hope this helps provide some clarity to the committee.

Sincerely,

Tom Desjardin
Acting Commissioner

Appendix D. Chief Counsel Montgomery's Letter to GOC Declining Request to Appear at GOC Public Comment Period



STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

Paul R. LePage
GOVERNOR

Hand Delivery

October 5, 2015

Beth Ashcroft, Director
Office of Program Evaluation and
Government Accountability
82 State House Station
Augusta, Maine 04333-0082

Dear Beth:

The Governor's Office received the Government Oversight Committee's (GOC's) invitation for Aaron Chadbourne and me to appear before the GOC on October 15, 2015. As you know, the situation about which the GOC members wish to question us is the subject matter of a federal lawsuit against the Governor. Consequently, we must respectfully decline the GOC's invitation.

I have reviewed the OPEGA report several times, however, and it seems clear from the information you've gathered, that Good-Will Hinckley (GWH) ultimately decided to terminate the Speaker's employment because of the concerns expressed by the Harold Alfond Foundation (HAF) Board Chair, not because of the Governor's objections. According to your report, the Governor learned on June 5, 2015 that GWH was "leaning towards selecting" the Speaker as its president.¹ The report also indicates the Governor called the GWH Interim President and expressed his displeasure with the choice.² According to the report, while the GWH President indicated there was no threat regarding state funding for GWH, the GWH lobbyist thought there was.³ In either case, your report indicates GWH hired the Speaker anyway.⁴

The report further says that the Governor sent his June 8th letter to GWH expressing his objections to the Speaker as President of GWH.⁵ The next day, after GWH had received the Governor's letter, it announced publically that it had hired the Speaker.⁶ The report also indicates that GWH's decision to hire the Speaker despite the Governor's objections is consistent with the GWH Director of Finance's opinion that, should there be a loss of the discretionary state funding, it would have no significant impact on GWH.⁷

¹ page 12, ¶1

² page 12, last bullet

³ page 12, last bullet

⁴ page 13, 4th bullet

⁵ page 15, ¶2

⁶ page 15, 2nd and 3rd bullets

⁷ page 17, 2nd bullet



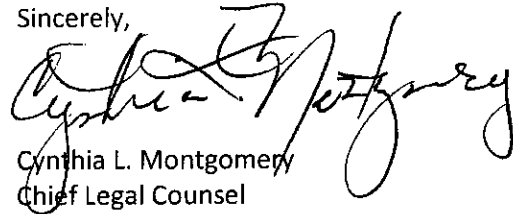
PRINTED ON RECYCLED PAPER

Finally, the report shows that it was not until June 18 when the HAF Board Chair expressed concern in a letter to GWH over the loss of the discretionary funding that GWH began to seriously reconsider its choice.⁸ The report further makes clear that no one in the Governor's office, including the Governor himself, had anything to do with HAF's decision-making in this regard.⁹

I highlight these facts to show that Mr. Chadbourne's and my absence from the October 15th GOC meeting will likely have a minimal impact on the GOC's ability to wrap up its inquiry. In the spirit of cooperation, however, if the GOC has specific questions it will present to us in writing, as is a common practice of this Administration, we are willing with the assistance of counsel to attempt to answer them.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia L. Montgomery". The signature is fluid and cursive, with the first name being the most prominent.

Cynthia L. Montgomery
Chief Legal Counsel

cc: Aaron Chadbourne
Patrick Strawbridge, Esq.

⁸ pages 17-19

⁹ page 13, last bullet; page 15, ¶14, and pages 17-19

Appendix E. Written Testimony Received During GOC Public Comment Period

RECEIVED OCT 15 2015

PO Box 608
West Kennebunk, ME 04094
October 13, 2015

Government Oversight Committee
82 State House Station
Room 107, First Floor, Cross Office Building
Augusta, ME 04333-0082

I would like this to be entered into the record for Thursday's meeting regarding Governor LePage's actions against House Speaker Mark Eves and Mr. Eves' pursuit of a position at the Goodwill-Hinckley School.

Indeed, I feel that the Governor illegally threatened and intimidated the school for the sole purpose of punishing Mr. Eves.

I do hope Governor LePage is found guilty of this shocking abuse of power and subsequently removed from office.

I am so embarrassed to live in this state because of Mr. LePage's disdain for and manipulation of our state government.

Sincerely,


Susan A Bloomfield

To the Maine State Legislature and to the Committee hearing Public Testimony today, 101515, at 82 State House Station, Room 107, Cross Office Building, Augusta, Maine:

Governor Paul LePage has, I believe, broken the law in regards to his actions in the Mark Eves/ Good Will-Hinckley episode. He has bullied his way to have his agenda supersede the mechanisms for the school to hire the person they felt was best qualified for the position. He has committed blackmail to get his way. This is wrong, I believe, both morally and legally. This behavior alone warrants the Legislature's mechanisms to be initiated and see if criminal or civil charges may be considered or if impeachment proceedings are warranted.

He has also bullied, blackmailed, lied and broken promises he made in regards to the LMF debacle. This is voter approved bond money to be used for a specific purpose. He refuses to sign off, this, a second time unless the Legislature gives in to his wishes. Again; he is a bully, and more importantly, he uses blackmail as his ultimate tool in hopes of achieving his agenda. Further, he has hogtied the LMF to keep it from functioning. This is also wrong and warrants your serious attention.

A third revelation about Gov. LePage is the recent disclosure of his request to investigate the Maine Human Rights Commission after they refused his requests in regard to the Moody's Diner case.

Firstly, it's not his business - just as Good Will-Hinckley and the LMF case are not his business. Secondly, the public notification date was grossly ignored, which is illegal. This is not an "Oh, sorry, I forgot" situation. Again, it is incumbent on you to respond with an inquiry.

A fourth concern is his present policy to have his Chief of Staff deal with the Legislature, because he "can't do anything in Augusta" This is no way to govern. He is thwarting anything and everything he can to get his way. He is costing the taxpayers of Maine a huge amount of money in his blind adventure. He will continue to hold this state hostage until his term expires if nothing is done, and frankly, we cannot afford that. We did not elect him for that function. We elected him to govern, not command or rule as would a dictator.

This pattern has been evident in other situations, though with so many examples of his poor leadership and poor techniques in governance, as well as his general lack of rapport with the citizenry of the state, it is best to stick to just these four high profile situations at hand.

I would ask the Maine State Legislature: Please reconvene and deal with this sad and costly saga; not in January, but now. Maine needs a governor that is able function for the people of Maine.

William J. Brown

- William J. Brown,
16 Frohock Dr., Lincolnville, Maine 04849

RECEIVED SEP 22 2015

Andrew A. Cadot
45 Eastern Promenade 9.E
Portland, ME 04101

September 19, 2015

Government Oversight Committee
82 State House Station
Room 107, First Floor, Cross Office Building
Augusta, ME 04333-0082

Re: Government Oversight Committee's inquiry into Governor LePage's interference with Good Will-Hinckley's choice for President

Dear Senator Katz and Rep. Kruger:

Thank you for the opportunity to submit comments on Governor LePage's interference with Good Will-Hinckley's choice for President in connection with a public hearing on October 15, 2015.

As set forth in the Summary of the Information Brief captioned, *Financial Risks Associated with Potential Loss Of State Funding Led GWH Board to Change Course on Its Decision for New President*.

"Good Will-Hinckley (GWH) is a non-profit organization located in Fairfield, Maine that offers educational programs for at-risk youths, one of them being a charter school. In 2009, GWH was in dire financial straits and had to discontinue many of its programs including its high school. In 2011, the Governor and the Harold Alfond Foundation (HAF) were pivotal in funding a plan to revitalize GWH, in part by re-opening a high school that earned charter school status as the Maine Academy of Natural Sciences (MeANS) in July 2012. The Governor's support of this effort effectively took the form of a State grant from the Department of Education (DOE) through a statutorily established program called the Center of Excellence for At-risk Youth (COE). The Governor proposed funding for COE in his Fiscal Year 2012 and 2013 biennial budget and the Legislature ultimately provided \$330,000 and \$530,000 for those years respectively. An Agreement between DOE and GWH required that GWH use those funds for its residential program. Although the funding was intended to be temporary to support MeANS until it got established as a charter school, GWH has continued to need the State's support. GWH has lobbied to retain the funding, the Governor has continued to include \$530,000 per year for COE in each biennial budget, and the Legislature has approved continued support for this program.

In early June 2015, the Governor learned that GWH had hired the current Speaker of the House of Representatives as its next President. Both the Governor and the current Acting DOE Commissioner objected strongly.... The Governor, the Acting Commissioner and one of the Governor's Senior Policy Advisors immediately began

**Government Oversight Committee's inquiry into Governor LePage's
interference with Good Will-Hinckley's choice for President
Page 2 of 2**

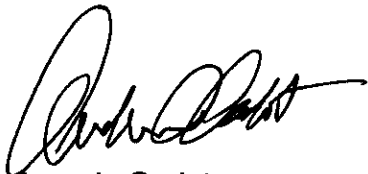
communicating to various GWH representatives and stakeholders that the Governor would have trouble supporting, or could not support, GWH with the Speaker there as President. Those on the receiving end of these communications clearly understood the Governor's "support" to mean the \$530,000 in COE funding for the upcoming biennium. GWH began assessing how it might manage without the funding, as well as reaching out to other funders to try to replace the State dollars.

Events described in this Information Brief strongly suggest that the threat of GWH losing State COE funding, and the subsequent holding of a payment already in process for GWH's first quarter of FY2016, are directly linked to the Governor learning that GWH had decided to hire the Speaker as President."

To me, these facts constitute sufficient grounds to impeach Governor LePage for improper conduct and for misdemeanor in office. Finally the Governor's pettiness in opposing those with whom he disagrees has slid over the edge and become truly offensive and a breach of public trust. Please use your leadership of the GOC to begin the impeachment process.

Thank you for all you do for Maine.

Sincerely,



Andrew A. Cadot
45 Eastern Promenade 9E
Portland, ME 04101



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: (207) 287-4469

Benjamin M. Chipman

5 Mayo Street #3

Portland, ME 04101

Cell Phone: (207) 318-4961

E-Mail: Ben.Chipman@legislature.maine.gov

Government Oversight Committee Public Hearing October 15, 2015 Testimony from Rep. Ben Chipman

The people of Maine deserve to have confidence in the integrity of our political system. The actions of Governor LePage raise serious questions about the misuse of public office and public funds.

I'm one of four lawmakers – Republican, Democratic and independent – who requested an investigation into the governor's threats to withhold state funds from Good Will-Hinckley, an organization that helps at-risk youths.

The independent Office of Program Evaluation and Government Accountability – OPEGA – confirmed the allegations: the governor threatened Good Will-Hinckley because it hired Speaker Mark Eves as its president, a state payment which was in process was withheld and restored only after the organization fired Speaker Eves to avert financial crisis.

If the governor is able to abuse his power to take revenge on a political rival, can any elected official – or any independent organization or any everyday Mainer – be safe?

Every elected official in Maine must be free to vote his or her conscience. Every independent organization should be free to make decisions in its own best interests. All Maine citizens should be free from the fear that their livelihoods depend on the whims of the governor – or any elected official.

While the report was very thorough, some matters need further attention. For one, there's a key meeting of top LePage staffers and Department of Education officials. It led to the Department of Education's extraordinary actions of pulling back more than half a million dollars that was already being processed for Good Will-Hinckley. There were differing accounts of what happened at this highly unusual meeting. This is why the Government Oversight Committee asked some individuals to appear at this public hearing.

Two top LePage staff members are refusing to appear and answer questions. I encourage you to issue subpoenas to these staff members so we can get to the bottom of what happened. These staff members are not parties in the lawsuit filed by the Speaker of the House so there is no reason why they should not appear before this committee and answer questions. I hope you will issue subpoenas right away.

OPEGA's task is a fact-finding one. As you know OPEGA does not determine whether laws were broken or not so it should not be a surprise to anyone that the report that was issued on September 8th does not say either way whether laws were broken. OPEGA gathers information and presents facts.

The OPEGA report is the beginning of a process that should not be considered finished. What we need to do now is determine, based on the information in the report, what specific laws, if any, were broken by the governor. My second request today is that you refer the 25 page OPEGA report and all other information associated with this investigation to a prosecutor or the Attorney General's office to make this important determination.

We need to get to the bottom of what happened and, if any laws were broken, hold the Governor and/or any staff members accountable. The people of Maine deserve and should expect nothing less.

RECEIVED OCT 13 2015

Government Oversight Committee at:
82 State House Station
Room 107, First Floor, Cross Office Living Building Challenge
Augusta, ME 04333-0082

Friday, October 9, 2015

Maine State Government Oversight Committee:

The purpose of this letter is to call to fore, during your investigation of Governor Paul LePage's recent, targeted actions against Representative Eves and other respected lawmakers, several other actions of our current governor throughout his reign that I find troubling, suspect are illegal, and compromise the integrity of the state of Maine. It is written in support of the public outcry to investigate impeachment of the governor, and put an end to this embarrassing and destructive assault on the reputation, procedural conduct and progress of Maine.

In addition to Governor LePage's blatant disregard of Maine law and his disdain for the thoughtful, humanistic past practices and environmentally sound decision-making from which the elected officials of this state have built their reputation, I, as a public school teacher for the past fourteen years, strongly object to the manner in which Mr. LePage governs himself and his administration on a day to day basis. Paul LePage's official conduct has often exhibited insulting, crude, bullying behavior, which exposes a horribly disfigured role-model for the young people of Maine, and taints our heretofore well deserved and hard earned reputation as a people who may disagree with each other, but do so in a way that inspires growth, embraces diversity, and promotes further understanding. Paul LePage's many embarrassing, irresponsible, disrespectful, demeaning, ridiculous and false statements (slander) about our citizens and elected officials make a mockery of Maine's governmental traditions.

While typical political rhetoric inevitably involves partisanship and party preference, LePage's behavior takes this language and attitude to an unprecedented level. His statements and actions make it clear that he favors the polarization of Maine people and views them as either "us" - anyone who agrees with him - or "them" - anyone who disagrees with him. Maine's Governor consistently applies this simplistic attitude to an absurd, irresponsible degree-referring to Southern Maine as the home of crooks and welfare cheats. It would seem that Mr. LePage isn't concerned with being the governor of all the people but of only the 38% who elected him. Most notably is his arrogant dismissal of Maine's democratic process in citizen initiatives by withholding funding of citizen-approved bond issues. In my view, this action alone warrants the dismissal of Paul LePage as our governor.

Another particular concern to me is one of our governor's first initiatives. Soon after taking office he began pushing for incentives that encourage natural gas pipeline expansion resulting in an infrastructure that used techniques that have since proven many of the pipelines dangerous, polluting and undependable. Undoubtedly catering to (and likely funded by) the ubiquitous, reckless and polluting natural gas industry, LePage claimed that natural gas would reduce the energy costs to businesses and homeowners dramatically. Meanwhile, he consistently acted to defund initiatives that encourage the development of renewable energy sources for both business and homeowners, most recently proposing a bill that, according an article by Tux Turkel

published May, 2015 in The Portland Press Herald, "would end Maine's four-to-eight million-dollar initiative that saves the largest manufacturing and industrial energy users and all ratepayers money on their bills through energy efficiency contracts."

Additionally, "[a] longstanding law that requires electricity suppliers to make up a percentage of their output from renewable generation is being targeted for destruction by a proposed bill called An Act to Focus Energy Laws on Energy Cost, a bill designed to repeal Maine's renewable portfolio standard." The fact that this bill would (a) do away with compensation to homeowners for their power generation and shift the focus of long-term contracts at the Public Utilities Commission away from wind and other renewable sources, (b) cut money available for energy conservation programs, and (c) have utilities provide a credit for agreements between natural gas shippers and large businesses seeking pipeline capacity, further illustrates our governor's commitment to an industry that favors the exploitation of a non-renewable, explosive, dangerous and air/water/ground polluting energy source *at the expense of* the development of renewable, safe, cost-effective and sustainable sources.

There are too many other violations by Governor LePage to cover in detail in one letter - unilateral assault on The Affordable Care Act, unfulfilled jobs promises, disrespect and disdain for Maine's educators and institutions of learning, attacks on Maine's unions, to name a few. Rather than exhaust all these issues here, I simply ask that in light of the practices of illegal actions, displays of disrespect, and abuses of power aimed to attack the environment and principles that have been stalwart mainstays of the people of this state (regardless of their political affiliation), I implore you to fully investigate these behaviors and seriously consider the dismissal of Paul LePage from the office of governor. To allow an elected official to conduct illegal actions, carry out a hidden anti-environment agenda, and erode the appropriate, respectful language, manner and attitude that we have come to expect of each other, is to be complicit in the degradation of all that Maine stands for. If to rid the office of this poison and deliver punitive measures to right the wrongs against the people of our state is what is warranted, then you must have the wisdom and find the courage to carry out this duty as our representatives. If public service is to remain effective, it must be conducted in a way that is acceptable *to* the public, of which I am a member. Please do not allow Paul LePage to wreck havoc on Maine in the way and for the same reasons that Scott Walker has done so in Wisconsin.

Respectfully,



Mary Chouinard
Mercer, ME

October 15, 2015

TO: Chairs and Members of the Government Oversight Committee

RE: **OPEGA Hearing on LePage v. Goodwill Hinckley**

Hello Senator Katz, Representative Kruger and Members of this committee,

My name is Jeanie Coltart. I am testifying in support of removal of Governor Paul LePage from office through his forced resignation, or if he doesn't agree to resign, then by impeachment. My reasons for advocating for Governor LePage's removal from office are as follows.

Governor Lepage has consistently abused his powers ever since his first term as governor. He consistently uses bullying and blackmail tactics to intimidate people who don't agree with him into submission and silence. He has interfered in situations in which he has no right to do so. **Some of many---known---examples of LePage's bullying and blackmail tactics** are:

Threatening and interfering with the Maine Human Rights Commission (over the Moody's Diner case);

Threatening to withhold state funding for two University of Maine college campuses unless the presidents of those two campuses resigned, which they did in order to protect their campuses;

Interfering with Maine's hearing process for unemployment insurance by pressuring hearing officers to rule in favor of employers and against unemployed workers (as per a letter released by the U. S. Department of Labor, which investigated this issue);

Blatantly insulting the NAACP, an organization that had kindly invited him to attend their annual function, instead of just graciously declining to attend;

Blatantly insulting several times by words and actions the U. S. President, including refusing to represent Maine at White House functions for state governors;

Meeting not once, but several times, in his office with members of a known Maine terrorist organization;

Withholding approved bonds and grants, such as the approved funds for Land for Maine's Future, in order to blackmail officials into submission;

Blatantly ignoring legal advice from Maine's Attorney General on several legal issues, resulting in taxpayer dollars being wasted in court proceedings---all in which the courts ruled against LePage, as the Attorney General warned would happen;

Intentionally out of spite against the Maine Legislature, he withheld legislative bills that had been sent to him for approval or rejection, missing the deadline for veto over the legislative session break, which resulted in his forcing the Maine Legislature to overtime, which cost Maine

taxpayers over \$100,000 in overtime pay, while at the same time he continues trying to cut funding for welfare programs and victimizing the most vulnerable people in Maine---unemployed workers, food stamp recipients, and so on;

And most recently---threatening to withhold state funds from Goodwill-Hinkley unless their board fired Mark Eves, whom the Goodwill – Hinkley Board has hired to be president of their school.

It is very unfortunate that Governor LePage never learned how to work with people effectively, but instead resorts to bullying and blackmailing tactics in order to get his way. **Bullying and blackmailing people is NOT OKAY!** Effective leadership requires the ability to communicate well with people, to know when to push and when to stop pushing, to know how to use the art of compromise in working with people who don't happen to agree with you. Governor LePage has proven to lack these all-important leadership abilities.

The members of the Maine Legislature, both Democrats AND Republicans AND Independents, need to band together to do the right thing for Maine, however unpleasant it may be, and force Paul LePage out of the governorship. He does not serve in the best interests of the state of Maine and its citizens.

If the members of the Maine Legislature do not force Paul LePage out of the governorship, then they are part of the problem by being “enablers,” by allowing LePage to continue his ravings and rants, and his blackmailing tactics. This would NOT be “okay!” It would instead, reflect very badly on members of the Legislature, who would be letting Maine citizens down by not forcing LePage out and replacing him with an effective person to be Governor who knows how to work well with people, which would be the current the Senate President.

Governor Paul LePage needs to either resign as governor or be impeached. Enough is enough!

Thank you for listening to my testimony.

Jean S. Coltart
127 Academy Road
Monmouth, ME 04259
Sunflower18@roadrunner.com
(207) 933-3293

**Testimony of Rep. Janice Cooper
Before the Government Oversight Committee
October 15, 2015**

Good morning Chairmen Katz, Chairman Kruger and other distinguished members of the Government Oversight Committee. I am Janice Cooper, representative for House District #47, comprising Yarmouth, Chebeague Island and Long Island.

I appreciate this opportunity to present my statement to this committee as it oversees the OPEGA investigation of the withdrawal of the position as president of Good-Will Hinckley to Speaker Mark Eves by that school, allegedly because of threats of state defunding made by Governor Paul LePage.

On July 24, 2015, I wrote the Director of OPEGA, Beth Ashcroft, requesting that the Committee broaden its investigation to include other episodes that also may suggest similar improper uses of governmental power by the Chief Executive.

My requests urge the Committee to also instruct OPEGA to investigate the alleged threat by Governor Paul LePage to withhold public monies already committed to the World Acadian Congress unless that entity terminated its president, Jason Parent. According to newspaper accounts, the governor was displeased with Mr. Parent because of his association with the governor's campaign opponent, Mike Michaud. The coup de grace, according to the *Portland Press Herald*, was the fact Mr. Parent presented Mr. Michaud with some commemorative token before he had given one to the governor. Mr. Parent has resigned and I believe the state funding was subsequently provided. The newspaper accounts indicate that its sources are second hand, and that the parties directly privy to the alleged threat either denied the connection or were unwilling to confirm that Mr. Parent's resignation was a result of the governor's purported threat. There can be, of course, a world of difference between what a party will tell a newspaper and what evidence it must tell a legislative committee with the authority to compel testimony under oath through a subpoena. What is clear, in any event, is that if true, the reported allegations are disturbingly similar to the one at issue in the Goodwill-Hinckley matter.

When this Committee completes its work, its findings can be used in many different ways, at its sole discretion. One possibility, although certainly not foreordained, is that it will be used by other members of the legislature or the Committee as the basis for the Maine House of Representatives to determine whether the governor has committed an impeachable offense. While this step is not at all certain to be taken, and I take no position on this, the Committee, **in determining the scope of its present investigation**, should bear in mind the relevant history and precedent regarding impeachment, an unprecedented step in Maine history.

What constitutes an impeachable offense is both a factual and legal determination. As counsel to the U.S. House Judiciary Committee in the late 1980s, I was part of a

legal team that represented the House in impeachment proceedings concerning a federal judge accused of conspiracy to commit bribery and other misdeeds. The factual investigation, the legal analysis, the proceedings before the Judiciary Subcommittee and full Committee, and presentation to the House, and the subsequent trial in the U.S. Senate consumed over three years. Accordingly, I became well acquainted with the concept of “impeachable offenses” as well as the process and procedures most commonly used and accepted in impeachment cases both at the federal and state level. “Impeachable offense” is a concept that goes back to English common law’s understanding of the relevant terms in the 18th century, the time of the writing of the Constitution. So, for example, the federal standard of “high crimes and misdemeanors” does not mean “misdemeanors” in the modern sense of the word. Rather, the founders intended to reach only offenses that go to the heart of the civil officer’s misuse of **official powers**. Purely private malfeasance was not the point of impeachment. I think it is fair to say that the absence of this element of official duty was the key reason for the acquittal of President Bill Clinton in his impeachment trial.

Second, the gravity of the offense—whether it is serious enough to warrant impeachment—relates to its impact. If the offense sets a chilling precedent for other government officials or members of the public, this is a factor the House may and, I believe, should consider. Indeed, the courts, including the U.S. Supreme Court, have made it clear that the legislature, not the courts, has the final say over impeachments, including what constitutes an impeachable offense. Likewise, process and procedures are up to the House and Senate to construct for each stage of the proceeding, although the public expects fundamental notions of due process and fairness to be followed.

Third and most important in this context, if there is a **pattern** of arguably impeachable offenses, this should weigh heavily in the determination of whether the misdeeds warrant an impeachment proceeding. This, too, however, initially is up to the House and then, if appropriate, the Senate, but I believe that the Committee should investigate whether there has been such a pattern.

My experience in Congress also taught me that it is appropriate to consider other charges against the official under investigation that may demonstrate a different type of malfeasance. In the case I prosecuted, the House charged the judge not only with several counts relating to his alleged conspiracy to commit bribery (upon which the Senate convicted him) but also violations of the federal wiretap laws for allegedly alerting the subject of an undercover investigation that his telephone calls were being monitored. Although the Senate acquitted the judge on these counts, no Senator questioned the propriety of combining the charges in the same proceeding.

This precedent is relevant in Maine because other examples of alleged misuse of official power have been raised, even substantiated. In particular, there is the federal report of February 2014 that concluded that the governor tried to pressure and intimidate administrative law judges to issue decisions more sympathetic to

employers. Senator Troy Jackson called for impeachment proceedings based on this report, but I do not believe any further action was taken by the legislature at that time. This conduct, if true, however, arguably goes to the heart of the separation of powers between executive and judicial functions, and seems to be an unethical if not illegal interference in the independence of administrative judges. Whether successful or not, such intimidation is surely chilling. In light of the above other claims of improper conduct, I urge this Committee to review this episode as well, to determine whether this is also an example of improper exercise of the governor's powers.

In addition, as we all know, at the end of the last session, Gov. LePage vowed to veto all bills sent to him. Initially, he applied this only to bills sponsored by Democrats; later, as tensions with his own party increased, he promised and did veto all bills that landed on his desk, regardless of merit (except for those bills he failed to veto within the allotted time). His explanation for the across-the-board veto policy was that all legislation should receive a 2/3 vote of approval by the legislature. This is not what the Maine Constitution requires. Vetoes are intended to be selective, based on reasoned legal or factual grounds. The governor has effectively de facto rewritten the Constitution. If this Committee finds that the additional requirement was motivated by political retribution for matters unrelated to the merits of the bills at hand, this, too, should be part of your inquiry.

Finally, I would add that recent statements by the governor to refrain from appointing new members to executive branch agencies or to allow his appointees to participate in agency votes and deliberations, if implemented, have the potential to bring many official acts of government to a halt. This, too, could be viewed as an abdication of the governor's official responsibility to govern as the chief executive.

Thank you for your attention to these complex issues. I hope that this Committee will, at some point, determine that an investigation of some or all of these additional points is of value to the legislature and the people of Maine.

EXHIBIT A

E-Mail of August 13, 2015

To the member of the Government Oversight and Accountability Committee:

In an email dated July 24 to OPEGA Director Beth Ashcroft, I requested this Committee to broaden its review of the facts pertaining to Governor Paul LePage's alleged activities regarding his threat to withhold public funding to the Good-Will Hinckley School to also include similar activities. As I wrote to Ms. Ashcroft, I request this Committee to also investigate "the reported involvement of Gov. LePage in threatening the loss of public funds to the World Acadian Congress unless its president, Jason Parent, were dismissed from office. President Parent did in fact leave that position, and according to news reports, his departure was the result of the governor's alleged threats. See <http://bangordailynews.com/2015/07/24/news/state/lepage-denies-forcing-ouster-of-acadian-congress-president/>

"If accurate, this scenario closely resembles the one previously reported and now under investigation by your office, involving the governor's threat to withhold state funds unless the Good-Will Hinckley School rescinded its job offer to Speaker Mark Eves. The two episodes also mirror the sequence of events reported with respect to the firing of President John Fitzsimmons from the Maine Community College System. If true, these three events demonstrate a highly disturbing pattern of abuse of power by the governor, more than the previously reported albeit egregious episode.

"In addition, I ask that the committee use your offices to investigate the incident wherein the governor purportedly called workers compensation administrative judges to his office and berated them for issuing decisions he deemed pro-labor or pro-worker. If true, this, too, is an instance of improper use of the governor's authority, this time to influence the judicial process in administrative proceedings, also a clear violation of his duty to faithfully execute the powers of his office."

I understand that the Committee has already investigated and reached its conclusions on the incident regarding undue influence on administrative judges. However, if it appears that this is part of a pattern of misuse of government authority it may be appropriate to revisit this episode and consider whether it falls into such a pattern that together, form a serious violation of the governor's duty to faithfully execute the powers of his office.

Finally, I also advised Ms. Ashcroft and now this Committee that I believe the Committee should consider retaining independent counsel to advise it and the House, should that step become necessary. As I wrote, "Prior to moving to Maine, I worked for three years for the US House Judiciary Committee as counsel on the impeachment of US District Court Judge Alcee Hastings. In that capacity, I was part of a team that conducted the investigation, presented evidence to the House Judiciary Committee, the House of Representatives, and subsequently, in the trial before the US Senate. Accordingly, I am very familiar with the law regarding impeachment, including the meaning of impeachable offense, preferred procedures, standards, rules of evidence, etc. If I can be of any assistance to the committee or your office, please do not hesitate to contact me. One issue that has arisen that I think requires a closer look is the reliance on the Maine Attorney General Office for your legal advice. In the congressional impeachment cases, we took the position, which is shared by the federal courts, that impeachment is wholly a legislative function, and the executive and judicial branches have little if any role to play. Accordingly, I urge the Committee to retain outside counsel, responsible only to the House, so that this line is not crossed. I can anticipate situations where the advice of the AG's office may differ from those of the committee or other legal experts."

With best wishes,

Rep. Janice Cooper (Yarmouth, Chebeague Is., Long Is.)

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Filling In Some Blanks

Governor LePage's political enemies eagerly attribute the meanest of motives to him for rescinding Speaker Eves' appointment to head the Good Will-Hinckley school at the same time they attribute the purest of motives to the speaker's overnight conversion from a charter school critic to a wannabe charter school champion. The speaker's allies also want to gloss over Eves' paper-thin qualifications and the likelihood that a "sweetheart deal" was the deciding factor in his nimble move into a cushy, high-salaried job that is so unburdensome he could retain his job as speaker, virtually assuring Good Will-Hinckley that there would be no interruption in state funding.

In light of the speaker's previous opposition to the establishment of charter schools in Maine -- an achievement for which LePage is largely responsible -- the governor's preemptive action is eminently reasonable and justified. In an 8 June letter to the Board of Directors the governor laid out the reasons for opposing Eves' appointment -- that he was unfit for the job by virtue of his anti-charter school record plus his lack of credentials and experience.

LePage did not stand idly by and acquiesce in the appointment of a person to lead a school who might compromise its mission or, conceivably, close it because the speaker had recently stated that he "still had reservations" about charter schools. Would it make sense to appoint an atheist to be pastor of a church.

The combined enrollment of the two schools is a modest 112 students, staffed by sixteen or so - dedicated teachers and administrators, including a school principal. Hiring a moonlighting \$120,000 a year novice to head the school would have imposed an additional cost of more than \$1,000 for each of the 112 at-risk students -- an exorbitant charge of dubious worth.

Raise the principal's salary and hire a couple more teachers.

Walter J. Eno
Scarborough
207 730 5588



HOUSE OF REPRESENTATIVES

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Testimony before the Government Oversight Committee in reference to the Good-Will Hinckley OPEGA Brief. Presented by Representative Jeffrey Evangelos, House District 91, October 15, 2015.

Good morning Senator Katz, Representative Kruger, and other members of the Government Oversight Committee. I am Representative Jeffrey Evangelos from Friendship and I represent House District 91.

From the accounts I've read in the press I understand that Governor LePage's lawyer and Senior Policy Advisor, Cynthia Montgomery and Aaron Chadbourne, have declined to testify before your Committee today. This time they asserted the civil lawsuit pending between the Speaker of the House and the Governor as their grounds, despite the fact that neither of them are named as parties to the lawsuit. However, on June 30, 2015, counsel Montgomery had already informed the committee in a letter to Director Ashcroft of the Governor's intentions to assert separation of powers between the Executive and Legislative branch. Citing Article 3 of the Constitution without any specifics, counsel Montgomery contested the authority of OPEGA and the Government Oversight Committee to investigate Governor LePage, telling Legislators to look to the Constitution for the authority to investigate. Subsequent to these developments, Governor LePage has attacked the Committee's work and made comments unbecoming of a Chief Executive regarding members.

Concerning jurisdiction, it is important to note that the letter requesting an investigation submitted to the Government Oversight Committee on June 29, 2015, signed by Rep. Chipman, Warren, and Evangelos, included a clause citing the authority of Legislators to investigate the Governor under the Maine Constitution, Article 4, Part 1, Section 8, just as Ms. Montgomery has requested. Article 4, part 1 section 8 authorizes the Maine Legislature to investigate the Governor and that is what we asked the Government Oversight Committee to do on June 29th pertaining to the serious allegations discussed in the Good-Will Hinckley Brief.

As it is clear that Governor LePage and his administration are stonewalling the Committee and its investigation, I am requesting today that the Government Oversight Committee fully enhance its investigation with the full use of subpoena powers to depose witnesses under oath, including members of the Executive branch. You are vested with the full power and authority to do so. Historic legal precedents in the United States have always found that members of the Executive branch are required to testify, with Courts ruling consistently that the public's right to know outweighs any other considerations. I have the citations should you need them.

In addition, given the seriousness of the allegations against the Governor and the damaging findings reported in the OPEGA Brief, and the Governor's own public admission on WMTW June 29th that he engaged in threats involving state assets, I am asking the Committee to request the appointment of a Special Prosecutor to investigate Governor LePage for the following possible criminal violations:

Title 17A section 355: Extortion

Title 17A section 603: Improper Influence

Title 17A section 903: Misuse of Entrusted Property

Copies of each law are attached as exhibits.

Our system of government relies on checks and balances and co-equal branches of government. The abuse of power by any Chief Executive must be held accountable to the rule of law. Just this week, in another sign that the rule of law within the LePage Administration is violated, we all learned that Governor LePage convened a Commission in secret to investigate the Maine Human Rights Commission, in clear contravention of the public right to know laws.

In closing, I'd like to discuss the meaning of the word discretion. There is a clear difference between discretion and abuse of power. Discretion is defined from various dictionaries as: the quality of having or showing discernment, good judgment, discreet, cautious reserve in speech so that people will not be harmed, the trait of judging wisely and objectively. Discreet means to be "wise or judicious in avoiding mistakes or faults; prudent; circumspect; cautious; not rash." In other words, discretion is exercising judgment tempered with these attributes in order to arrive at a final decision or outcome. These are not the attributes of Governor Paul LePage.

Abuse of power is defined as: The act of using one's position of power in an abusive way, manipulating someone with the ability to punish them if they don't comply, improper use of authority by someone who has that authority because he or she holds a public office. Abuse of Discretion is defined as: Any action by a government official by which that official renders decisions for a clearly improper purpose. These are the attributes that describe Governor Paul LePage.

Legislators can no longer remain silent. Many of us knew something was terribly amiss when on March 24th, 2015, "Gov. Paul LePage fired Brig. Gen. James D. Campbell, adjutant general of the Maine National Guard, just moments before Campbell was to deliver his annual "State of the Guard" speech to a joint session of the Legislature on Tuesday morning." (PP Herald) The manner in which this firing was conducted, moments before Brig. General Campbell was to address the joint session, with his wife, family and friends assembled in the audience along with members of the military, revealed a vicious, vindictive and ruthless approach to governance never before witnessed in our great state.

It's time we exercised our power as Legislators to hold Governor Paul LePage accountable to the rule of law.

Thank you for your consideration. That concludes my statement.

Maine Revised Statutes

§354-A

Title 17-A:

§356

- ▼ [§355 PDF](#)
- ▼ [§355 MS-WORD](#)
- ▼ [STATUTE SEARCH](#)
- ◀ [CH. 15 CONTENTS](#)
- ◀ [TITLE 17-A CONTENTS](#)
- ◀ [LIST OF TITLES](#)
- ▼ [DISCLAIMER](#)
- ◀ [MAINE LAW](#)
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MAINE CRIMINAL CODE Part 2: SUBSTANTIVE OFFENSES Chapter 15: THEFT

§355. Theft by extortion

1. A person is guilty of theft if the person obtains or exercises control over the property of another as a result of extortion and with intent to deprive the other person of the property.

[2001, c. 383, §37 (AMD); 2001, c. 383, §156 (AFF) .]

2. As used in this section, extortion occurs when a person threatens to:

A. Cause physical harm in the future to the person threatened or to any other person or to property at any time; or [1975, c. 499, §1 (NEW) .]

B. Do any other act that would not in itself substantially benefit the person but that would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation or personal relationships. [2001, c. 383, §38 (AMD); 2001, c. 383, §156 (AFF) .]

[2001, c. 383, §38 (AMD); 2001, c. 383, §156 (AFF) .]

3. Violation of this section is a Class C crime.

[2001, c. 383, §39 (NEW); 2001, c. 383, §156 (AFF) .]

SECTION HISTORY

1975, c. 499, §1 (NEW). 2001, c. 383, §§37-39 (AMD). 2001, c. 383, §156 (AFF).

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State House Room 108
Augusta, Maine 04333-0007

Maine Revised Statutes

§602

Title 17-A:

§604

- ▼ [§603 PDF](#)
- ▼ [§603 MS-WORD](#)

- ▼ [STATUTE SEARCH](#)

- ◀ [CH. 25 CONTENTS](#)
- ◀ [TITLE 17-A CONTENTS](#)
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MAINE CRIMINAL CODE

Part 2: SUBSTANTIVE OFFENSES

Chapter 25: BRIBERY AND CORRUPT PRACTICES

§603. Improper influence

1. A person is guilty of improper influence if he:

A. Threatens any harm to a public servant, party official or voter with the purpose of influencing his action, decision, opinion, recommendation, nomination, vote or other exercise of discretion; [1975, c. 499, §1 (NEW).]

B. Privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding any representation, argument or other communication with the intention of influencing that discretion on the basis of considerations other than those authorized by law; or [1975, c. 499, §1 (NEW).]

C. Being a public servant or party official, fails to report to a law enforcement officer conduct designed to influence him in violation of paragraphs A or B. [1975, c. 499, §1 (NEW).]

[1975, c. 499, §1 (NEW) .]

2. "Harm" means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official or voter is interested.

[1975, c. 499, §1 (NEW) .]

3. Improper influence is a Class D crime.

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW).

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Maine Revised Statutes

§902

Title 17-A:

§904

- [§903 PDF](#)
- [§903 MS-WORD](#)
- [STATUTE SEARCH](#)
- [CH. 37 CONTENTS](#)
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MAINE CRIMINAL CODE

Part 2: SUBSTANTIVE OFFENSES

Chapter 37: FRAUD

§903. Misuse of entrusted property

1. A person is guilty of misuse of entrusted property if that person deals with property that has been entrusted to that person as a fiduciary, or property of the government or of a financial institution, in a manner that that person knows is a violation of that person's duty and that involves a substantial risk of loss to the owner or to a person for whose benefit the property was entrusted.

[2013, c. 414, §5 (AMD) .]

2. As used in this section "fiduciary" includes any person carrying on fiduciary functions on behalf of an organization that is a fiduciary.

[2013, c. 414, §5 (AMD) .]

3. Except as provided in subsection 4, misuse of entrusted property is a Class D crime.

[2013, c. 414, §5 (AMD) .]

4. If a misuse of entrusted property results in the loss of a vulnerable person's property or the loss of property entrusted to a person for the benefit of a vulnerable person and, at the time of the offense, the owner or the beneficiary of the property is a vulnerable person:

A. If the value of the property is more than \$1,000 but not more than \$10,000, the misuse of entrusted property is a Class C crime; and [2013, c. 414, §5 (NEW) .]

B. If the value of the property is more than \$10,000, the misuse of entrusted property is a Class B crime. [2013, c. 414, §5 (NEW) .]

As used in this subsection, "vulnerable person" means an incapacitated adult as defined in Title 22, section 3472, subsection 10 or a dependent adult as defined in Title 22, section 3472, subsection 6.

[2013, c. 414, §5 (NEW) .]

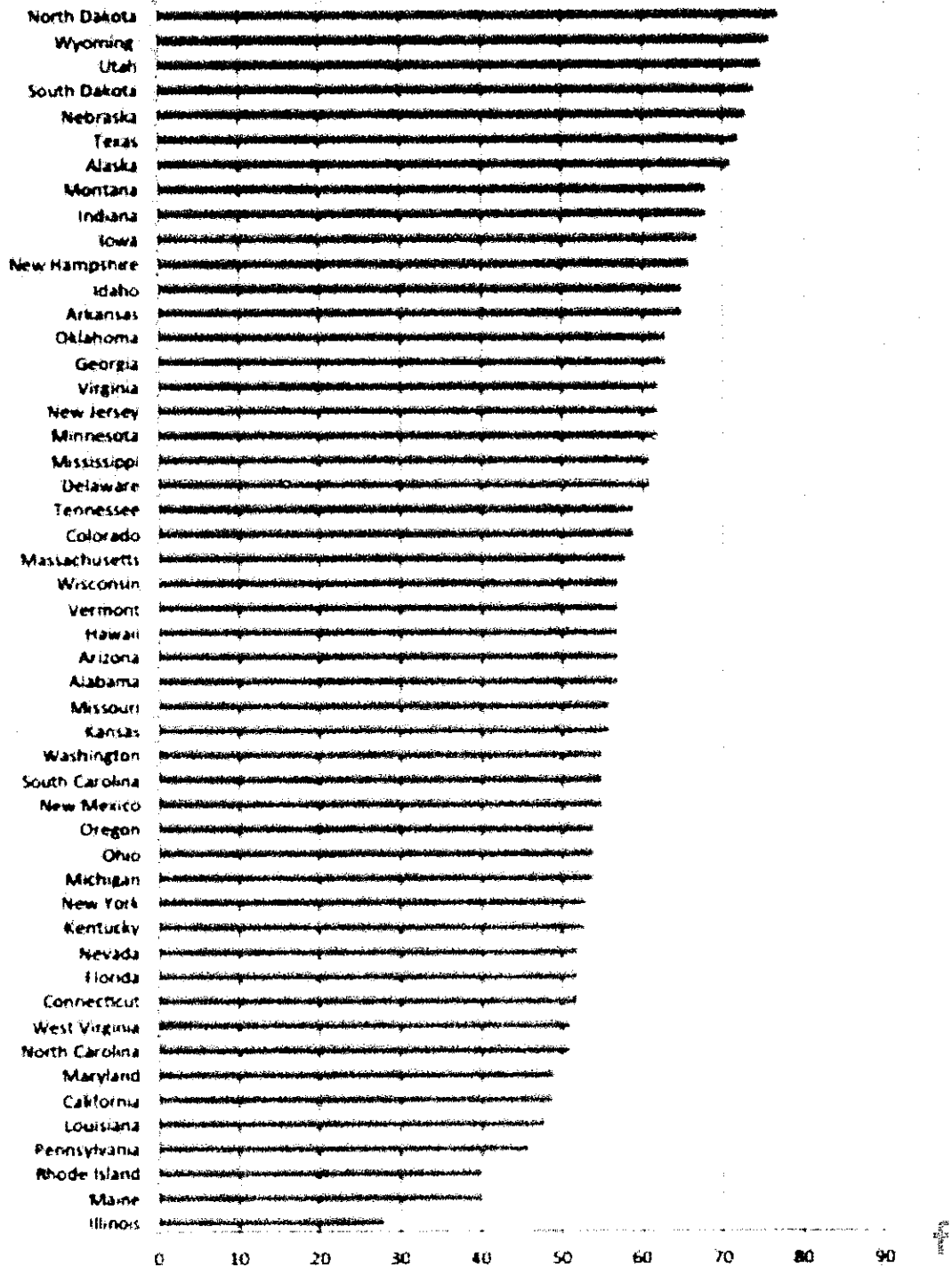
SECTION HISTORY

1975, c. 499, §1 (NEW). 2013, c. 414, §5 (AMD) .

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% Expressing 'Great Deal or 'Fair Amount' of Trust



These data come from a poll released recently by Gallup. In the second half of 2013, Gallup interviewed a random sample of at least 600 residents in

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48 Hyler St.,
Thomaston ME 04861

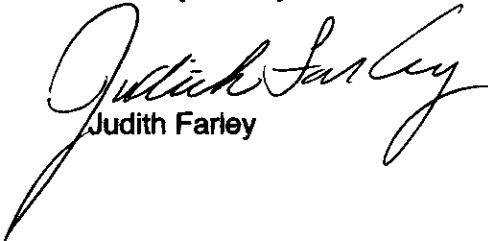
Government Oversight Committee
82 State House Station
Room 107, First Floor, Cross Office Building
Augusta, ME 04333-0082

Sirs:

I am writing to express my distress at the actions of Paul LePage, Governor of the State of Maine. He has been rude, insulting, and boorish throughout his time in office, but the intimidation of those receiving State funding, the threatening of those in public office, and the negativity he expresses toward citizens/residents of the State are, in my mind, grounds for impeachment.

I am sure I do not need to enumerate the instances of intimidation and bullying for you as they have been widely discussed over the last five years. Nor do I need to tell you the our state is now the laughing stock of the world, as that has become more and more evident in newscasts, on comedy shows, and other media.

Thank you for your attention.


Judith Farley

October 15, 2015

Chairman Katz, Representative Kruger, distinguished members of the Committee on Government Oversight. I am Hendrik Gideonse from Brooklin.

I have read carefully the OPEGA report. Given the many real constraints associated with its development, it is a remarkably strong piece of reportage and analysis. Still, as a deceased architect friend used to say to me, it is just a point on a much, much larger curve. It is a sad day for Maine.

Governor LePage's negative effects on the processes of government present a highly unusual situation. Only the legislature can protect the State from further damage. One route entails passing several different forms of super-majority legislation to "bell the cat."¹ The other is to find LePage's performance malfeasance in office and remove him. That route would require a lot of work from your committee, and I'm going to suggest even a bit more.

Maine has a fundamental problem. We have in office a Governor who uses his power and authority vindictively and counter to the votes of the people, who withholds his department heads from legislative testimony, who has arguably broken and/or failed to comply with laws, who misuses and abuses his veto authority, who has failed to meet his responsibility to fill boards and commissions with members, and who spends public money without adequate safeguards to assure quality product. On their face, I would submit to you, and especially taken all together, these failures in office rise to the level of misdeeds, a reasonable common sense interpretation of the word "misdemeanor" in the Maine Constitution.²

I offer you four lines of counsel.

The first is to consider the nature of the judgment required of you. It is not a *political, partisan* matter; the Governor's actions have indiscriminately affected members of all parties. While it may ultimately include *criminal* matters, such proceedings are not the venue of the legislature. No, you are being called upon to perform *the most important kind of civil review of executive performance you will ever be called upon to make*.

The second line of counsel is to ask yourselves *what cumulative level of evidence must ground your recommendations to the legislative body*, i.e., as American jurisprudence refers to it, 'some credible evidence', 'substantial evidence', 'preponderance of the evidence', 'clear and convincing evidence'? ('Beyond a reasonable doubt.' the very highest evidentiary standard required for criminal conviction, does not apply to impeachment proceedings.)

The third is for you to keep clearly and constantly in mind *the consequences for the governance*

¹See Portland Press Herald October 11, 2015

²The concept of impeachment may be found on pages 3(Art.I, Sec.7), 9(Art.IV,Part First, Sec.8), 11(Art.IV, Part Second,Sec.7), 24 (Art.V,Part First, Sec. 11), 28(Art.VI,Sec.4), and 32(Art.IX,Sec.5) of the Maine Constitution and the word misdemeanor on page 32(Art.IX,Sec.5).

of Maine if we continue for three more years what we have lived through the last five. Should you and we have to accept that? I submit not.

Which takes me to a fourth line of counsel. Before you begin your particular deliberations, I would urge you to *afford yourselves a clear rendering of the pulse of the legislative body for which you are working*. Divide the other 174 members into twelve lists of 14 or 15, each list cutting across both houses and across political affiliations. Each of you would in the next two to three weeks complete one-on-one, twenty-minute, not-for-attribution scripted (see suggestions below) and confidential interviews with the legislators on your list. Each committee member would try to develop a sense of where your peers are on the nature of the issues, what's at stake, how they think it should be approached, how serious they think it is, whether it should be allowed to continue. The interview script should make it plain, however, that the interviews are *not* a "pre-poll" of legislative members' views on matters that you and they have yet to consider. Such a question would be premature and therefore inappropriate.

Were I in your shoes I would want to have that five-hour commitment from each of us under our belts before we proceeded – in public as you must – to address the issues and judgments LePage's shortcomings have obliged you to consider.

Thank you for your attention.

Possible Elements for an Interview Script

[It would be premature and inappropriate for this interview to address any interviewer or interviewee conclusions respecting the executive performance of the Governor.]

In any review of a governor's performance what might constitute unacceptable performance? Have you formulated criteria on this or do you "know it when you see it"? Is there any difference between unacceptable and impeachable? How would you distinguish between either of those compared with actions you simply disagree with?

Are their levels, or degrees, or can there be a cumulative effect of misdeeds in coming to an assessment of executive performance?

Have you yourself reviewed the constitutional language on impeachment? How do you understand the meaning of the Constitutional term "misdemeanor"? Did you know that the dictionary that would have been available to the writers of the Maine constitution at the time (Johnson's 1797) defined 'misdemeanor' as "offence; ill behaviour; something less than an atrocious crime."

What if the kinds of actions we've all been seeing continue for three more years?

Are you concerned about the consequences of an impeachment proceeding brought that does not end in replacement?

Short of impeachment what legislative measures might be brought to limit executive excesses that may have occurred?

October 15, 2015

Re: Testimony provided at the Public Hearing of the Government Oversight Committee on October 15, 2015

To the Twelve Members of the Government Oversight Committee,

My name is Becky Halbrook and I live in Phippsburg. As a Maine resident, I speak as a retired person, a mother, a grandmother, an aunt, great-aunt and the friend and neighbor of many residents of Sagadahoc County.

In addition, I represent the 700+ Mainers who have recently signed an online petition at the website DearLePage.com -- the website was launched in August in response to Gov. LePage's statement that if the people of Maine asked him to resign, he would do so. We are directly asking him via the online petition and by mailing postcards, sending emails and other messages -- we ask him to resign immediately. We intend to continue this effort during the next few months and ultimately we hope that Gov. LePage will resign from his office.

Our message to the Committee today is as follows:

1. Regarding the Good Will-Hinckley investigation: We commend the Committee for pursuing the bipartisan investigation of Gov. LePage's involvement in the Good Will-Hinckley matter. We trust that the Committee will demonstrate its further determination and fortitude by continuing to pursue this investigation in order to produce a full and complete report of the Good Will-Hinckley matter. While the OPEGA informational brief is a good beginning, there are many unanswered questions remaining and those questions must be addressed and the answers must be documented. The people of Maine will not be satisfied until the investigation is completed and the full set of facts are available for all to assess. If there are witnesses and documents that can only be obtained by issuing subpoenas, those subpoenas should be issued by the Committee. Testimony should be taken under oath and the witnesses should be subject to cross-examination to ensure that the complete truth is told. The truth in this important matter is at stake and there is no alternative way to determine the truth and complete the investigation.
2. Regarding allegations of additional abuses of power: We encourage and support the Committee in pursuing the investigation of alleged abuses of power, other than the Good Will-Hinckley matter. We believe that the expansion of the investigation to include other allegations would be entirely appropriate. Such an expanded investigation should not be discredited or denigrated by anyone claiming "political motivations." Nor should the Committee or its members be "shamed" by any politician for conducting the work of this Committee. The people of Maine depend on the Committee to

pursue each and every credible allegation, find the facts and lay them before the Maine people for their assessment. The people of Maine depend on the Committee to do its professional work without regard or concern for attempts to sideswipe or discount its efforts by politicians or other persons.

3. Regarding the appointment of an Independent Prosecutor: We encourage and support the Committee as it seeks legal resources to assist on the details of the investigation(s) and to advise regarding possible violations of Maine law.

4. Another legal question that has been posed recently concerns the use of the attorneys' fees provision in the state's liability insurance policy for payment of the Governor's private attorney fees in the Eves civil lawsuit. An Independent Prosecutor could research the terms of the insurance policy and determine whether the insurance policy is available for payment of the Governor's attorneys' fees in his defense in the Eves lawsuit.

In conclusion, we commend to you the writing of Rep. Charlotte Warren whose words were published by the Kennebec Journal recently under the title "Governor's acts of intimidation threaten the fabric of our democracy" --

"I urge Mainers to make their voices heard at the public hearing on Thursday. It starts at 9 a.m. and will be held in Room 220 of the Cross Office Building. It's an opportunity to speak your minds about the report and your expectations for your government.

This fact-finding report will serve as the basis of any further action, including a determination that laws were broken, referral to a special prosecutor, or the initiation of impeachment proceedings.

The questions we must answer are very serious. Questions about intimidation by the state's highest elected official, the misuse of public funds to punish a lawmaker for his voting record and a political grudge turned personal vendetta that harmed a man's livelihood.

This is not simply about LePage and Eves.

It's about each and every Mainer in this state and whether they have to live their lives looking over their shoulders for fear that they might offend the wrong person in power. If they do or say the wrong thing, will they be punished? Do we want our elected representatives answering to us, those who elected them, or to another elected official?

This is, simply, about standing up for our democracy." Rep. Charlotte Warren published by Kennebec Journal

September 09, 2015

Members of Maine's Legislative Committee on Government Oversight

As a lifelong Maine resident, 23 year veteran of state and municipal government, and current Vassalboro resident, I request you support impeachment proceedings against Governor Paul LePage.

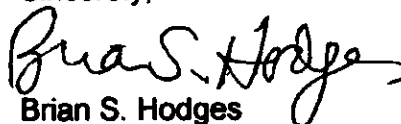
With the conclusion of the Office of Program Evaluation and Government Accountability's (OPEGA) investigation and subsequent report, there is a strong likelihood the Governor has inappropriately used his influence and abused his power as the Governor of Maine. OPEGA has indicated there is no "smoking gun" yet this is likely due to the unwillingness of the Governor's office, including the Governor himself, to participate in OPEGA's fact finding session. Meaning, if the alleged perpetrator does not provide information nor respond to questions, a fact finding body (OPEGA) cannot reach a definitive conclusion; this is akin to a defendant in a court proceeding "pleading the 5th" against self-incrimination. However, OPEGA did determine a potential withholding of State funds did occur, in relation to the basis of Speaker Eves' employment with the Good Will-Hinckley institution.

Maine Constitution Article 9, Section 5. Removal by impeachment or address. Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office.

OPEGA was not given, nor does it have, the authority to make a determination of misconduct. However, the Maine Legislature does have this authority. Even though there have never been impeachment proceedings of a Maine Governor, this is no reason to hesitate. As elected officials, you represent Maine citizens and businesses but you are also elected to uphold Maine's Constitution and Laws. With the OPEGA report as well as recorded statements of Governor LePage to WMTW TV reporter Paul Merrill, there is a sufficient basis to hold impeachment hearings. The impeachment proceedings may likely include subpoenas of all involved parties, but specifically should include Good Will-Hinckley Board Chair Jack Moore, Acting Education Commissioner Tom Desjardin, and Governor Paul LePage so the Maine Legislature, by way of the Maine Senate, can gather information to make an informed decision and determination of whether misconduct has or has not occurred.

In conclusion, it is clear that sufficient information has been presented to initiate impeachment proceedings. Even though this is uncharted territory, I urge Maine's Government Oversight Committee to not take the path of least resistance but to do the right thing; recommend and put forward legislation to Maine's House of Representatives that an impeachment of Governor Paul LePage is warranted.

Sincerely,


Brian S. Hodges

Senator Katz, Representative Kruger, members of Maine's Government Oversight Committee

My name is Brian Hodges of Vassalboro Maine. I'm here today to request you initiate impeachment proceedings against our Governor, Paul Lepage, by taking a vote in the affirmative and then supporting such legislation. This is not a statement I, you, or any citizen of Maine should take lightly but given the circumstances, it is, unfortunately, appropriate.

For 46 years, I have called Maine my home. For 23 of those years, I dedicated my professional career to public service in State and municipal government. As each and every one of you know, public service is not a commitment to be taken lightly. For many of us, it is a calling that involves sacrificing time with family to serve the public. It is a calling to sacrifice more lucrative careers. Why do we make these sacrifices? We do so because we want to leave a legacy of making Maine a better place because of our efforts. But when serving the public, it is critical to do so with grace, with compassion, and with professionalism. Why is this important? Because the public wants to know they are treated fairly with the highest level of service possible. While I have lived in Maine for all 46 of my years, the past several years have resulted in me hesitating when asked if I'm proud to call Maine my home because of the reputation we've been given under the Lepage administration.

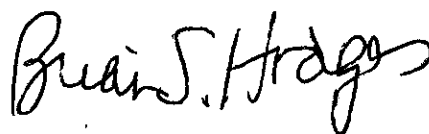
Nobody can question whether or not something happened between the Governor, Good Will Hinckley, and Mark Eves. Something has indeed happened as stated in the OPEGA report and I quote *"Events described in this Information Brief strongly suggest that the threat of Good Will Hinckley losing State funding, and the subsequent holding of a payment already in process for Good Will Hinckley's first quarter of FY2016, are directly linked to the Governor learning that Good Will Hinckley had decided to hire the Speaker as President."* The question remains, what involvement did the Governor and his staff have and did any involvement rise to the level of misconduct by a government official which meets the Maine Constitution's definition of a basis for impeachment proceedings? You, the Government Oversight Committee, tasked OPEGA with investigating the allegation and reporting on their findings. In the State of Maine, across the country, and around the world, people experience allegations of wrongdoing but after an investigation of due diligence, determinations are made which sometimes result in charges being filed and other times do not.

With the Good Will Hinckley incident, that determination has not been reached yet. With an elected official ranking as high as the Governor, the roles of authority and oversight are different than dealing with ordinary citizens. While a citizen's fate is often impacted by District Attorneys, a Governor's oversight is the responsibility of the Legislature. You are the authorities. This committee is to the Governor as the District Attorney is to a citizen. This case is a clear example of why checks and balances are instituted between the Executive, Legislative, and Judicial branches. Maine citizens elected you to represent them and when you took your oath via Article 9 Section 1 of Maine's Constitution, you agreed to uphold Maine's Constitution...not parts of the Constitution but all of the Constitution.

The Governor and his administration would not fully participate in OPEGA's investigation. Accused individuals may never willingly participate so without the power of subpoenas, a body like OPEGA can never make a definitive conclusion. But you can. As Maine's Government Oversight Committee, you have the ability to ensure justice throughout State government prevails. Do not let this situation being the first of its kind dissuade you. Maine's Constitution does not require you to uphold your oath only when situations have a prior history. Instead, you are required to uphold your oath under any circumstance and the Maine Constitution clearly states via Article 9 Section 5 that every person holding any civil office in this state may be removed by impeachment, for misdemeanor in office.

In conclusion, due diligence is needed. Not only for Mark Eves, Good Will Hinckley, or even Governor Lepage. Due diligence is needed for Maine and all of its citizens to ensure our democracy is intact, credible, and worthy of support. Again, OPEGA was unable to make a determination of whether there was misconduct but you have the authority and responsibility to do so. I, and so many others, want to see a fair and impartial hearing conducted, whether or not the Governor and his staff participate. Your constituents deserve that. All Maine citizens deserve that. Maine deserves that. And even the Governor himself deserves a fair and impartial hearing so his name can either be cleared or justice can be served. Let's make Maine a place we're proud to serve and call home. Do the right thing and move the process of impeachment forward. Thank you for your commitment to serving the people of Maine.

October 15, 2015



Paul LePage has made a mockery of the first amendment. Paul LePage told a high school student that his father, who is a journalist, should be shot. He has caused more than one political rival to lose their jobs – and that's what we know about. He has vowed to veto every bill and go through referendums, but also refuses to follow the will of the people on referendums if he doesn't like them or wants to use them for playing political games. He has proven over and over his inability to understand the concept of democracy, never mind that of compromise.

I even hesitated to write this and put my name on it. Some of my thoughts..... Is someone in his office making a note and keeping a list of those speaking against him? Can this come back and hurt me or my family somehow? Am I unimportant enough in the scheme of things, that he won't bother remembering who I am, so that will keep me safe from reprisal?

These are things that no one in the United States should ever have to worry about when speaking of those elected to office. That these are things we have to worry about in Maine in relation to our governor seems incomprehensible to me. I have always believed Maine to be one of the most politically reasonable and democratic of states. But, sadly, this is now a concern here because of Paul LePage.

And unless we do speak out, nothing will change. Not even after he leaves office, if he is allowed to serve his full term. He will have set a precedent that allows a governor to bully, threaten and actually cause harm to those that disagree with him. And we will become more afraid to speak out.

We will always wonder if our legislature is voting in a way that reflects their beliefs about what is best for our state – or if they are voting in a way that protects them, not only politically (which is always a concern, unfortunately), but personally as well. Will we actually have a state legislature and population that is AFRAID to do what we believe is right. How can that be, in the US, in the 21st century?

Governor LePage said that he would step down if citizens of the state asked him to. The time has come for all of us to do just that. Because regardless of whether or not you agree with his economic policies or environmental policies, or other policies, he has shown a blatant disregard for the will of the people with his actions on the referendums on bond issues and an even more blatant disregard for one of the most basic rights under our constitution – the right to our freedom of speech.

There is a reason the freedom of speech is the first amendment. We need to understand that without that right, all of the others are meaningless. Because if we can't speak out when our rights are violated, what is the point of having them? If we are afraid to speak out for what is right, then we are truly lost.

Lianne Mitchell
Yarmouth, Maine

October 14, 2015

Dear Sen. Katz, Rep. Kruger and members of the Government Oversight Committee:

As U.S. Senate Majority Leader, Senator George Mitchell told the Republicans that, although he might disagree with them on policies, he would never embarrass them. That is how a statesman conducts him or herself. We have a governor who demonizes anyone who disagrees with him. His bullying tactics are more than impolite and disrespectful. They are hurting our State and its people.

Karen Heck, former mayor of Waterville, has said that business and opportunities for economic development are not coming to Maine because of LePage. By attacking teachers, state employees, workers and others who disagree with him, Governor LePage has demoralized Maine people. The Governor has abused his power by threatening revenge against outstanding public servants and the Legislature, including members of his own party. By blackmailing the Legislature and preventing the passage of good legislation, the Governor has hurt Maine people and stifled progress. By refusing to implement bond packages voted for by Maine people, he thwarts the democratic process and disrespects our citizens.

LePage himself has said he would resign if asked. But we really understand that he will stay and continue to bully no matter what is said. Only the Legislature has the power to stand up to this rogue governor. Please come to the aid of Maine and our people.

Sincerely,

Edward (Ted) and Diane Potter
Gardiner

RECEIVED OCT 13 2015

Government Oversight Committee at:
82 State House Station
Room 107, First Floor, Cross Office Living Building Challenge
Augusta, ME 04333-0082

Maine State Government Oversight Committee:

Governor LePage has consistently spoken crudely and negatively about legislators, Maine schools and teachers, members of the NAACP, the Portland Press Herald, and the President, comparing the IRS to the Gestapo. The governor has the responsibility to perform the historic role of leadership defined by tradition and the democratic process; but, he does not have the right to bully or lie to the people of Maine, while ignoring citizen-led and approved initiatives like Land For Maine's Future. He claims to be a man of the people and then ignores what the voters have asked for. He has consistently refused to honor the bonds that the voters overwhelmingly voted for, holding the bonds as political hostage.

LePage's record as successful and shrewd business executive at the state level is abysmal. LePage had signs erected saying "Welcome to Maine, open for business." Yet under his leadership Maine paper mills (and their well-paid jobs) are being shuttered and sold for scrap. LePage has not succeeded at fulfilling his own billboard.

I offer the situation regarding the Dolby Landfill and the loan to Cate Street Capitol as an example of why the State of Maine cannot afford LePage's leadership. As part of the deal to keep the mills in Millinocket and East Millinocket open, the state agreed to take over the running and management of the Dolby Landfill so that Cate Street Capitol could purchase the Millinocket and East Millinocket mills for \$1.00. Paul LePage spoke to the Board of FAME and encouraged a loan to Cate Street Capitol (It later emerged that Cate Street Capitol ...including corporate officers and their families donated \$7,500.00 to LePage's

①

election campaign). Obviously the plans to keep the mills open failed miserably and Cate Street Capitol investors are earning \$16 million in tax credits for monies that were in the state of Maine for minimal time. In the meantime the good taxpayers of Maine will also be paying for the closure of the Dolby landfill ... a cost estimated at up to \$16 million (including testing). To make things worse for the people of Millinocket, Governor LePage later attempted to coerce Millinocket town officials into paying \$50,000.00 a year instead of the one time fee of \$50,000.00 they had originally agreed to kick in to manage the landfill. When the town officials refused to pay, LePage withheld \$216,000.00 in sudden and severe impact funds.... monies that were necessary to run the Millinocket schools.

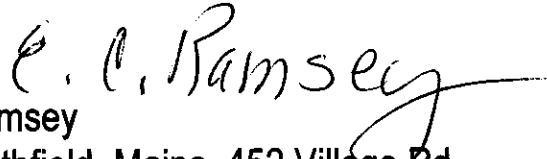
Remembering LePage's comments about Maine's public schools, "If you want a good education, go to private schools. If you can't afford it, tough luck. You can go to public school." It is obvious that the Governor has no respect for Maine schools, students, parents, teachers, and taxpayers. Currently, the Annie E Casey Foundation Kids Count Data Center ranks Maine schools as the 16th best in the country... an amazing rating considering the poverty rate of many Maine children and families. For many years Maine has been ranked (by NAEP National Assessment of Educational Programs) among the highest states in the country for their public school systems.

Most recently, Governor LePage's behavior has alienated many in his own party. Last summer Republicans joined Democratic legislators when the Governor declared that the legislature had officially adjourned and that he did not need to veto numerous bills. Those bills have now become law, since the State Supreme Court ruled against the governor and the state is now involved in a further investigation regarding whether or not Mr. LePage blackmailed a charter school.

Maine needs an intelligent and creative governor, one who does not attempt to misuse his power and one who can unite the people of Maine. We need a governor who can attract business instead of handing out corporate welfare, rather than arrogantly questioning and squeezing each dollar spent on welfare for Maine's poor. Paul LePage's leadership has failed the people of Maine and it is time for him be removed from office. As horrible as his incompetence is, Paul LePage's performance as

a role model is even worse; he has demonstrated arrogance, rudeness,
and a lack of respect for Maine's traditional democratic principles.

Respectfully,

A handwritten signature in cursive script that reads "E. C. Ramsey". The signature is written in black ink and is positioned to the right of the word "Respectfully,".

Elisabeth C. Ramsey
PO Box 45, Smithfield, Maine, 452 Village Rd.
207-362-3366.....Airedale@tdstelme.net

RECEIVED OCT 14 2015

Government Oversight Committee at:
82 State House Station
Room 107, First Floor, Cross Office Living Building Challenge
Augusta, ME 04333-0082

Maine State Government Oversight Committee:

The purpose of my letter is to underscore the profoundly incompetent and arrogantly dismissive tenure of Governor Paul LePage. As a public school teacher for over forty years I am extremely upset at LePage's rude, bullying behavior, offering a horribly destructive role model for the young people of Maine. Paul LePage's many embarrassing statements are well known to the citizens of Maine: his ridiculous statement that Maine students can't get into the best out-of-state universities is demeaning and false; equally irresponsible was his comment saying that he would like to blow up the *Portland Press Herald*, as was his disrespectful, inappropriate comment regarding the NAACP, as was his degrading reference to President Obama, as well as his attempted sexual-political reference to potential campaign opponent Troy Jackson; our Governor's countless crude, belittling statements about Mainers in general, whether they be students, legislators, or cabinet heads, make a mockery of Maine's governmental traditions.

While the realities of political office inevitably involve partisanship and party preference, it has become very clear that LePage lives in a world of "Good Guys"(Republicans-anyone who supports him) versus "Bad Guys"(Democrats-anyone who disagrees with him). Destructively, Maine's Governor consistently applies this simplistic attitude to an absurd, irresponsible degree-referring to Southern Maine as the home of crooks and welfare cheats. It would seem that Mr. LePage isn't concerned with being the Governor of all the people-but only those who reside in geographically pro-LePage areas. Central to his disdain for Maine citizens is his arrogant dismissal of the democratic process in citizen initiatives-most notably his withholding funding of citizen-approved bond issues; this subject alone would seem to warrant the dismissal of Paul LePage.

Our Governor began his tenure by pushing through significant tax breaks for the wealthiest Mainers, thus depleting Maine's financial resources; then, having taken away the State's money he pompously, deceptively announced that Maine had a severe economic problem and would have to face budget cuts impacting State programs-programs that he opposed. This began the LePage strategy of manufacturing relatively nonexistent problems which he would then use as a rationale to eviscerate anything he didn't like-integrating the priorities and solutions of the A.L.E.C. playbook.

LePage's arrogant adventurism has cost the State of Maine untold money....from prolonged lawyer's fees in his unilateral assault on Obamacare, as he attempted to undercut the breadth of Maine's responsibility to provide

Medicaid for children according to nationally proscribed levels. LePage has lost on this and other issues, while the citizens of Maine picked up the bill for his incompetence. Similar incompetence and arrogance can be seen in his making promises (which could not be fulfilled) to the individuals attempting to rejuvenate the East Millinocket Mill and landfill-which with the Governor's guidance went bust-and again the State had to pick up the tab. Initially, at the beginning of his tenure, Maine's chief administrator promised a dramatic increase in jobs-saying that he would "turn things around" in just eighteen months-that Mainers should hold him accountable. Of course, LePage's magic, irrational revolution has not fulfilled his jobs promise.....and sadly, his pro-gas and oil manipulation, at the same time undermining alternative energy options, has also diminished potential growth in Maine jobs.

I knew the State was in trouble when LePage categorically said that "tourism" is not an industry....whereas the environmentally fragile mining businesses that he is encouraging to set up in Northern Maine fulfill his definition of "industry" (evidently pollution of the environment must occur). Then, I became even more alarmed following an Environmental Roundtable in which twelve small businessmen (majority Republicans), utilizing Maine's natural resources, each discussed the absolute importance of maintaining a clean, viable environment, necessary to their business success. Sitting ten feet away from Mr. LePage, I listened to his response regarding air pollution from the Mid-West, when he feigned outrage at the coal companies for their eastward pollution; he said that pushing for more regulation of coal was a priority which he would act on immediately. I left the roundtable relieved, thinking that maybe Governor LePage would act responsibly. However, three days later LePage turned 180 degrees from his statement at the Environmental Roundtable, withdrawing from the group of NE Governors seeking increased regulatory strictures on Big Coal. This deception has become the dominant pattern of the LePage Administration.

Demeaning name calling, blatant misinformation, and bold lies-I could enumerate a long list of egregious LePage deceit and incompetence; yet, even worse is his rude, crude bullying, his arrogant condescension-defying Maine's history and tradition of democratic principles and outstanding statesmanship. Mr. LePage is a destructive role model for Maine's young people-cheapening the image of our state in the eyes of the rest of our country. Historically, Maine has taken great pride in its motto "Dirigo." We can't allow Paul LePage to destroy all that Maine stands for.

Respectfully,


Jim Ramsey,

PO Box 45, Smithfield, Maine....04978

Airedale@tdstelme.net

**Testimony of Cushing Samp before the Government Oversight Committee
October 15, 2015**

Senate chairman Katz, House chairman Kruger, Members of the Committee, my name is Cushing Samp and I am a resident of Saco. My testimony is supported today by 24 other residents of Maine who are unable to be present today, Sandra Johnson and Sarah Clark of Orono, Margaret Baillie, Lee Souweine and Emily Bean of Bangor, Jean Camuso and Eric Brown M.D. of Hampden, Cheryl Olson and John Lorenz of Hermon, Carol Sullivan of Rangeley, Emily Hawkins of Deer Isle, Russ and Mel Banton of Brunswick, Jim Chute and Stephen Goetz of Freeport, Martica Douglas of Portland, Jody Sataloff of Cape Elizabeth, my husband, Eric Samp, Donna Beveridge, Betsey Pace, Deb C ote Anderson, Karyn Cote and Etienne Guillory of Saco, and Cornelia Kittredge of Arundel, as well as by four others who are unwilling to have their names made public.

First, I am not here to oppose any positions taken by the Governor, nor am I here because I am embarrassed by public statements that he has made. I am here because I cannot stand silent in the face of the blatant contempt that the Governor has demonstrated by his actions towards the governing process and, by extension, to the people of Maine.

With respect to the events surrounding the offer of employment extended to Speaker Eves and its subsequent withdrawal, the Governor has crossed the line. The Governor is entitled to express his opinion of Speaker Eves and to express it publicly. What he cannot do is use his authority as governor of this State to cause personal harm to a political opponent solely as a result of the views held by that opponent. Nor can he use his authority to blackmail an independent organization in this State. His authority over the funds in question may be "discretionary." However, "discretionary" cannot be construed to include the ability to withhold funds for a malicious purpose. That is clearly what the Governor, or the Governor's subordinates with his approbation, has done.

Failure to act further in this investigation will have the effect of empowering the Governor.

This is a man who has held hostage the Land for Maine's Future program by failing to issue bonds that have met every single constitutional requirement for issuance, save for his final signature. These are bonds that have been overwhelmingly approved by the voters of this State. While there is some latitude permitted in the timing of the issuance, it is clear that that latitude does not include refusing to issue the bonds for political purposes or because he disagrees with the purpose of the bonds.

This is a man who vetoed bills, not because, as he is constitutionally entitled to do, he disagreed with the bills, but for the stated purpose of wasting the Legislature's time.

This is a man who, either through gross incompetence or malicious intent, refused to veto bills, ignoring long-standing constitutional practice.

This is a man who has withdrawn names for filling vacancies on various boards and agencies so that they can do their work, not because he has been unable to find people who are qualified, but because he wants to hinder or destroy the proper functioning of state government .

This is a man who instituted an investigation of the Maine Human Rights Commission because he was not allowed to interfere with an administrative proceeding.

This is a man who state residents dare not speak about publicly because of fear of retaliation.

The Mark Eves incident, in and of itself disqualifies the Governor from continuing in his official capacity. When viewed in the context of the many other actions he has taken, the inescapable conclusion is that this Governor has violated his oath of office. He has spat in the face of our constitutional process. The people of Maine elected a governor, not a demagogue. Only the Legislature can stop him. You must issue subpoenas for witnesses today, you must make findings and and you must turn to matter over to the House for a decision on whether impeachment proceedings are warranted.

RECEIVED SEP 22 2015

10 Robinson ST
South Portland, ME 04106

September 18, 2015

Government Oversight Committee
c/o Office of Program Evaluation and Government Accountability
82 State House Station
Augusta, ME 04333

Gentlemen,

I believe your recent report verifies that Governor Paul LePage has grossly overstepped his office's prerogatives and should be brought to account for criminal extortion.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles L. Sims". The signature is fluid and cursive, with a prominent initial "C" and a long, sweeping underline.

Charles L. Sims

Oct. 15, 2015 Testimony for Government Oversight Committee Public Hearing

Dear Senate Chair Katz, House Chair Kruger, and Honorable Members of the Government Oversight Committee,

We have a crisis in this State which has prompted this Hearing. Our Governor has been testing the bounds of Executive Power and has seemingly crossed the line with his successful attempt to void an open-search hiring at Goddwill-Hinckley for political reasons. This cannot be allowed to stand unchallenged or without most serious repercussion unless we want a Maine in the future where job applicants must pass a litmus test of some sort. This turns us away from democracy and meritocracy to something perhaps resembling the McCarthy era of the early 50's when anyone who was tagged as a "communist sympathizer" was disqualified from service to country. I know this first hand because my father graduated from Georgetown University's School of Foreign Service in 1951, and could not get clearance for a State Department Job for two years due to the disfunction of government prevalent at the time. Sound familiar to anyone?

Our Senator Margaret Chase Smith stood up to McCarthy and delivered her Declaration of Conscience Speech, which is generally credited with recharting the ship of State back to our founding principles. This is that kind of a time, and demands that all of you give deep thought to what sort of State we want in the future. Do we want the best and the brightest to hold leadership positions, with a level playing field for all, or a State where all jobseekers with Executive discretion or influence on their funding are subject to that Executive's whims? Looking back in history, really bad things happen when good people do nothing. My observations of State Government show a lot of people making excuses or taking the easy path away from difficult tasks, on the basis of "Oh, we'd never get two-thirds vote" or "It won't get by Executive Council", when often what that really means is some lobbyists have them in a position where Just Doing The Right Thing becomes deleterious to some other issue being resolved.

I have heard both Sen. Katz and Rep. Kruger discussing the LePage/Goodwill-Hinckley/Eaves matter before you now on Stephen King's AM 620 radio station in Bangor, and these are rational and reasonable public servants. Now the question becomes, who will lead? My advice is to pursue the entire truth in this matter, whether that requires subpoenas and lengthy hearings or there is enough evidence already accumulated by OPEGA to form a conclusion of whether laws and rules were broken and what the consequences should be. Mohandas Gandhi followed the path of what he called Satyagraha, which means "insistence on the truth". To some he may have been a scrawny little foreigner with a walking stick in his hand and wearing a loin cloth, but he accomplished the same thing our tri-hat wearing, musket-carrying forefathers did for us: They threw off the yoke of British oppression.

There are certainly other grievous actions of this administration, like document-shredding at CDC and the Alexander Report, and certainly others will be brought to your attention in short order. You should also be aware that the State is about to expeditiously permit landfill capacity to Casella worth about a half a Billion Dollars. The funds threatened to be withheld if Rep. Eaves was hired was about a half a million dollars. A group of citizens and legislators approached GOC over three and a half years ago and pushed for a review of the State's dealings with Casella, who operates the State-owned Juniper Ridge

Landfill (JRL) in Old Town. While GOC declined to ask for an OPEGA investigation, you did send a letter to the Environment and Natural Resources Committee asking them to address four areas of concern. ENR has declined to do anything of the sort, and their Chair Saviello, who came to you 3 times back then to assure you of their careful oversight of JRL still shows no inclination to fulfill your Committee's formal request. Perhaps we will bring a new request to you soon. Currently, our DEP Commissioner has resigned, and the acting commissioner has kept his first job in the Governor's office. When BEP decided to take jurisdiction of the Expansion Hearing for JRL, which is coming soon, Chair Parker was surprised to see that the garbage company's attorney, Tom Doyle, would represent both Casella and the State's interests. Does this seem right to you? Our fear is that since the Bureau of General Services JRL overseer, Mike Barden, admits that the State has done nothing to seek alternatives to dumping in Old Town, that we will not get a full independent evaluation of the wisdom of building a 20 million cubic yard Dump in Old Town. It may seem like progress to some if the Department of Environment Protection becomes the Department of Expedited Permits, but there has been corruption in the process of JRL from its inception in 2003. This is not a partisan issue, as problems that began with a Democratic Executive giving Casella a half billion dollars worth of space have become a Republican Executive's apparent objective. So, where is the Review? If this were a like amount for liquor or gaming, there would be intense and massive efforts to understand exactly what is going on. Why does Garbage get a Free Pass? In my opinion, people at Pierce-Atwood have everything to do with it.

Suffice it to say, there are many issues of great importance facing the State right now, and one of them is before you now. Please follow your conscience and insist on the truth and please bring a forceful resolution to the people of Maine. I am not calling for Impeachment, although that may become an option. We deserve better, and we want transparency and accountability.

Respectfully submitted,

Ed Spencer

PO Box 12, Stillwater, ME 04489

827-8359

RESTORE:



TESTIMONY OF JAMES A. ST. PIERRE MAINE DIRECTOR, RESTORE: THE NORTH WOODS TO THE MAINE GOVERNMENT OVERSIGHT COMMITTEE

October 15, 2015

Sen. Katz, Rep. Kruger, and committee members: My name is James St. Pierre. I am Maine Director of RESTORE: The North Woods, a regional conservation organization based in Hallowell. I have been involved in land conservation and economic activities at the local, regional, and state levels in Maine for forty years. Our organization has been involved in wildlife and land issues in Maine for more than twenty years.

We believe that Governor Paul LePage has abrogated his responsibilities as Maine's top elected official.

As he has admitted, and as an independent probe by the Legislature's Office of Program Evaluation and Government Accountability has confirmed, he threatened to withhold state funds from the Good Will-Hinckley School unless it reversed its plans to hire a lawmaker with whom the Governor has strong policy disagreements.

Clearly, Governor LePage's goal was to punish a legislator for his voting record and his leadership. The Governor abused his public office turning a political grudge into a personal vendetta. He not only jeopardized the independence and livelihood of a fellow elected official, his misuse of taxpayer funds to bludgeon an important educational institution would have thrust the school to the edge of financial collapse if they had not done his apparently unlawful bidding.

However, the Good Will-Hinckley matter cannot be judged in isolation. It is part of a long pattern of behavior by Governor LePage that demonstrates that he is unwilling to properly discharge many of the essential constitutional powers and duties of his office.

For instance, Governor LePage has improperly withheld funds authorized by the Maine Legislature and approved by the voters. He has abandoned his obligation to submit a balanced budget. He has arbitrarily vetoed dozens of legislative bills without any cause. He has refused to fill scores of crucial appointments so that lawfully constituted boards and commissions can conduct their business as they are legally obligated to do.

In addition, in the areas of environmental and conservation concerns, which are especially important to our work, Governor LePage and his Administration have taken numerous actions to:

- reject new conservation lands
- sabotage implementation of the Kid-Safe Product Act
- undermine sustainable logging on Maine's state forests
- advocate development of a toxic mine at Bald Mountain
- subvert the Efficiency Maine Trust weatherization program
- waste millions of dollars on the bankrupt Great Northern Paper Co. mills
- submerge the Department of Conservation into the Department of Agriculture
- push nuclear power plants while defunding renewable and solar energy initiatives
- send anti park letters to President Obama and Maine's congressional delegation
- dismantle the State Planning Office, Land Use Regulation Commission and other agencies
- destroy institutional memory by driving long-time employees from key environmental agencies

In short, not only has Governor LePage caused serious harm to the government, the economy, the environment, and the people of Maine by his actions and inactions, he has violated and even scorned his constitutional duties to "take care that the laws be faithfully executed." (Maine Constitution, Article V, Section 12)

What can Maine citizens do about this? Unlike a dozen and a half other states, Maine has no process for citizens to recall a sitting Governor. However, the Maine state constitution provides that "Every person holding any civil office under this State, may be removed by impeachment" upon presentation of charges by the Maine House of Representatives against a public official "for misdemeanor in office" and trial before the Maine Senate. (Maine Constitution, Article IX, Section 5)

During one weekend last month, by standing in just one place, we collected hundreds of signatures on petitions requesting that the Maine House of Representatives present charges against Governor LePage "for misdemeanor in office," (Maine Constitution, Article IV, Part First, Section 8) and that the Maine Senate try the impeachment to judge whether the charges warrant "removal from office." (Maine Constitution, Article IV, Part Second, Section 7)

Other petitions we have seen online seeking impeachment or recall of Governor LePage have amassed nearly 40,000 signatures.

So we are exercising the only legal recourse that is available to Maine citizens to seek redress of our grievances against a Governor who has shown himself repeatedly to be defiant in the face of the law.

We respectfully request that the Maine Legislature uphold its constitutional responsibility to the people by impeaching and trying Governor LePage for misdemeanor in office.

This is serious business, which we do not take lightly. We have seen how Governor LePage has used intimidation and retribution against others who challenge him and his Administration. Frankly, my appearance before you causes me deep concern. But the future well being of my home state is more important to me than the fear of retaliation.

Thank you for your service to Maine and for the opportunity to present our petitions to the Maine Legislature today.

Comments Offered to Government Oversight Committee
In Regard to Goodwill-Hinckley
October 15th, 2015

Good morning, Senator Katz, Representative Kruger, and members of the Government Oversight Committee, my name is Alan Tibbetts, I am here today as a concerned Maine citizen to voice my comments on the Goodwill-Hinckley situation.

We would not be at this stage if this was not a serious matter requiring serious consideration. Governor LePage is entitled to his opinions and entitled to give voice to those opinions. I question whether voicing his opinions on hiring decisions by private sector entities in his capacity as Governor on official stationery was proper. But we are not here to discuss the propriety of voicing an opinion. We are here to discuss his use of discretionary authority over funds to pressure private sector entities to fire someone. This is the equivalent of Governor Baldacci going to Cianbro and saying: "Fire Peter Cianchette or you will never get another state contract as long as I am Governor."

You must also consider where not taking any action in this case leads. If at some future date Representative Sanderson displeases the Governor does that jeopardize funding for Maine Veteran's Homes or mean board members for that organization will stop showing up for meetings? In my opinion, if Governor LePage gets a free pass on this every legislator, every regulator, every municipal official, every "independent" commission and every business with a state contract will be fair game.

It is time for this committee and this legislature to hold Governor LePage accountable.

Alan Tibbetts
23 Field Rd
Sidney, ME 04330

Howard Trotzky
20 Knox Avenue
Bangor, ME 04401

October 15, 2015

Dear Co-Chairs Katz and Kruger,

I write to you as a former Republican member of the Senate.

There are few things as fundamental to our Constitutional government as the three separate and distinct branches of government. The defined roles of each branch and the ability of each to check the powers of the others prevents any one from amassing too much power--and abusing it.

This is why our government works.

Just as seminal to our democracy is the vitality of free speech.

I am deeply disturbed that Governor LePage's actions have compromised these principles.

Many of the facts are not in dispute. Lines were crossed when the governor's disdain for a political rival prompted his meddling. Impassioned political debate is one thing--in fact, it's expected, especially during these times of divided government. But using one's political

Howard Trotzky
20 Knox Avenue
Bangor, ME 04401

power--in this case, the power of the chief executive, to intimidate and threaten a private organization over its right to hire who it wants is vindictive politics at its worst.

The governor's actions have a ripple effect that extends well beyond GoodWill Hinckley and Speaker Eves. Without question, the tragic fact is that the Speaker lost his job because his politics is different from the governor. His firing is more than collateral damage to a political battle. Speaker Eves was deprived of a private employment opportunity and the ability to support his family. No one in this state deserves that treatment--including those who disagree with our governor.

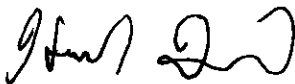
Intimidation and abuse of power hurt everyone. For lawmakers it means that speech may be stifled, votes may be based on a politics of fear and retribution rather than merits of policy, and the sacrosanct details of one's personal life--including one's family and job--may now become political casualties to the governor's vendetta du jour.

It's clear that the governor's personal threats aren't confined to one person or even limited to one political party. Just days ago, the governor lashed out attacking and threatening this committee's co-chairman, Senator Katz. Make no mistake, the governor's accusations and threats are not limited to Senator Katz. He is threatening each of you on this committee and the Legislature--each of you who have a prerogative to do something about the governor's overreach and abuse of power.

HOWARD TROTSKY
20 Knox Avenue
Bangor, ME 04401

It appears that there is nothing that this governor will not do to avenge his personal grudges. I do not envy you as you shoulder the awesome responsibility before you today. But your actions will set a precedent for those who follow you. On my behalf and on behalf of others who sat in those seats before you, I implore you to do all you can to protect the great institution of the Legislature. You will set the precedent for how those who follow will respond to attacks by a Chief Executive. Push back. Stand up. Do what is right.

Respectfully,

A handwritten signature in black ink, appearing to read "Howard Trotsky". The signature is fluid and cursive, with a large initial "H" and a stylized "T".

Howard Trotsky

Appendix F. Subpoenas and Request Letters for Appearance and Records for the GOC's Public Comment Period on October 15, 2015 and Special Inquiry on November 12, 2015



SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

MEMBERS:

SEN. CHRISTOPHER K. JOHNSON
SEN. DAVID C. BURNS
SEN. PAUL T. DAVIS, SR.
SEN. BILL DIAMOND
SEN. STAN GERZOFKY
REP. MICHAEL D. MCCLELLAN
REP. RICHARD H. CAMPBELL
REP. ROBERT S. DUCHESNE
REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

September 15, 2015

Mr. Aaron Chadbourne, Senior Policy Advisor
Governor's Office
1 State House Station
Augusta, ME 04333-0001

Dear Mr. Chadbourne,


At our meeting on Tuesday, September 8th, the Government Oversight Committee received the report from the Office of Program Evaluation and Government Accountability's on State Funding for Good Will-Hinckley. While OPEGA's report was thorough, Government Oversight Committee members have a number of questions we would like to ask of those directly involved regarding the events, actions and explanations described in the report.

Accordingly, on behalf of the GOC, we are requesting your attendance at our next meeting on **October 15, 2015 at 9:00 a.m. in Room 220** of the Cross Office Building in Augusta. This is also the date we have scheduled our typical Public Comment period for this review and, in addition to responding to our questions, we welcome any additional comments you would like to share with the Committee about OPEGA's review and the contents of the report.

Please notify OPEGA Director, Beth Ashcroft at 287-1901 by Monday, October 5th if you will be attending. If you have any questions or concerns about this request, you may contact Beth Ashcroft or us.

Sincerely,


Senator Roger Katz
Senate Chair


Representative Chuck Kruger
House Chair

cc: Members of the Joint Standing Committee on Education and Cultural Affairs
Members of the Government Oversight Committee
Philip McCarthy, Legislative Analyst, Office of Policy and Legal Analysis
Rachel Tremblay, Legislative Analyst, Office of Fiscal and Program Review
John McGough, Chief of Staff, Governor's Office



SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

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REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

September 15, 2015

Ms. Cynthia Montgomery, Chief Counsel
Governor's Office
1 State House Station
Augusta, ME 04333-0001

Dear Ms. Montgomery,

At our meeting on Tuesday, September 8th, the Government Oversight Committee received the report from the Office of Program Evaluation and Government Accountability's on State Funding for Good Will-Hinckley. We appreciate the cooperation that you and others at the Department of Education have provided OPEGA over the course of this review.

While OPEGA's report was thorough, Government Oversight Committee members have a number of questions we would like to ask of those directly involved regarding the events, actions and explanations described in the report. Accordingly, on behalf of the GOC, we are requesting your attendance at our next meeting on **October 15, 2015 at 9:00 a.m. in Room 220** of the Cross Office Building in Augusta. This is also the date we have scheduled our typical Public Comment period for this review and, in addition to responding to our questions, we welcome any additional comments you would like to share with the Committee about OPEGA's review and the contents of the report.

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Sincerely,

Senator Roger Katz
Senate Chair

Representative Chuck Kruger
House Chair

cc: Members of the Joint Standing Committee on Education and Cultural Affairs
Members of the Government Oversight Committee
Philip McCarthy, Legislative Analyst, Office of Policy and Legal Analysis
Rachel Tremblay, Legislative Analyst, Office of Fiscal and Program Review
John McGough, Chief of Staff, Governor's Office



SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

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REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

September 15, 2015

Mr. Thomas Desjardin, Acting Commissioner
Department of Education
23 State House Station
Augusta, ME 04333-0023

Dear Acting Commissioner Desjardin,

At our meeting on Tuesday, September 8th, the Government Oversight Committee received the report from the Office of Program Evaluation and Government Accountability's review of State Funding for Good Will-Hinckley. We appreciate the cooperation that you and others at the Department of Education have provided OPEGA over the course of this review.

While OPEGA's report was thorough, Government Oversight Committee members have a number of questions we would like to ask of those directly involved regarding the events, actions and explanations described in the report. Accordingly, on behalf of the GOC, we are requesting your attendance at our next meeting on **October 15, 2015 at 9:00 a.m. in Room 220** of the Cross Office Building in Augusta. This is also the date we have scheduled our typical Public Comment period for this review and, in addition to responding to our questions, we welcome any additional comments you would like to share with the Committee about OPEGA's review and the contents of the report.

Please notify OPEGA Director, Beth Ashcroft at 287-1901 by Monday, October 5th if you will be attending. If you have any questions or concerns about this request, you may contact Beth Ashcroft or us.

Sincerely,

Senator Roger Katz
Senate Chair

Representative Chuck Kruger
House Chair

cc: Members of the Joint Standing Committee on Education and Cultural Affairs
Members of the Government Oversight Committee
Philip McCarthy, Legislative Analyst, Office of Policy and Legal Analysis
Rachel Tremblay, Legislative Analyst, Office of Fiscal and Program Review
John McGough, Chief of Staff, Governor's Office



SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

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REP. RICHARD H. CAMPBELL
REP. ROBERT S. DUCHESNE
REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

September 15, 2015

Mr. John Moore, Chairman
Good Will-Hinckley Board of Directors
16 Prescott Drive
Hinckley, ME 04944

Dear Chairman Moore,

At our meeting on Tuesday, September 8th, the Government Oversight Committee received the report from the Office of Program Evaluation and Government Accountability's review of State Funding for Good Will-Hinckley. We appreciate the cooperation that you and others at Good Will-Hinckley have provided OPEGA over the course of this review.

While OPEGA's report was thorough, Government Oversight Committee members have a number of questions we would like to ask of those directly involved regarding the events, explanations and impacts described in the report. Accordingly, on behalf of the GOC, we are requesting your attendance at our next meeting on **October 15, 2015 at 9:00 a.m. in Room 220** of the Cross Office Building in Augusta. This is also the date we have scheduled our typical Public Comment period for this review and, in addition to responding to our questions, we welcome any additional comments you would like to share with the Committee about OPEGA's review and the contents of the report.

Please notify OPEGA Director, Beth Ashcroft at 287-1901 by Monday, October 5th if you will be attending. If you have any questions or concerns about this request, you may contact Beth Ashcroft or us.

Sincerely,

Senator Roger Katz
Senate Chair

Representative Chuck Kruger
House Chair

cc: Members of the Joint Standing Committee on Education and Cultural Affairs
Members of the Government Oversight Committee
Philip McCarthy, Legislative Analyst, Office of Policy and Legal Analysis
Rachel Tremblay, Legislative Analyst, Office of Fiscal and Program Review
Daniel Nuzzi, Partner, Brann & Isaacson

**MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE**

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)	
IN RE: INQUIRY OF)	SUBPOENA TO APPEAR
STATE FUNDING OF)	
GOOD WILL-HINCKLEY)	
)	

TO: Aaron Chadbourne
Governor's Office
State House, SHS #1
Augusta, Maine

YOU ARE HEREBY COMMANDED to appear before the Government Oversight Committee of the Maine State Legislature, on the 12th day of November, 2015, at 9:00 a.m. in Room 202 of the Burton Cross Office Building at 111 Sewall Street, Augusta, Maine to testify as part of the Committee's further inquiry into matters discussed in the Office of Program Evaluation and Government Accountability's Report on State Funding for Good Will-Hinckley, including the following:

- actions taken by the Governor, the Governor's staff, the Acting Commissioner of the Department of Education, and Department of Education staff related to State funding for Good Will-Hinckley for Fiscal Years 2016 and 2017 or Good Will-Hinckley's selection of House Speaker Mark Eves as its President, including actions to withhold payment to Good Will-Hinckley on or about June 9, 2015;
- communications internal to the Governor's Office, and between the Governor's Office and the Acting Commissioner of the Department of Education and Department of Education staff, related to State funding for Good Will-Hinckley for Fiscal Years 2016 and 2017 or Good Will-Hinckley's selection of House Speaker Mark Eves as its President, including withholding payment to Good Will-Hinckley on or about June 9, 2015 ; and

- communications between the Governor, the Governor's staff, and the Acting Commissioner of Education and any of the following: Good Will-Hinckley Board members and management/staff or their representatives, MeANS Board members or their representatives, the Chairman of the Harold Alfond Foundation Board or other Foundation representatives, Speaker of the House Mark Eves or his representative, and any other external party related to State funding for Good Will-Hinckley for Fiscal Years 2016 and 2017 or Good Will-Hinckley's selection of House Speaker Mark Eves as its President.

Be advised that the Government Oversight Committee intends that your testimony be provided under oath.

DATED: October 21, 2015



SENATE COMMITTEE CHAIR



HOUSE COMMITTEE CHAIR

Attachment(s)

Maine Statute Title 3 Chapter 21

Maine Statute Title 3 Chapter 37

Maine Statute Title 1 Chapter 13

ACCEPTANCE OF SERVICE

On _____, 2015, I accepted service of the attached subpoena on behalf of Aaron Chadbourne to appear and testify at the Government Oversight Committee, Room 202, Burton Cross Office Building, 111 Sewall Street, Augusta, Maine 04333, at 9:00 a.m. on November 12, 2015.

Date: _____

(Printed Name)

(Signature)



SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

MEMBERS:

SEN. CHRISTOPHER K. JOHNSON
SEN. DAVID C. BURNS
SEN. PAUL T. DAVIS, SR.
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REP. ROBERT S. DUCHESNE
REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

October 21, 2015

Mr. Aaron Chadbourne, Senior Policy Advisor
Governor's Office
1 State House Station
Augusta, ME 04333-0001

Dear Mr. Chadbourne,

Today, the Government Oversight Committee served you a Subpoena to Appear at our meeting on November 12, 2015. As Chairs of the GOC, we are also requesting that you bring with you at that time any documents, not already provided to OPEGA, that meet the following description:

Any correspondence, including emails and handwritten notes, internal to the Governor's Office, or by or between the Governor, the Governor's staff, the Department of Education, Good Will-Hinckley, the Maine Academy of Natural Sciences, the Harold Alfond Foundation and/or Speaker Mark Eves (or any of their representatives including lobbyists and attorneys) generated or dated on or after January 1, 2015 to July 31, 2015 that relates to:

- a. State funding for, or payments to, Good Will-Hinckley or Maine Academy of Natural Sciences, including funding for the Center of Excellence for At-Risk Students; or
- b. Good Will-Hinckley's recruitment, selection and hiring process and decisions for the position of President of Good Will-Hinckley.

Please contact OPEGA Director Beth Ashcroft if you have any questions about this request.

Sincerely,

Senator Roger Katz
Senate Chair

Representative Chuck Kruger
House Chair

cc: Members of the Joint Standing Committee on Education and Cultural Affairs
Members of the Government Oversight Committee
Philip McCarthy, Legislative Analyst, Office of Policy and Legal Analysis
Rachel Tremblay, Legislative Analyst, Office of Fiscal and Program Review
John McGough, Chief of Staff, Governor's Office

**MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE**

IN RE: INQUIRY OF

STATE FUNDING OF

GOOD WILL-HINCKLEY

)
)
)
)
)
)

SUBPOENA TO APPEAR

TO: Cynthia Montgomery
Governor's Office
State House, SHS #1
Augusta, Maine

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Be advised that the Government Oversight Committee intends that your testimony be provided under oath.

DATED: October 21, 2015



SENATE COMMITTEE CHAIR



HOUSE COMMITTEE CHAIR

Attachment(s)

Maine Statute Title 3 Chapter 21

Maine Statute Title 3 Chapter 37

Maine Statute Title 1 Chapter 13

ACCEPTANCE OF SERVICE

On _____, 2015, I accepted service of the attached subpoena on behalf of Cynthia Montgomery to appear and testify at the Government Oversight Committee, Room 202, Burton Cross Office Building, 111 Sewall Street, Augusta, Maine 04333, at 9:00 a.m. on November 12, 2015.

Date: _____

(Printed Name)

(Signature)



SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

MEMBERS:

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REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

October 21, 2015

Ms. Cynthia Montgomery, Chief Counsel
Governor's Office
1 State House Station
Augusta, ME 04333-0001

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- d. Good Will-Hinckley's recruitment, selection and hiring process and decisions for the position of President of Good Will-Hinckley.

Please contact OPEGA Director Beth Ashcroft if you have any questions about this request.

Sincerely,

Senator Roger Katz
Senate Chair

Representative Chuck Kruger
House Chair

cc: Members of the Joint Standing Committee on Education and Cultural Affairs
Members of the Government Oversight Committee
Philip McCarthy, Legislative Analyst, Office of Policy and Legal Analysis
Rachel Tremblay, Legislative Analyst, Office of Fiscal and Program Review
John McGough, Chief of Staff, Governor's Office



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REP. CHUCK KRUGER, HOUSE CHAIR

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REP. DEBORAH J. SANDERSON

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

October 21, 2015

Mr. Thomas Desjardin, Deputy Commissioner
Department of Education
23 State House Station
Augusta, ME 04333-0023

Dear Deputy Commissioner Desjardin,

We appreciate your willingness to attend our last meeting on October 15th and the written comments you provided when you were, unfortunately, unable to attend. Government Oversight Committee members, however, still have a number of questions we would like to ask of you in person and, therefore, we are requesting your attendance at our next meeting on **November 12, 2015 at 9:00 a.m. in Room 202** of the Cross Office Building in Augusta.

Please notify OPEGA Director, Beth Ashcroft at 287-1901 by Thursday, November 5th if you will be attending. If you have any questions or concerns about this request, you may contact Beth Ashcroft or us.

Sincerely,

Senator Roger Katz
Senate Chair

Representative Chuck Kruger
House Chair

cc: Members of the Joint Standing Committee on Education and Cultural Affairs
Members of the Government Oversight Committee
Philip McCarthy, Legislative Analyst, Office of Policy and Legal Analysis
Rachel Tremblay, Legislative Analyst, Office of Fiscal and Program Review
William Beardsley, Acting Commissioner, Department of Education



SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEMBERS:

SEN. CHRISTOPHER K. JOHNSON
SEN. DAVID C. BURNS
SEN. PAUL T. DAVIS, SR.
SEN. BILL DIAMOND
SEN. STAN GERZOFKY
REP. MICHAEL D. MCCLELLAN
REP. RICHARD H. CAMPBELL
REP. ROBERT S. DUCHESNE
REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

October 30, 2015

Mr. Thomas Desjardin, Deputy Commissioner
Department of Education
23 State House Station
Augusta, ME 04333-0023

Dear Deputy Commissioner Desjardin,

The Government Oversight Committee appreciates your willingness to attend our meeting on November 12, 2015 to answer our questions. We intend to conduct our proceedings at that meeting in accordance with the provisions of three statutes. Those are:

- Title 3 Chapter 21 – Legislative Investigating Committees
- Title 3 Chapter 37 – Legislative Oversight of Government Agencies and Programs (OPEGA statute)
- Title 1 Chapter 13 – Public Records and Proceedings (Freedom of Access Act)

These statutes can be found on the Legislature’s website at <http://legislature.maine.gov/statutes/>.

As Chairs of the GOC, we are also requesting that you provide any documents meeting the following description that have not already been provided to OPEGA:

Any correspondence, including emails and handwritten notes, by or between the Governor, the Governor’s staff, the Department of Education, Good Will-Hinckley, the Maine Academy of Natural Sciences, the Harold Alfond Foundation and/or Speaker Mark Eves (or any of their representatives including lobbyists and attorneys) generated or dated on or after January 1, 2015 to July 31, 2015 that relates to:

- a. State funding for, or payments to, Good Will-Hinckley or Maine Academy of Natural Sciences, including funding for the Center of Excellence for At-Risk Students; or
- b. Good Will-Hinckley’s recruitment, selection and hiring process and decisions for the position of President of Good Will-Hinckley.

It would be greatly appreciated if you could provide any such documents to OPEGA Director Beth Ashcroft by Monday, November 9, 2015, otherwise please bring them to the meeting with you. If you have any questions or concerns about this request or procedural matters, you may contact Beth Ashcroft or us.

Sincerely,


Senator Roger Katz
Senate Chair


Representative Chuck Kruger
House Chair

cc: Members of the Government Oversight Committee
William Beardsley, Acting Commissioner, Department of Education



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REP. CHUCK KRUGER, HOUSE CHAIR

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REP. DEBORAH J. SANDERSON

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

October 21, 2015

Ms. Suzan Beaudoin
Director of School Finance and Operations
Department of Education
23 State House Station
Augusta, ME 04333-0023

Dear Ms. Beaudoin,

At our meeting on Tuesday, September 8th, the Government Oversight Committee received the report from the Office of Program Evaluation and Government Accountability's review of State Funding for Good Will-Hinckley. We appreciate the cooperation that you and others at the Department of Education have provided OPEGA over the course of this review.

While OPEGA's report was thorough, Government Oversight Committee members still have a number of questions we would like to ask of those directly involved regarding the events, communications, and explanations described in the report. Accordingly, on behalf of the GOC, we are requesting your attendance at our next meeting on **November 12, 2015 at 9:00 a.m. in Room 202** of the Cross Office Building in Augusta. In addition to responding to our questions, we welcome any additional comments you would like to share with the Committee about OPEGA's review and the contents of the report.

Please notify OPEGA Director, Beth Ashcroft at 287-1901 by Thursday, November 5th if you will be attending. If you have any questions or concerns about this request, you may contact Beth Ashcroft or us.

Sincerely,

Senator Roger Katz
Senate Chair

Representative Chuck Kruger
House Chair

cc: Members of the Joint Standing Committee on Education and Cultural Affairs
Members of the Government Oversight Committee
Philip McCarthy, Legislative Analyst, Office of Policy and Legal Analysis
Rachel Tremblay, Legislative Analyst, Office of Fiscal and Program Review
William Beardsley, Acting Commissioner, Department of Education



SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

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REP. DEBORAH J. SANDERSON

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

October 30, 2015

Ms. Suzan Beaudoin
Director of School Finance and Operations
Department of Education
23 State House Station
Augusta, ME 04333-0023

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Senator Roger Katz
Senate Chair


Representative Chuck Kruger
House Chair

cc: Members of the Government Oversight Committee
William Beardsley, Acting Commissioner, Department of Education



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REP. ROBERT S. DUCHESNE
REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

October 21, 2015

Mr. Richard Abramson
180 Falmouth Street, No. 202
Portland, Maine 04102

Dear Mr. Abramson,

At our meeting on Tuesday, September 8th, the Government Oversight Committee received the report from the Office of Program Evaluation and Government Accountability's review of State Funding for Good Will-Hinckley. We also had an opportunity to ask questions of Jack Moore at our most recent meeting on October 15th. We appreciate the cooperation that you and others at Good Will-Hinckley have provided OPEGA over the course of this review.

While OPEGA's report was thorough and we appreciated Mr. Moore's responsiveness to our questions, Government Oversight Committee members still have a number of questions we would like to ask of those directly involved regarding the events, communications, explanations and impacts described in the report. Accordingly, on behalf of the GOC, we are requesting your attendance at our next meeting on **November 12, 2015 at 9:00 a.m. in Room 202** of the Cross Office Building in Augusta. In addition to responding to our questions, we welcome any additional comments you would like to share with the Committee about OPEGA's review and the contents of the report.

Please notify OPEGA Director, Beth Ashcroft at 287-1901 by Thursday, November 5th if you will be attending. If you have any questions or concerns about this request, you may contact Beth Ashcroft or us.

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Senator Roger Katz
Senate Chair

Representative Chuck Kruger
House Chair

cc: Members of the Joint Standing Committee on Education and Cultural Affairs
Members of the Government Oversight Committee
Philip McCarthy, Legislative Analyst, Office of Policy and Legal Analysis
Rachel Tremblay, Legislative Analyst, Office of Fiscal and Program Review
Daniel Nuzzi, Partner, Brann & Isaacson



SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

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REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

October 30, 2015

Mr. Richard Abramson
180 Falmouth Street, No. 202
Portland, Maine 04102

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Sincerely,


Senator Roger Katz
Senate Chair


Representative Chuck Kruger
House Chair

cc: Members of the Government Oversight Committee
Daniel Nuzzi, Partner, Brann & Isaacson

82 STATE HOUSE STATION, ROOM 107 CROSS OFFICE BUILDING
AUGUSTA, MAINE 04333-0082
TELEPHONE: 207-287-1901 FAX: 207-287-1906



SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

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REP. ROBERT S. DUCHESNE
REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

October 21, 2015

Ms. Sarah Vanderwood
Maine Street Solutions
45 Memorial Circle
Augusta, ME 04332

Dear Ms. Vanderwood,

At our meeting on Tuesday, September 8th, the Government Oversight Committee received the report from the Office of Program Evaluation and Government Accountability's review of State Funding for Good Will-Hinckley. We appreciate the cooperation that you and others have provided OPEGA over the course of this review.

While OPEGA's report was thorough, Government Oversight Committee members still have a number of questions we would like to ask of those directly involved regarding the events and communications described in the report. Accordingly, on behalf of the GOC, we are requesting your attendance at our next meeting on **November 12, 2015 at 9:00 a.m. in Room 202** of the Cross Office Building in Augusta. In addition to responding to our questions, we welcome any additional comments you would like to share with the Committee about OPEGA's review and the contents of the report.

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Sincerely,

Senator Roger Katz
Senate Chair

Representative Chuck Kruger
House Chair

cc: Members of the Joint Standing Committee on Education and Cultural Affairs
Members of the Government Oversight Committee
Philip McCarthy, Legislative Analyst, Office of Policy and Legal Analysis
Rachel Tremblay, Legislative Analyst, Office of Fiscal and Program Review



SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

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REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

October 30, 2015

Ms. Sarah Vanderwood
Maine Street Solutions
45 Memorial Circle
Augusta, ME 04332

Dear Ms. Vanderwood,

We look forward to receiving your response to our request that you attend our meeting on November 12, 2015 to answer our questions regarding State Funding for Good Will-Hinckley. For your information, we intend to conduct our proceedings at that meeting in accordance with the provisions of three statutes. Those are:

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As Chairs of the GOC, we are also requesting that you provide any documents meeting the following description that have not already been provided to OPEGA:

Any correspondence, including emails and handwritten notes, by or between yourself and Jay Nutting, the Governor, the Governor's staff, the Department of Education, Good Will-Hinckley, the Maine Academy of Natural Sciences, the Harold Alfond Foundation and/or Speaker Mark Eves (or any of their representatives including lobbyists and attorneys) generated or dated on or after January 1, 2015 to July 31, 2015 related to:

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Sincerely,


Senator Roger Katz
Senate Chair


Representative Chuck Kruger
House Chair

cc: Members of the Government Oversight Committee

82 STATE HOUSE STATION, ROOM 107 CROSS OFFICE BUILDING
AUGUSTA, MAINE 04333-0082
TELEPHONE: 207-287-1901 FAX: 207-287-1906



SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

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REP. ROBERT S. DUCHESNE
REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

October 21, 2015

Mr. Jay Nutting
Government Affairs Consultant
Maine Street Solutions
45 Memorial Circle
Augusta, ME 04332

Dear Mr. Nutting,

At our meeting on Tuesday, September 8th, the Government Oversight Committee received the report from the Office of Program Evaluation and Government Accountability's review of State Funding for Good Will-Hinckley. We appreciate the cooperation that you and others have provided OPEGA over the course of this review.

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Representative Chuck Kruger
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cc: Members of the Joint Standing Committee on Education and Cultural Affairs
Members of the Government Oversight Committee
Philip McCarthy, Legislative Analyst, Office of Policy and Legal Analysis
Rachel Tremblay, Legislative Analyst, Office of Fiscal and Program Review



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October 30, 2015

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Government Affairs Consultant
Maine Street Solutions
45 Memorial Circle
Augusta, ME 04332

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Senator Roger Katz
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House Chair

cc: Members of the Government Oversight Committee

82 STATE HOUSE STATION, ROOM 107 CROSS OFFICE BUILDING
AUGUSTA, MAINE 04333-0082
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REP. CHUCK KRUGER, HOUSE CHAIR

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REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

October 21, 2015

Mr. William Brown, Chairman
Maine Academy of Natural Sciences Board of Directors
PO Box 159
Hinckley, Maine 04944

Dear Mr. Brown,

At our meeting on Tuesday, September 8th, the Government Oversight Committee received the report from the Office of Program Evaluation and Government Accountability's review of State Funding for Good Will-Hinckley. We also had an opportunity to ask questions of Jack Moore at our most recent meeting on October 15th. We appreciate the cooperation that you and others at Good Will-Hinckley have provided OPEGA over the course of this review.

While OPEGA's report was thorough and we appreciated Mr. Moore's responsiveness to our questions, Government Oversight Committee members still have a number of questions we would like to ask of those directly involved regarding the events, communications, explanations and impacts described in the report. Accordingly, on behalf of the GOC, we are requesting your attendance at our next meeting on **November 12, 2015 at 9:00 a.m. in Room 202** of the Cross Office Building in Augusta. In addition to responding to our questions, we welcome any additional comments you would like to share with the Committee about OPEGA's review and the contents of the report.

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Senate Chair

Representative Chuck Kruger
House Chair

cc: Members of the Joint Standing Committee on Education and Cultural Affairs
Members of the Government Oversight Committee
Philip McCarthy, Legislative Analyst, Office of Policy and Legal Analysis
Rachel Tremblay, Legislative Analyst, Office of Fiscal and Program Review
Daniel Nuzzi, Partner, Brann & Isaacson

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SEN. ROGER J. KATZ, SENATE CHAIR
REP. CHUCK KRUGER, HOUSE CHAIR

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

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October 30, 2015

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Maine Academy of Natural Sciences Board of Directors
PO Box 159
Hinckley, Maine 04944

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Daniel Nuzzi, Partner, Brann & Isaacson

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REP. RICHARD H. CAMPBELL
REP. ROBERT S. DUCHESNE
REP. ANNE-MARIE MASTRACCIO
REP. DEBORAH J. SANDERSON

October 21, 2015

Mr. Gregory Powell, Chairman
Harold Alfond Foundation Board of Trustees
2 Monument Square
Portland, ME 04101

Dear Mr. Powell,

At our meeting on Tuesday, September 8th, the Government Oversight Committee received the report from the Office of Program Evaluation and Government Accountability's review of State Funding for Good Will-Hinckley. We appreciate the cooperation that you and others have provided OPEGA over the course of this review.

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House Chair

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Members of the Government Oversight Committee
Philip McCarthy, Legislative Analyst, Office of Policy and Legal Analysis
Rachel Tremblay, Legislative Analyst, Office of Fiscal and Program Review
David Barry, Attorney, Pierce Atwood



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October 30, 2015

Mr. Gregory Powell, Chairman
Harold Alfond Foundation Board of Trustees
2 Monument Square
Portland, ME 04101

Dear Mr. Powell,

We look forward to receiving your response to our request that you attend our meeting on November 12, 2015 to answer our questions regarding State Funding for Good Will-Hinckley. For your information, we intend to conduct our proceedings at that meeting in accordance with the provisions of three statutes. Those are:

Title 3 Chapter 21 – Legislative Investigating Committees

Title 3 Chapter 37 – Legislative Oversight of Government Agencies and Programs (OPEGA statute)

Title 1 Chapter 13 – Public Records and Proceedings (Freedom of Access Act)

These statutes can be found on the Legislature's website at <http://legislature.maine.gov/statutes/>.

As Chairs of the GOC, we are also requesting that you provide any documents meeting the following description that have not already been provided to OPEGA:

Any correspondence, including emails and handwritten notes, by or between yourself and Jay Nutting, the Governor, the Governor's staff, the Department of Education, Good Will-Hinckley, the Maine Academy of Natural Sciences, the Harold Alfond Foundation and/or Speaker Mark Eves (or any of their representatives including lobbyists and attorneys) generated or dated on or after January 1, 2015 to July 31, 2015 related to:

- a. State funding for, or payments to, Good Will-Hinckley or Maine Academy of Natural Sciences, including funding for the Center of Excellence for At-Risk Students; or
- b. Good Will-Hinckley's recruitment, selection and hiring process and decisions for the position of President of Good Will-Hinckley.

It would be greatly appreciated if you could provide any such documents to OPEGA Director Beth Ashcroft by Monday, November 9, 2015, otherwise please bring them to the meeting with you. If you have any questions or concerns about this request or procedural matters, you may contact Beth Ashcroft or us.

Sincerely,


Senator Roger Katz
Senate Chair


Representative Chuck Kruger
House Chair

cc: Members of the Government Oversight Committee
David Barry, Attorney, Pierce Atwood