



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 455

DATE FILMED 11/9/95 CAMERA NO. 2

CAMERAMAN EES

95043694149

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 9 3 01 PM '94

R.F.D. #1 Box 7240
Sebago Lake, Maine 04075
November 5, 1994

Federal Elections Commission
Scott E. Thomas, Chairman
999 E. Street NW
Washington, DC 20463

Dear Scott E. Thomas;

Recently, Mike Chitwood, the Police Chief in Portland, Maine, was on television (Channel 13 in Portland) endorsing Olympia Snow as a candidate for Senate. The last I knew, it was unlawful for a public servant, such as a Police Chief to publicly endorse a candidate for political office. I should like for you to investigate this matter, and make charges if appropriate. Thank you.

Sincerely,

Dana E. Edgecomb

Dana E. Edgecomb

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 17, 1994

Dana E. Edgecomb
R.F.D. #1 Box 7240
Sebago Lake, Maine 04075

Dear Ms. Edgecomb:

This is to acknowledge receipt on November 6, 1994, of your letter dated November 5, 1994. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this ____ day of ____, 19__." A statement by the notary that the complaint was sworn to and subscribed before him/her also will be sufficient. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

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If you have any questions concerning this matter, please
contact me at (202) 219-3410.

Sincerely,

Retha Dixon

Retha Dixon
Docket Chief

Enclosure

cc: Mike Chitwood

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL

Dec 9 12 33 PM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

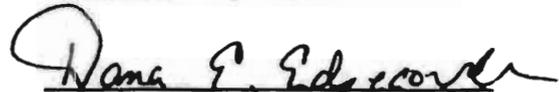
Dec 19 10 18 AM '94

MUR 4155
SENSITIVE

To:
Federal Elections Commission
999 E. Street NW
Washington, DC 20463

Recently, Mike Chitwood, the Police Chief in Portland, Maine, was on television (Channel 13 in Portland) endorsing Olympia Snow as a candidate for Senate. The last I knew, it was unlawful for a public servant, such as a Police Chief to publicly endorse a candidate for political office. I should like for you to investigate this matter, and make charges if appropriate.

Dana E. Edgecomb
R.F.D. #1 Box 7240
Sebago Lake, Maine 04075
November 5, 1994


(signed) Dana E. Edgecomb

Subscribed and sworn to before me on this 6th day of
December, 1994.


(notary public) *Commission Expires*
Oct 21, 2001

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 16, 1994

Dana E. Edgecomb
RFD# 1 Box 7240
Sebago Lake, Maine 04075

RE: MUR 4155

Dear Ms. Edgecomb:

This letter acknowledges receipt on December 9, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4155. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

95043694154



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 16, 1994

Mr. Mike Chitwood, Chief of Police
109 Middle Street
Portland, Maine 04101

RE: MUR 4155

Dear Mr. Chitwood:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4155. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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Page 2

If you have any questions, please contact Joan McEnery at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JAN 4 12 15 PM '95

MUR 4155

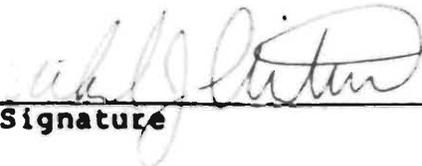
NAME OF COUNSEL: BethAnne Poliquin

ADDRESS: Portland Police Department
109 Middle Street
Portland, Maine 04101

TELEPHONE: (207) 874-8599

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

12/28/94
Date


Signature

RESPONDENT'S NAME: Michael J. Chitwood
Chief of Police

ADDRESS: Portland Police Department
109 Middle Street
Portland, Maine 04101

HOME PHONE: _____

BUSINESS PHONE: (207) 874-8601

95043694157

BEFORE THE FEDERAL ELECTION COMMISSION **OCT 2 10 52 AM '95**

In the Matter of)
) Enforcement Priority
)

GENERAL COUNSEL'S REPORT

SENSITIVE

I. INTRODUCTION

This report is the General Counsel's Report to recommend that the Commission no longer pursue the identified lower priority and stale cases under the Enforcement Priority System.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

Having evaluated incoming matters, this Office has identified 34 cases which do not warrant further pursuit relative to the other pending cases.¹ A short description of

1. These matters are: PM 309 (Attachment 1); RAD 95L-12 (Attachment 2); MUR 4118 (Attachment 3); MUR 4119 (Attachment 4); MUR 4120 (Attachment 5); MUR 4122 (Attachment 6); MUR 4123 (Attachment 7); MUR 4124 (Attachment 8); MUR 4125 (Attachment 9); MUR 4126 (Attachment 10); MUR 4130 (Attachment 11); MUR 4133 (Attachment 12); MUR 4134 (Attachment 13); MUR 4135 (Attachment 14); MUR 4136 (Attachment 15); MUR 4137

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each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 1-34. As the Commission requested, this Office has attached the responses to the complaints for the externally-generated matters and the referral for the matter referred by the Reports Analysis Division because this information was not previously circulated to the Commission. See Attachments 1-34.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old. Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 11 cases that

do not

(Footnote 1 continued from previous page)
(Attachment 16); MUR 4138 (Attachment 17); MUR 4140
(Attachment 18); MUR 4142 (Attachment 19); MUR 4143
(Attachment 20); MUR 4144 (Attachment 21); MUR 4145
(Attachment 22); MUR 4148 (Attachment 23); MUR 4149
(Attachment 24); MUR 4153 (Attachment 25); MUR 4155
(Attachment 26); MUR 4158 (Attachment 27); MUR 4163
(Attachment 28); MUR 4164 (Attachment 29); MUR 4169
(Attachment 30); MUR 4179 (Attachment 31); MUR 4195
(Attachment 32); MUR 4196 (Attachment 33); and MUR 4205
(Attachment 34).

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warrant further investment of significant Commission resources.² Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate narratives for these cases. As the Commission requested, in matters in which the Commission has made no findings, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are attached to the report because this information was not previously circulated to the Commission. See Attachments 35-45. For cases in which the Commission has already made findings and for which each Commissioner's office has an existing file, this Office has attached the most recent General Counsel's Report.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective October 16, 1995. By closing the cases effective October 16, 1995, CED and the Legal Review Team will respectively have the additional time necessary for preparing the closing letters and the case files for the public record.

2. These matters are: PM 250 (Attachment 35); PM 272 (Attachment 36); MUR 3188 (Attachment 37); MUR 3554 (Attachment 38); MUR 3623 (Attachment 39); MUR 3988 (Attachment 40); MUR 3996 (Attachment 41); MUR 4001 (Attachment 42); MUR 4007 (Attachment 43); MUR 4007 (Attachment 43); MUR 4008 (Attachment 44); and MUR 4018 (Attachment 45).

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III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective October 16, 1995 in the following matters:

- 1) PM 309
- 2) RAD 95L-12
- 3) PM 250
- 4) PM 272

B. Take no action, close the file effective October 16, 1995, and approve the appropriate letter in the following matters:

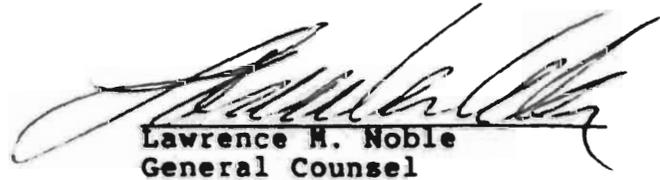
- 1) MUR 3554
- 2) MUR 3623
- 3) MUR 3988
- 4) MUR 3996
- 5) MUR 4001
- 6) MUR 4007
- 7) MUR 4008
- 8) MUR 4018
- 9) MUR 4118
- 10) MUR 4119
- 11) MUR 4120
- 12) MUR 4122
- 13) MUR 4123
- 14) MUR 4124
- 15) MUR 4125
- 16) MUR 4126
- 17) MUR 4130
- 18) MUR 4133
- 19) MUR 4134
- 20) MUR 4135
- 21) MUR 4136
- 22) MUR 4137
- 23) MUR 4138
- 24) MUR 4140
- 25) MUR 4142
- 26) MUR 4143
- 27) MUR 4144
- 28) MUR 4145
- 29) MUR 4148
- 30) MUR 4149

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- 31) MUR 4153
- 32) MUR 4155
- 33) MUR 4158
- 34) MUR 4163
- 35) MUR 4164
- 36) MUR 4169
- 37) MUR 4179
- 38) MUR 4195
- 39) MUR 4196
- 40) MUR 4205

C. Take no further action, close the file effective October 16, 1995 and approve the appropriate letter in MUR 3188.

9/29/95
Date


Lawrence M. Noble
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Enforcement Priority) Agenda Document #X95-85

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 17, 1995, do hereby certify that the Commission decided by votes of 5-0 to take the following actions:

- A. Decline to open a MUR and close the file effective October 17, 1995 in the following matters:
- 1) PM 309
 - 2) RAD 95L-12
 - 3) PM 250
 - 4) PM 272
- B. Take no action, close the file effective October 17, 1995, and approve the appropriate letter in the following matters:
- 1) MUR 3554
 - 2) MUR 3623
 - 3) MUR 3988
 - 4) MUR 3996
 - 5) MUR 4001
 - 6) MUR 4007
 - 7) MUR 4008
 - 8) MUR 4018
 - 9) MUR 4118

(continued)

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Federal Election Commission
Certification: Enforcement Priority
October 17, 1995

Page 2

- 9 5 0 4 3 6 9 4 1 6 4
- 10) MUR 4119
 - 11) MUR 4120
 - 12) MUR 4122
 - 13) MUR 4123
 - 14) MUR 4124
 - 15) MUR 4125
 - 16) MUR 4126
 - 17) MUR 4130
 - 18) MUR 4133
 - 19) MUR 4134
 - 20) MUR 4135
 - 21) MUR 4136
 - 22) MUR 4137
 - 23) MUR 4138
 - 24) MUR 4140
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 - 26) MUR 4143
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 - 29) MUR 4148
 - 30) MUR 4149
 - 31) MUR 4153
 - 32) MUR 4155
 - 33) MUR 4158
 - 34) MUR 4163
 - 35) MUR 4164
 - 36) MUR 4169
 - 37) MUR 4179
 - 38) MUR 4195
 - 39) MUR 4196
 - 40) MUR 4205

- C. Take no further action, close the file effective October 17, 1995 and approve the appropriate letter in MUR 3188.

(continued)

Federal Election Commission
Certification: Enforcement Priority
October 17, 1995

Page 3

Commissioners Aikens, Elliott, McDonald, McGarry, and
Thomas voted affirmatively for each of the decisions;
Commissioner Potter was not present.

Attest:

10-20-95
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

Dana E. Edgecomb
RFD# 1 Box 7240
Sebago Lake, ME 04075

RE: MUR 4155

Dear Ms. Edgecomb:

On December 9, 1994, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Michael J. Chitwood. See attached narrative. Accordingly, the Commission closed its file in this matter on October 17, 1995. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Attachment
Narrative

95043694166

MUR 4155
MIKE CHITWOOD

Dana E. Edgecomb filed a complaint alleging that Mike Chitwood, the Police Chief in Portland, Maine, endorsed Olympia Snow for U.S. Senate on Channel 13, an activity that is impermissible for a public servant.

Mr. Chitwood filed a designation of counsel form but did not respond to the complaint.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

BethAnne Poliquin
Portland Police Department
109 Middle Street
Portland, ME 04101

RE: MUR 4155
Michael Chitwood

Dear Ms. Poliquin:

On December 16, 1995, the Federal Election Commission notified Michael Chitwood of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Michael Chitwood. See attached narrative. Accordingly, the Commission closed its file in this matter on October 17, 1995.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Central Enforcement Docket at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Attachment
Narrative

95043894168

NUR 4155
MIKE CHITWOOD

Dana E. Edgecomb filed a complaint alleging that Mike Chitwood, the Police Chief in Portland, Maine, endorsed Olympia Snow for U.S. Senate on Channel 13, an activity that is impermissible for a public servant.

Mr. Chitwood filed a designation of counsel form but did not respond to the complaint.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 455
DATE FILMED 11/9/65 CAMERA NO. 2
CAMERAMAN SES

95043694170



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 11/20/95

 Microfilm
 Public Records
 Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED NUR 4155

95043701078

ced Staff



CITY OF PORTLAND

Portland Police Department
Michael J. Chitwood
Chief of Police

November 1, 1995



A Nationally Accredited
Department of Excellence

Mary L. Taksar, Esq.
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4155
Michael Chitwood

Dear Ms. Taksar:

Pursuant to your letter of October 23, 1995, Michael Chitwood requests that the following information be made part of the public record in this matter:

Michael Chitwood denies the allegations in the complaint filed by Dana E. Edgecomb. Mr. Chitwood admits that he made favorable comments to the media regarding the candidacy of Senator Olympia Snowe and regarding her views on the criminal justice system. Mr. Chitwood's remarks were made as a private citizen and were within the bounds of his First Amendment rights. Mr. Chitwood's comments did not violate either the language or the intent of the Federal Election Campaign Act of 1971. Mr. Chitwood did not respond to Mr. Edgecomb's complaint because it was without merit and because Mr. Chitwood did not bear any burden of proof in this matter.

Respectfully submitted,

BethAnne Poliquin
Police Attorney (207-874-8599)

cc: Michael J. Chitwood

Nov 14 11 29 AM '95

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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