

PLAINTIFFS' ADDITIONAL STATEMENT OF MATERIAL FACTS

A. 55% Initiative 2002-2004

1. On August 7, 2002, the MMA Executive Committee (“EC”) approved the formation of a political action (PAC) committee for the purpose of submitting the citizens’ initiative petition to the Maine Secretary of State and do so in collaboration with the Maine State Chamber of Commerce and/or other organizations. Minutes 2002-08-07, App. 29 or 543.

2. As of its September 17, 2002, incorporation, the original board of directors of “Citizens to Reduce Local Property Taxes Statewide” (“PAC”) consisted of Dana Lee, Gary Brown, Christopher Lockwood and John Bibber, all MMA appointees. PAC Articles of Incorporation, App. 58.

3. By December 19, 2002, Mark Gray of the Maine Education Association had joined the PAC board. Minutes 2002-12-19, App. 33 or 569. According to the minutes, Gray had created a proposal relating to the initiative to present to the National Education Association. *Id.*

4. By January 23, 2003, Ed Barrett of the Maine Service Centers Coalition had joined the PAC board. Minutes 2003-01-23, App. 34 or 574. Both organizations had made financial contributions to the PAC. *Id.*

5. By no later than May 29, 2003, Dale A. Douglass of the Maine School Boards Association (www.msmaweb.com/MSBA.html) had joined the PAC board of directors. PAC 2003 Annual Report, Supplemental Appendix (“Supp. App.”) at 2-3.

6. By February 26, 2003, the MMA and MEA had begun a collaborative effort within the PAC. The Minutes reflect that Christopher Lockwood told the EC “that MMA is looking for MEA to be a significant financial supporter. He provided information on his work

with Mark Gray to develop a proposal, including the anticipated budget, to be presented to the National Education Association. He indicated that a meeting date has not yet been confirmed, but that he is expecting to hear from Mr. Gray in the near future. Chris Lockwood noted that he and Geoff Herman met with Mark Gray and Steve Crouse regarding a common strategy for working with the Legislature. A brief discussion was held on how to proceed with the Maine Education Association to confirm its commitment to the initiative.” Minutes 2002-02-26, App. 34 or 578.

7. At some point during 2003, the PAC reshuffles its board, which now consisted of Gray, Douglass, Barrett and Jolene Lovejoy, the only MMA stakeholder. Christopher Lockwood served as corporate secretary. PAC 2004 Annual Report, App. 60-61.

8. Throughout the campaign, the relationship within the PAC is collaborative. During the January 29, 2004, EC meeting, Christopher Lockwood “noted that he has had an opportunity to talk with the Ed Barrett, President of the Maine Service Centers Coalition, to confirm that they are in agreement with the positions that the Maine Municipal Association and the Maine Education Association are taking on the negotiations with the Governor” and “provided information on the January 21, 2004 meeting of key staff from MMA and MEA to begin mapping out the strategy and funding for the June 8, 2004 campaign.” Minutes 2004-01-29, App. 43 or 643.

9. The close collaboration with the MEA continued. During the March 17, 2004, Executive Committee meeting, Christopher Lockwood discusses the close collaborative relationship with the MEA, noting “that the situation remains incredibly fluid and that meetings are being held between representatives of MMA and Maine Education Association (MEA) to develop strategies for moving forward. . . . He indicated that the MEA has requested \$300,000 from the National Education Association (NEA) to help support that campaign, as well as

\$50,000 from their budget that could possibly be used toward the campaign, if needed. He noted that MEA expects to hear a favorable response from NEA within the next week.” Minutes 2004-05-26, App. 44 or 650.

B. Palesky (2004).

10. The campaign hired as campaign manager Larry Benoit, the same manager as the 55% campaign and the ad hoc committee operating prior to PAC incorporation consisted of various interests. “He [Christopher Lockwood] noted that Larry Benoit from BSSN Resources, LLC, has been retained as the Campaign Manager. He indicated that there has been a strong effort since June 2004 to develop the campaign and strategy to defeat the Palesky Initiative. He noted that the ad hoc steering committee has intentionally kept a low profile to date. He provided information on members of the ad hoc steering committee noting that although several of them were against Question 1, the chemistry has been very good and everyone is working now for one common goal- *to defeat the Palesky Initiative.*” Minutes 2004-07-15, App. 102 or 668. *See* Austin email 2004-08-31 for the interest groups in the coalition. App. 131.

11. Larry Benoit and BSSN Resources, LLC was responsible for creating the campaign staff and did so. Minutes 2004-07-15, App. 102 or 668. “BSSN Resources is actively at work putting together an overall campaign plan, developing a fund-raising plan, assembling a team of other consultants (e.g., paid media, polling, grassroots & research, press & communications, etc.) and establishing the formal PAC structure.” Lockwood Memo on “Umbrella Anti-Palesky PAC” to EC 2004-07-07, App. 118.

12. The PAC board of directors would make all major decisions of the campaign. Minutes 2004-07-15, App. 103 or 668.

13. The PAC directors were Weston Bonney, a member of the Maine State Board of Education (www.maine.gov/education/sb/documents/minutes081005.pdf), Christopher Lockwood, Mark Gray and Carol Wishcamper, a management consultant (<http://theconsultingpartners.com/aboutus.html> and www.thedreampartners.com/Bios.html). PAC 2005 Annual Report, App. 114. Weston Bonney served as PAC president. *Id.*

C. TABOR I (2006)

14. The anti-Palesky PAC remained in existence after the conclusion of the Palesky campaign and reshuffled its officers and directors during 2005. The new board consisted of Christopher Lockwood, Jud Dolphin, executive director of the Maine AARP (www.maine.gov/dhhs/oes/NGA_CoreTeamMembers.pdf and <http://juddolphin.blogspot.com/2009/03/letting-go.html>) and Tim Belcher, President of the MSEA-SEIU (<http://capital.villagesoup.com/news/story/msea-leader-belcher-resigns/201140?cid=332167>). The new PAC president was Mark Gray. PAC 2006 Annual Report, App. 115. This slate would remain intact throughout the TABOR I campaign. PAC 2007 Annual Report, App. 116-117.

15. Some time prior to December 12, 2005, the PAC directors voted to broaden the mission to fight TABOR. “Chris Lockwood provided information on a recent conference call of the Citizens United Board of Directors in which they voted to broaden the mission of the Political Action Committee to fight TABOR, if the Secretary of State certifies the Initiative.” Minutes 2005-12-23, App. 135 or 757. Earlier, Lockwood advised the EC on the ongoing discussions among the PAC board members to broaden the PAC’s purpose to fight TABOR with the EC concurring in the PAC’s direction and the MMA’s continued involvement with the PAC. Minutes 2005-11-17, App. 134 or 751.

16. The PAC once again hired Larry Benoit as campaign consultant. Minutes 2006-02-15, App. 135; Minutes 2009-05, App. 139 or 806.

D. TABOR II/Excise (2009)

17. According to the Statement of Dissolution of the anti-TABOR II/Excise Tax PAC, “Citizens Unified for Maine’s Future”, the PAC directors were Ben Dudley of Engage Maine (<http://engagemaine.org/web/staff.html>), Richard Trahey, a registered lobbyist (www.mainecampaignfinance.com/Public/Lobbyist_profile.asp?ID=365) and Maria Fuentes of the Maine Better Transportation Association (www.mbtaonline.org/AboutUs/tabid/55/Default.aspx). Mark Gray served as President and Christopher Lockwood served as treasurer. App. 176.