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October 6, 2010

MUR # 6394

Dear Sirs or Madams:

Enclosed is a complaint from the Maine Republican Party against Maine Congresswoman Chellie Pingree. We are filing this based on evidence of Federal Election law violations.

We appreciate your consideration of this issue, and please contact us if we can provide more information.

Sincerely,

Charlie Webster  
Chairman, Maine Republican Party

Paid for and authorized by the Maine Republican Party, William P. Logan, Treasurer.  
Not authorized by any candidate or candidate committee.  
Maine Republican Party, 9 Higgins St., Augusta, ME 04330 - (207) 622-6247  
[www.mainegop.com](http://www.mainegop.com)

**BEFORE THE FEDERAL ELECTION COMMISSION  
A COMPLAINT**

**BY**

**Charles M. Webster,**  
*Chairman, Maine Republican Party*  
*9 Higgins Street*  
*Augusta, Maine 04330*

MUR No. 6394

**AGAINST**

**Rochelle "Chellie" M. Pingree,**  
*Congresswoman,*  
*First Congressional District of Maine,*  
*United States House of Representatives*

This Complaint is filed with the Federal Election Commission (the "Commission") on behalf of Charles M. Webster, Chairman of the Maine Republican Party ("Complainant") against Rochelle "Chellie" M. Pingree ("Respondent"). Respondent is currently a Congresswoman in the United States House of Representatives from the First Congressional District of Maine and a candidate for federal office. Complainant asserts that in the course of her campaign for reelection, she has violated the Federal Election Campaign Finance Act of 1971 (the "Act"), as amended by the Honest Leadership and Open Government Act of 2007 ("HLOGA"), through impermissible air travel to campaign activities aboard non-commercial private aircraft. See Attachments. Based upon news accounts and information and belief, the facts relevant to these violations are as follows:

### **FACTUAL ALLEGATIONS**

1. Magic Carpet Enterprises, LLC is a holding company based in Ithaca, New York, to which a Dassault Falcon 2000EX private corporate jet bearing the tag N888CE (the "Magic Carpet private jet") is registered.

2. Magic Carpet Enterprises, LLC is solely owned by S. Donald Sussman, the founder and chairman of billion-dollar hedge fund Paloma Partners LLC. Mr. Sussman has been alternately labeled by Respondent as her "partner" and her "fiancé." He is not a member of Respondent's family.

3. On the morning of September 13, 2010, Respondent was in Portland, Maine.

4. At 12:31 PM on that same day, the Magic Carpet private jet took off from Portland International Jetport. It landed at 1:20 PM at Westchester County Airport in White Plains, New York, approximately one hour north of New York City.

5. At 6:30 PM on that evening, Respondent was present at a fundraiser for her reelection campaign held in a home located at 150 East End Avenue, New York, New York. The fundraiser was scheduled to end at 8:00 PM.

6. At 9:22 PM, the Magic Carpet private jet took off from Westchester County Airport. At 10:17 PM, it landed at Dulles International Airport in Sterling, Virginia, approximately one hour northwest of Washington, D.C.

7. The next day, September 14, 2010, Respondent was present in the chamber of the House of Representatives.

8. According to a public statement made by Respondent's spokesperson Willy Ritch on September 30, 2010, Respondent was aboard both of the abovementioned Magic Carpet private jet flights.

9. The Magic Carpet private jet was not provided by the Federal government, or by a State or local government on September 13, 2010.

**FIRST VIOLATION OF LAW (Count I)**

**2 U.S.C. § 439a(c)(2), 11 CFR § 100.93(c)(2)**

10. Complainant reasserts, as if fully set forth herein, Paragraphs 1 through 9 above.

11. On December 7, 2009, the Commission promulgated Final Rules implementing the HLOGA concerning air travel by members of the United States government.

12. Specifically, campaign travelers, including candidates for the U.S. House of Representatives, are expressly prohibited from engaging in non-commercial air travel aboard private jets for campaign-related activity. See 2 U.S.C. § 439a(c)(2), 11 CFR § 100.93(c)(2).

13. The only exceptions to the ban on non-commercial travel are as follows: (1) travel aboard an aircraft owned or leased by the candidate's father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law (the "family member exception"), 2 U.S.C. § 439a(c)(3), 11 CFR § 100.93(g)(4); and (2) travel aboard aircraft provided by the Federal government, or a State or local government (the "government conveyance exception"), 2 U.S.C. § 439a(c)(2)(B), 11 CFR § 100.93(e).

14. Because Mr. Sussman is not related to Respondent in any of the ways described above in Paragraph 13, the family member exception cannot and does not apply.

15. Because the Magic Carpet private jet was not provided by the Federal government, or by a State or local government, the government conveyance exception cannot and does not apply.

16. According to a public statement issued by Respondent's spokesperson Willy Ritch, Respondent was aboard the Magic Carpet private jet when it flew from Portland, Maine to White Plains, New York on September 13.

17. Because this private jet flight was in connection with a fundraiser for Respondent's federal reelection campaign, Respondent was a campaign traveler on the flight.

18. THEREFORE, Respondent explicitly violated the HLOGA when she flew aboard the Magic Carpet private jet from Portland, Maine to New York, New York in order to attend a fundraiser for her reelection campaign.

**SECOND VIOLATION OF LAW (Count II)**

**2 U.S.C. § 439a(c)(2), 11 CFR § 100.93(c)(2)**

19. Complainant reasserts, as if fully set forth herein, Paragraphs 1 through 18 above.

20. According to a public statement issued by Respondent's spokesperson Willy Ritch, Respondent was aboard the Magic Carpet private jet when it flew from White Plains, New York to Washington, D.C. on September 13, 2010.

21. Because this private jet flight was in connection with a fundraiser for Respondent's federal reelection campaign, Respondent was a campaign traveler on the flight.

22. THEREFORE, Respondent explicitly violated the HLOGA when she flew aboard the Magic Carpet private jet from White Plains, New York to Washington, D.C. after attending a fundraiser for her reelection campaign.

**RELIEF SOUGHT**

23. Complainant requests the Commission levy civil penalties against Respondent in accordance with 2 U.S.C. § 437g(a)(5) and 11 CFR § 111.24(a)(2).

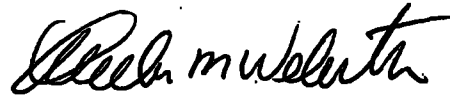
24. Because Respondent's flight aboard the Magic Carpet private jet from Portland, Maine to New York, New York was a knowing and willful violation of the HLOGA, the civil penalty for Count I should be a fine in the amount of Sixteen Thousand Dollars (\$16,000).

25. Because Respondent's flight aboard the Magic Carpet private jet from New York, New York to Washington, D.C. was a knowing and willful violation of the HLOGA, the civil penalty for Count II should be a fine in the amount of Sixteen Thousand Dollars (\$16,000).

26. Complainant requests that the Commission provide all additional relief that it may deem appropriate or equitable.


The above is correct and accurate to the best of our knowledge, information, and belief.

Respectfully submitted,



Charles M. Webster  
Chairman, Republican Party of Maine

Sworn and subscribed to in Augusta, Maine on October 6, 2010.



Notary Public

CHRISTIE LEE MCNALLY  
MY COMMISSION EXPIRES  
1/30/2015

My commission expires \_\_\_\_\_

- Maine Watchdog - <http://maine.watchdog.org> -

## Pingree Flies On Corporate Jet

Posted By [Stephan Burklin](#) On September 23, 2010 @ 5:11 am In [Featured News](#) | [28 Comments](#)

As the President of [Common Cause](#) <sup>[1]</sup>, a non-profit citizens' lobbying group, Representative Chellie Pingree criticized lawmakers who traveled on corporate jets.

But Rep. Pingree is engaging in the same activity she derided four years ago.

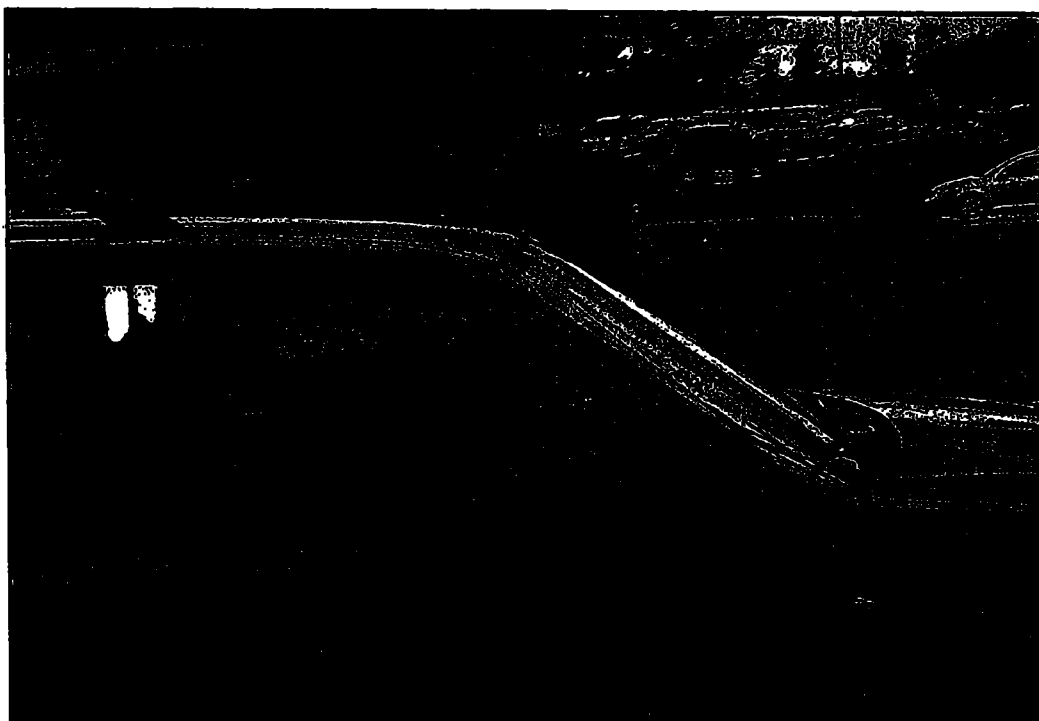
An investigation by MaineWatchdog found that Pingree has been traveling on a private plane owned by the [corporation](#) <sup>[2]</sup> of her significant other, Donald Sussman, Founder and Chairman of Paloma Partners, a billion dollar hedge fund.

When [AOL](#) <sup>[3]</sup> reported in late July that Pingree's office was reimbursed for more travel expenses\* than any other house member in 2009, MaineWatchdog asked whether any of those reimbursements were [related to travel on private planes](#) <sup>[4]</sup>. A spokesman for Pingree said: "To my knowledge, the Congresswoman does not fly on privately chartered jets."

The investigation, however, produced a video of Representative Pingree and Sussman disembarking at Portland International Jetport after a flight from Bridgeport, Conn., on September 17, 2010.

Pingree and Sussman landed in Portland at 1:26 p.m., at which point a red carpet was rolled out for them on the non-commercial apron.

A snapshot of the couple driving off confirms that Pingree was on board.



[5]

Prior to her election in 2008, Pingree was an outspoken critic of congressional members who flew on corporate jets.

According to written remarks <sup>[6]</sup> delivered before the Subcommittee on the Constitution in 2006, Pingree said: "Most Americans never have and never will fly on a chartered jet, much less a fancy corporate jet complete with wet bar and leather couches. So when members of Congress constantly fly around on corporate jets and pay only the cost of a commercial ticket, it contributes to the corrosive public perception that members of Congress are more like the fat cats of Wall Street than they are like the rest of us."

In the aftermath of the Abramoff scandal <sup>[7]</sup>, Pingree lobbied for a tough ethics-reform law that would have, among other things, completely banned privately funded travel <sup>[8]</sup>. When a weaker bill was introduced, Pingree called the drafted bill "window dressing." <sup>[9]</sup>

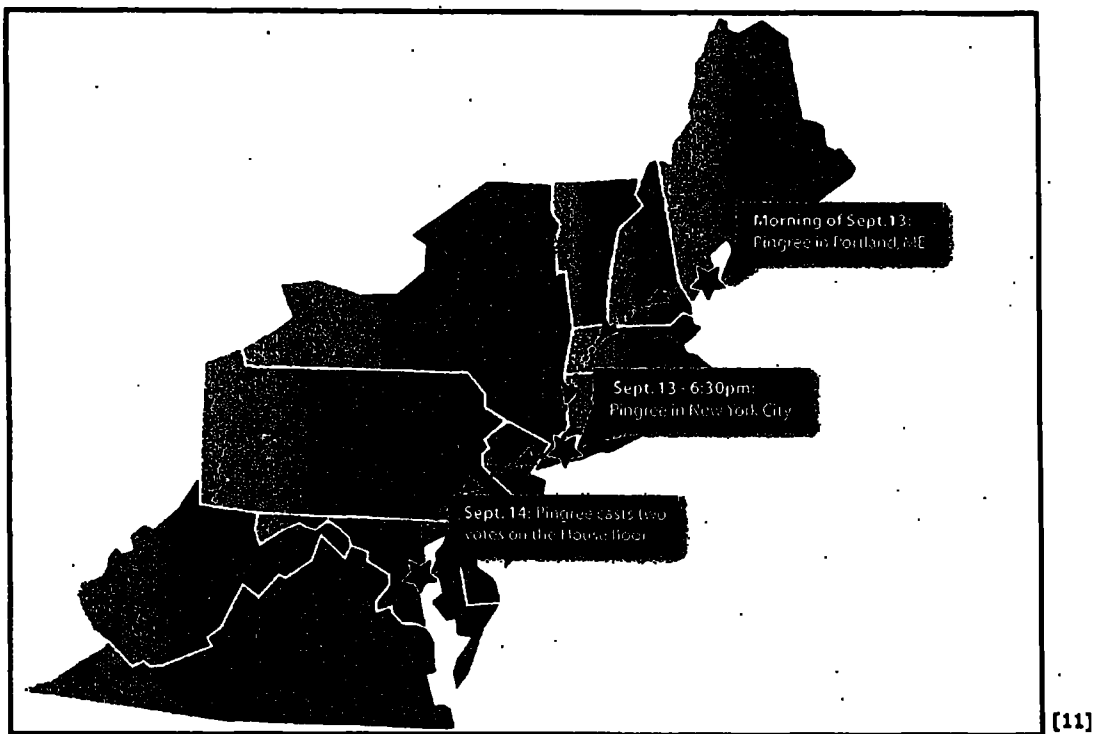
It is not clear whether Pingree's use of Sussman's aircraft was limited to the incident on September 17.

Flight logs of Sussman's plane <sup>[10]</sup> obtained by MaineWatchdog indicate that Pingree may have used the aircraft on several other occasions.

In several instances, Pingree's trips between Maine and Washington, D.C. closely track the movement of Sussman's plane.

MaineWatchdog uncovered the following facts:



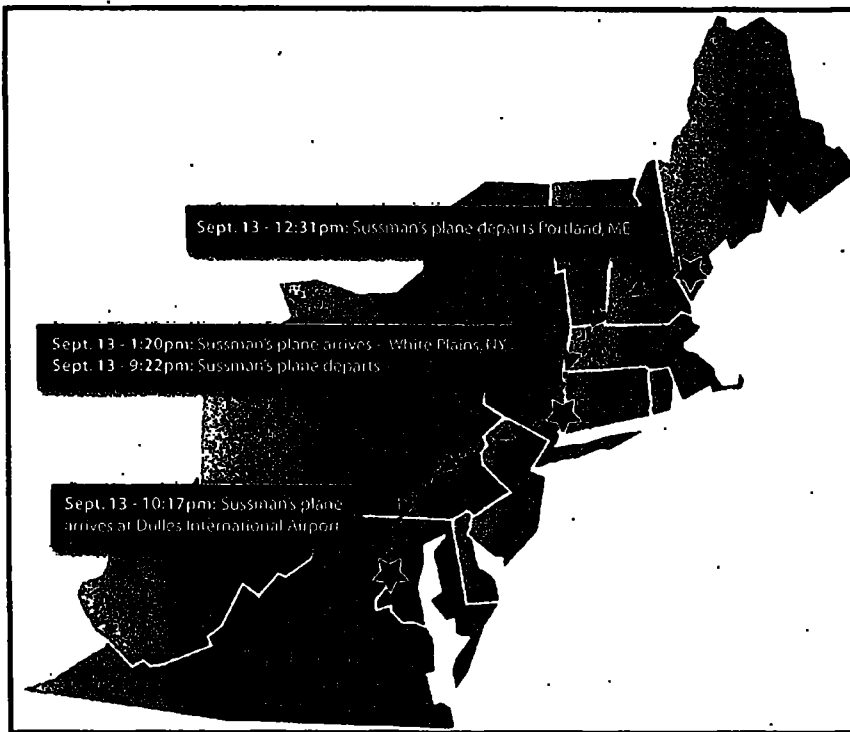


On the morning of September 13, Representative Pingree visited Presumpscot Elementary School <sup>[12]</sup> in Portland.

According to flight logs, Sussman's plane took off from Portland International Jetport <sup>[13]</sup> at 12:31 in the afternoon. Forty-nine minutes later, at 1:20, it landed an hour's drive north of New York City at Westchester County Airport <sup>[14]</sup> in White Plains, NY.

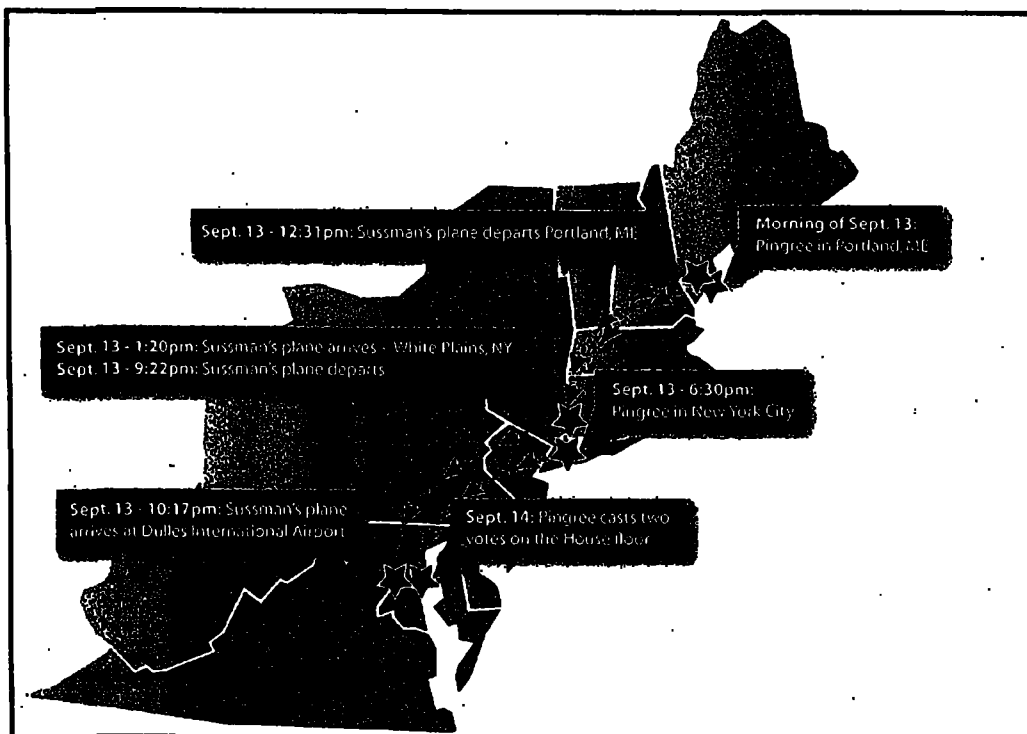
At 6:30 p.m., two prominent New York theater producers threw a house party <sup>[15]</sup> to raise money for Pingree at their home in the Upper East End. The party was scheduled to end at 8:00 p.m.

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At 9:22 p.m., Sussman's plane lifted off again at Westchester County Airport in White Plains. It landed at Dulles International Airport <sup>[17]</sup> an hour outside of Washington, D.C., at 10:17 p.m.

The next day, Sept. 14, Pingree cast two votes <sup>[18]</sup> (HR 1571 and HR 1052) in the evening on the House floor in Washington.



[19]

There are other similar cases where Pingree's movement parallels that of Sussman's plane. MaineWatchdog compared Pingree's voting record <sup>[18]</sup> to the movement of Sussman's plane <sup>[10]</sup>.

On July 24, Pingree was in Brunswick with Gov. Baldacci to celebrate Kestrel Aviation's move to Maine <sup>[20]</sup>.

On July 26, Sussman's plane left Knox County Regional Airport <sup>[21]</sup> in Rockland, the closest airport to Pingree's home in North Haven <sup>[22]</sup>, at 12:51 pm. Pingree was on the House floor at around 6:30 to vote on HR 1320. She also appeared on Hardball <sup>[23]</sup> with Chris Matthews that afternoon.

She was in Washington for votes on July 27, 28, and 29.

On July 30, Pingree was on the House floor. The last vote of the day was at around 6:30 p.m. At 7:39, Sussman's plane left Washington, D.C. for Rockland, Maine.

On August 6th, Pingree attended the Maine Lobster Fest Parade <sup>[24]</sup> in Rockland.

On August 9, Sussman's plane departed Rockland for D.C. at 2:33 pm. The next day, Pingree was present in the Oval Office when President Obama signed the \$26 billion aid package <sup>[25]</sup> for states. Sussman's plane departed D.C. on August 10 at 7:16 pm and returned to Rockland.

At the time this article was released, MaineWatchdog was waiting for Pingree's office to provide receipts for all commercial flights that the Congresswoman booked over the last several months.

\*Editor's Note (9/23/2010, 2:11 p.m.) The AOL story did not report that Rep. Pingree's office

was reimbursed for more travel expenses in strictly monetary terms. Several other House members were reimbursed for higher total bills. Rep. Pingree's office was reimbursed for more individual travel expenditures than any other House member.

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URLs in this post:

- [1] Common Cause: <http://www.commoncause.org/site/pp.asp?c=dkLNK1MQIwG&b=4741359>
- [2] corporation: <http://flightaware.com/resources/registration/M888CE>
- [3] AOL: <http://www.aolnews.com/house-money/article/inside-congress-14-million-monthly-travel-bill/19548615>
- [4] related to travel on private planes: <http://watchdog.org/6279/two-maine-congressman-reimbursed-for-over-1m/>
- [5] Image: <http://maine.watchdog.org/files/2010/09/Pingree-at-PWM.jpg>
- [6] written remarks : [http://commdocs.house.gov/committees/judiciary/hju26911.000/hju26911\\_of.htm](http://commdocs.house.gov/committees/judiciary/hju26911.000/hju26911_of.htm)
- [7] Abramoff scandal: <http://www.washingtonpost.com/wp-dyn/content/linkset/2005/06/22/LI2005062200936.html>
- [8] completely banned privately funded travel: <http://www.commondreams.org/views/06/0427-20.htm>
- [9] "window dressing.": [http://articles.sfgate.com/2006-03-30/news/17287318\\_1\\_abramoff-scandal-lobbyists-face-test](http://articles.sfgate.com/2006-03-30/news/17287318_1_abramoff-scandal-lobbyists-face-test)
- [10] Flight logs of Sussman's plane: <http://viewer.zoho.com/docs/sdMcaW>
- [11] Image: <http://maine.watchdog.org/files/2010/09/pingree-movement-map.jpg>
- [12] visited Presumpscot Elementary School : <http://www2.portlandschools.org/news/congresswoman-pingree-visits-presumpscot>
- [13] Portland International Jetport : [http://www.mapquest.com/maps?name=Portland+International+Jetport+\(PWM\)&city=Portland&state=ME&address=1001+Westbrook+St&zipcode=04102&country=US&latitude=43.647568&longitude=-70.31003&geocode=ADDRESS&id=14710388](http://www.mapquest.com/maps?name=Portland+International+Jetport+(PWM)&city=Portland&state=ME&address=1001+Westbrook+St&zipcode=04102&country=US&latitude=43.647568&longitude=-70.31003&geocode=ADDRESS&id=14710388)
- [14] Westchester County Airport : [http://www.mapquest.com/maps?name=Westchester+County+Airport+\(HPN\)&city=White+Plains&state=NY&address=240+Airport+Rd&zipcode=10604&country=US&latitude=41.073856&longitude=-73.70655&geocode=ADDRESS&id=1318646](http://www.mapquest.com/maps?name=Westchester+County+Airport+(HPN)&city=White+Plains&state=NY&address=240+Airport+Rd&zipcode=10604&country=US&latitude=41.073856&longitude=-73.70655&geocode=ADDRESS&id=1318646)
- [15] house party : <http://action.chelliepingree.com/page/event/detail/houseparty/w58>
- [16] Image: <http://maine.watchdog.org/files/2010/09/sussman-movement-map.jpg>
- [17] Dulles International Airport: [http://www.mapquest.com/maps?name=Washington+Dulles+International+Airport+\(IAD\)&city=Dulles&state=VA&address=1+Saarinen+Cir&zipcode=20166&country=US&latitude=38.953533&longitude=-77.44428&geocode=ADDRESS&id=14710220](http://www.mapquest.com/maps?name=Washington+Dulles+International+Airport+(IAD)&city=Dulles&state=VA&address=1+Saarinen+Cir&zipcode=20166&country=US&latitude=38.953533&longitude=-77.44428&geocode=ADDRESS&id=14710220)
- [18] cast two votes : <http://www.govtrack.us/congress/votes.xpd?year=2010&person=412307>
- [19] Image: <http://maine.watchdog.org/files/2010/09/pingree-sussman-movement-map.jpg>
- [20] celebrate Kestrel Aviation's move to Maine: [http://www.facebook.com/ChelliePingree?v=app\\_2373072738](http://www.facebook.com/ChelliePingree?v=app_2373072738)
- [21] Knox County Regional Airport : <http://www.mapquest.com/maps?1c=North+Haven&1s=ME&1qn=knox+county+regional&1l=44.128101&1g=-68.874702&1v=CITY&2c=North+Haven&2s=ME&2y=US&2l=44.128101&2g=-68.874702&2v=CITY>
- [22] North Haven: <http://www.mapquest.com/maps?>

**city=North+Haven&state=ME&country=US&latitude=44.128101&longitude=-68.874702  
&geocode=CITY**

[23] Hardball: <http://www.youtube.com/watch?v=9CaZ6Tb99z0>

[24] Maine Lobster Fest Parade : <http://www.dlrigoblue.com/diary/1780/2010-lobster-fest-parade-in-rockland>

[25] President Obama signed the \$26 billion aid package :  
<http://www.reuters.com/article/idUSTRE67945S20100811>

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# The Portland Press Herald

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## Pingree's jet travel might be violation

Use of the jet for campaign purposes would violate federal campaign laws.

By Glenn Jordan [glennjordan@pressherald.com](mailto:glennjordan@pressherald.com)  
Staff Writer

The Maine ethics committee may consider a finding of a likely violation, but campaign finance laws do not.

So if Rep. Chella Pingree used the private jet owned by B. Donald Sumner for campaign purposes, she would be in violation of federal campaign finance laws.

Federal campaign law has a narrow definition of "household" of who qualifies as a family member who is exempt from the campaign finance law. Pingree is exempt as a family member to travel on her husband's jet between Washington and her home in Maine, for example, but not as a candidate for a campaign event.

"There's two different bottles of law at work here," said Tobi Mayday, associate counsel of the Republican Campaign Legal Center in Washington, D.C. "If it was her own airplane, for her own campaign, she wouldn't be able to pay for a (federal campaign funds) or even receive the benefit of an in-kind contribution."

There's because federal election law defines a candidate's immediate family members as a spouse, mother, son, daughter, brother, sister, husband, wife, father-in-law or mother-in-law.

House rules allow unlimited gifts, including travel, from a relative, which definition "shall be deemed to include the spouse" of the member, according to official congressional rules. The ethics committee that Pingree's campaign released Monday.

A review of flight logs citing flight to which Pingree's home office in 2008 shows the 2007 Domestic Flight 2010EX jet owned by Sumner and about two dozen flights each year at Maine County Regional Airport in Orono, about three dozen each year at Portland International Jetport, and approximately six dozen over 20-plus months at O'Hare International in Washington, D.C. The logs do not list which flights included Pingree as a passenger.

None of those flights, for any other, may need for campaign purposes, said Pingree spokesman Wally Rich.

Events to raise money for Pingree's campaign held about a dozen times held in other Washington in Maine. An exception came earlier this month, on Sept. 13, when Pingree attended a house party at an estate on the Upper East Side of New York City.

A minimum suggested contribution of \$50 per person was listed on the invitation, which was available on the campaign website ([mainepingree.com](http://mainepingree.com)), as well as higher levels of support, up to the maximum of \$2,000 per person for campaign-related travel.

Earlier that day, Pingree visited a fourth-grade class at Piquemont Elementary School in Portland and read from "The Cross and the Switchblade" by Maine author Chris Van Dusen in recognition of Family Literacy Week.

According to its flight log, Sumner's jet traveled 48 minutes from Portland to White Plains, N.Y., arriving at 1:20 p.m. It took off again at 9:22 p.m. bound for Washington. The party was scheduled to run from 8:30 to 9 p.m.

"Chella traveled with her partner Donald to New York on a day he had business there," Rich said in a statement released Tuesday. "She is also traveling for business reasons and Chella went along with him. Chella also stayed her son and drove to a campaign event in New York later in the day. The flight to New York was personal and no campaign or taxpayer funds were used to pay for it."

Asa Pingree, the youngest of the congressman's three children, lives, works and attends school in New York City, Rich said.

"This thing with the ethics rule is really secondary," said Lance Olson, a spokesman for the Maine Republican Victory Campaign.

"The biggest issue for us at the Republican Party is the hypocrisy of what Pingree is doing. She's called against this stuff her whole career, and it appears she's living high off the hog on this while the rest of us are sucking wind through this restriction."

Staff Writer Glenn Jordan can be contacted at 791-6423 or at:

[glennjordan@pressherald.com](mailto:glennjordan@pressherald.com)



U.S. Rep. Chella Pingree and her husband, B. Donald Sumner, are seen in a photo of her husband's private jet to which House ethics rules say she is not entitled to travel.

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