



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

Commission Meeting 10/01/2015  
Agenda Item #4

To: Commissioners  
From: Benjamin Dyer, Political Committee and Lobbyist Registrar  
Date: September 21, 2015  
Re: Request for Waiver of Late-Filing Penalty by Megan Sanborn

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Once registered, lobbyists are required to file monthly reports of their lobbying activities. Monthly reports are due on the 15<sup>th</sup> of the month for the preceding month. Megan Sanborn, the lobbyist for the Maine Association of Realtors, was required to file a monthly lobbyist report on July 15, 2015, but did not file the report until the next day. On July 16, 2015, Commission staff assessed a \$50 penalty on Ms. Sanborn for the day-late report filing.

### **LEGAL REQUIREMENTS**

All registered lobbyists are required to file monthly reports for each calendar month they are registered. Reports are due 11:59 p.m. on the 15<sup>th</sup> day of the following month (*i.e.*, the June lobbying report is due July 15<sup>th</sup>). (3 M.R.S.A. §317) For late reports filed within 24 hours of the deadline, the preliminary penalty is \$50. (3 M.R.S.A. §319)

### **DISCUSSION AND STAFF RECOMMENDATION**

Ms. Sanborn asks that the Commission waive the penalty because she was subjected to a series of unfortunate events on July 15<sup>th</sup>, including traveling in another time zone, a malfunctioning iPad charger, and a hotel without a public computer, which made it

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE  
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impossible for her to file the report until the next day. The Commission staff recommends that the Commission deny the waiver request, as staff do not believe the situation Ms. Sanborn describes in her waiver request contains any of the “mitigating circumstances” listed in 3 M.R.S.A. §319 as valid reasons for waiving the preliminary penalty.

Thank you for your consideration of this memo.

**From:** [Megan Sanborn](#)  
**To:** [Dyer, Benjamin P](#)  
**Subject:** Late Lobby Report  
**Date:** Monday, July 20, 2015 1:34:37 PM

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Good afternoon,

I understand that my lobby report was submitted late. I was traveling and in another time zone for a work conference. I got back to my hotel room late on July 15<sup>th</sup> when I planned to submit the report, I was waiting because I was hoping for an invoice that I didn't receive until this morning. I then had problems with my iPad charger and could not power my iPad on. The hotel did not have computers available for public use. It wasn't until the 16<sup>th</sup> I was able to use a colleagues computer to file the report. Thank you so much for you consideration to waive the late filing fee. Thanks again.

Best Regards,

Megan Sanborn  
Government Affairs & Communications Manager  
Maine Association of REALTORS®  
19 Community Drive  
Augusta, ME 04330  
207.622.7501





Commission on Governmental Ethics and Election Practices  
Mail: 135 State House Station, Augusta, Maine 04333  
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Phone: 207-287-4179  
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## LOBBYIST DISCLOSURE REPORT FOR JUNE 2015

LOBBYIST INFORMATION		
MEGAN SANBORN		Telephone: (207) 446-5059
		MEGANSANBORN7@GMAIL.COM
ID: 8396		
CLIENT INFORMATION		
MAINE ASSOCIATION OF REALTORS		Telephone: (207) 446-5059
Principal Contact: MEGAN SANBORN		
19 COMMUNITY DRIVE		MEGAN@MAINEREALTORS.COM
AUGUSTA, ME 04330		WWW.MAINEREALTORS.COM
LOBBYIST ASSOCIATES		
TOTAL COMPENSATION FOR LOBBYING		
\$2,700.00	\$0.00	\$0.00
Legislative Branch Officials	Executive Branch Officials	Constitutional Officials
TOTAL EXPENDITURES MADE FOR LOBBYING ACTIVITIES		
\$0.00	\$0.00	\$0.00
Legislative Branch Officials	Executive Branch Officials	Constitutional Officials
TOTAL EXPENDITURES MADE TO OR ON BEHALF OF OFFICIALS AND FAMILY MEMBERS		
\$0.00	\$0.00	\$0.00
Legislative Branch Officials	Executive Branch Officials	Constitutional Officials
EXPENDITURES OF \$25 OR MORE FOR OFFICIALS AND FAMILY MEMBERS		
LIST OF EVENTS AND ATTENDEES IF \$250 OR MORE WAS SPENT ON OFFICIALS		
LEGISLATIVE ACTIONS THAT WERE THE SUBJECT OF LOBBYING		
Bills	LD 1019	
Issues		
LEGISLATIVE ACTIONS FOR WHICH COMPENSATION/EXPENDITURES EXCEEDED \$1,000		
Bills		
Issues		
ORIGINAL SOURCES OF CONTRIBUTIONS/PAYMENTS OF \$1,000 OR MORE TO CLIENT		
LEGISLATIVE ACTIONS THAT WERE THE SUBJECT OF INDIRECT LOBBYING (OVER \$15,000)		
CERTIFICATION		

I, MEGAN SANBORN, affirm that the information contained in this report is true and complete and that no information is knowingly withheld to the best of my knowledge.

Report Filed by: MEGAN SANBORN

Report Filed on: July 16, 2015

If this report is filed by an authorized agent of the Principal Lobbyist, the Principal Lobbyist and the agent are liable for any violations of the Lobbyist Disclosure Law (3 M.R.S.A Chapter 15) that may result from the filing of a false or inaccurate report

Unsworn falsification is a Class D crime (17-A M.R.S.A. § 453).



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

July 16, 2015

Megan Sanborn  
19 Community Dr  
Augusta, ME 04330

Re: Late-Filed Lobbyist Report

Ms. Sanborn:

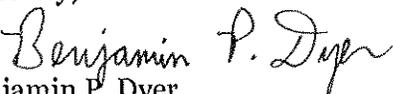
The Commission staff has made a preliminary determination that a penalty of \$50 applies for the late filing of the June lobbyist disclosure report. See, 3 MRSA § 319. The report was due on July 15, 2015 and was not filed until July 16th.

If you disagree with the preliminary penalty, you may request a waiver by submitting a statement, in writing, to the Commission stating the reason the report was filed late and requesting that the preliminary penalty be waived. All requests for waiver will be included on the agenda for the next Commission meeting.

If you do not intend to seek a waiver of the preliminary penalty, please mail a check, payable to "Treasurer, State of Maine," for the above amount to the Ethics Commission at 135 State House Station, Augusta, Maine 04333. You may also pay with a Visa or MasterCard online at [www.maine.gov/ethics](http://www.maine.gov/ethics) by selecting the "penalty payment" option.

Please either pay the preliminary penalty or submit a request for waiver within 14 days of the date of this letter. Please direct any questions you may have to me at (207) 287-4179 or [benjamin.p.dyer@maine.gov](mailto:benjamin.p.dyer@maine.gov).

Sincerely,

  
Benjamin P. Dyer  
Political Committee and Lobbyist Registrar

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*Please return this portion with your payment. Thank you.*

From: Ms. Megan Sanborn for Maine Association of Realtors  
Re: Penalty for late filing of July 2015 Lobbyist Disclosure Report (\$50.00).  
Enclosed: \$ \_\_\_\_\_ Check/M.O. No.# \_\_\_\_\_

**Maine Revised Statutes**  
**Title 3: LEGISLATURE**  
**Chapter 15: LOBBYIST DISCLOSURE PROCEDURES**

**§317. REPORTS**

Reports required by this section must be on forms prescribed or approved by the commission. The forms must provide for a sworn statement that the persons signing the report acknowledge the truth and completeness of all the information contained therein. [1993, c. 691, §18 (RPR).]

 **1. Monthly session reports.** During the period in which the Legislature is in session, every registered lobbyist shall file with the commission, no later than 11:59 p.m. on the 15th calendar day of each month, a report concerning the lobbyist's activities for the previous month regarding each employer.

Every lobbyist shall report that lobbyist's lobbying activities for each month that the Legislature is in session, even if no lobbying has been performed or compensation or reimbursement for expenses received for the month. In the case of a lobbyist representing multiple employers, if no lobbying or services in support of lobbying were performed, one report listing each employer on whose behalf no lobbying was conducted may be submitted. The monthly report must contain the following information:

- A. The month to which the report pertains; [1979, c. 632, §2 (RPR).]
- B. The name and address of the lobbyist and employer; [1979, c. 632, §2 (RPR).]
- C. The names of the individuals who lobbied during the month; [1979, c. 632, §2 (RPR).]
- D. The specific dollar amount of compensation received for lobbying activities, as defined in section 312-A, subsection 9, during the month. The amount of compensation received for lobbying officials in the legislative branch, officials in the executive branch and constitutional officers must be reported separately.

In the case of a regular employee, the specific dollar amount must be computed by multiplying the number of hours devoted to the preparation of documents and research for the primary purpose of influencing legislative action and to lobbying by the employee's regular rate of pay based on a 40-hour week; [2007, c. 630, §14 (AMD).]

- E. The specific dollar amount of expenditures made or incurred by the lobbyist during the month that is the subject of the report for purposes of lobbying as defined in section 312-A, subsection 9 for which the lobbyist has been or expects to be reimbursed. The amount of expenditures for lobbying officials in the legislative branch, officials in the executive branch and constitutional officers must be reported separately; [2007, c. 630, §14 (AMD).]

E-1. When expenditures for the purposes of indirect lobbying exceed \$15,000 during the month that is the subject of the report, the specific dollar amount of expenditures for indirect lobbying made or incurred during the month by a lobbyist, lobbyist associate or employer, with separate totals for expenditure categories as determined by the commission, the legislative actions that are the subject of the indirect lobbying and a general description of the intended recipients; [2009, c. 282, §4 (NEW).]

F. The total amount of expenditures by the lobbyist or the employer directly to or on behalf of one or more covered officials, including members of the official's immediate family; [2007, c. 630, §14 (AMD).]

G. For any expenditure of money or anything of value made by the lobbyist or employer on behalf of a covered official or a member of the official's immediate family with a total retail value of \$25 or more, the name of the official or family member, the person making the expenditure and the date, amount and purpose of the expenditure ; [2007, c. 630, §14 (AMD).]

G-1. The date and a description of an event, a list of all officials in the legislative branch or executive branch or members of an official's immediate family in attendance and the total amount of expenditures for the event, if the total amount of the expenditures for officials and family members is \$250 or more; [2007, c. 373, §5 (AMD).]

H. A list of each legislative action by Legislative Document number, specific issue, nomination or other matter in connection with which the lobbyist is engaged in lobbying; [2007, c. 630, §14 (AMD).]

I. A list specifically identifying each legislative action for which the lobbyist was compensated or expects to be compensated, or expended in excess of \$1,000 for lobbying activities related to those actions and a statement of the amounts compensated or expended for each; and [2007, c. 630, §14 (AMD).]

J. A list of all of the employer's original sources and a statement of the dollar amounts contributed or paid by the original sources to the employer. If the original source is a corporation formed under Title 13 or 13-C or former Title 13-A, nonprofit corporation formed under Title 13-B or limited partnership under Title 31, the corporation, nonprofit organization or limited partnership, not the individual members or contributors, must be listed as the original source. [2009, c. 282, §5 (AMD).]

[ 2009, c. 282, §§4, 5 (AMD) .]

## **2. Annual report.**

[ 2011, c. 179, §5 (RP) .]

**2-A. Electronic filing.** Beginning January 1, 2006, a lobbyist shall file monthly session reports under subsection 1 through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a lobbyist submits a written request that states that the lobbyist lacks access to the technology or the technological ability to file reports electronically. The request for an

exception must be submitted at least 10 days prior to the deadline for the first report that the lobbyist is required to file for the lobbying year. The commission shall grant all reasonable requests for exceptions.

[ 2011, c. 179, §6 (AMD) .]

**3. Facsimile copies.** The commission may, by rules adopted pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, establish procedures and fees by which facsimile copies of duly executed reports required by this section may be received and filed with the commission.

[ 1993, c. 446, Pt. B, §10 (AMD) .]

**4. Monthly nonsession reports.** When the Legislature is not in regular session, every registered lobbyist must either file:

A. With the lobbyist's last monthly report for that regular session a statement that the lobbyist will not engage in lobbying activities when the Legislature is not in session. The lobbyist is required to file a monthly report for lobbying activity conducted during a special session; or [1993, c. 446, Pt. A, §14 (NEW); 1993, c. 446, Pt. A, §20 (AFF).]

B. If the lobbyist is engaged in lobbying in any of those months, a monthly report in the manner prescribed in subsection 1 even if compensation or reimbursement for expenses has not been received for the month. [1993, c. 446, Pt. A, §14 (NEW); 1993, c. 446, Pt. A, §20 (AFF).]

If the lobbyist did not expect to be engaged in lobbying when the Legislature was not in session, the commission may waive the requirement for the months between the end of the session and the renewal of lobbying.

[ 1993, c. 691, §21 (AMD) .]

**Maine Revised Statutes**  
**Title 3: LEGISLATURE**  
**Chapter 15: LOBBYIST DISCLOSURE PROCEDURES**

**§319. PENALTY**



**1. Failure to file registration or report.** Any person who fails to file a registration or report as required by this chapter may be assessed a fine of \$100 for every month the person fails to register or is delinquent in filing a report pursuant to section 317. If a registration or report is filed late, the commission shall send a notice of the finding of violation and preliminary penalty. The notice must provide the lobbyist with an opportunity to request a waiver of the preliminary penalty. If a lobbyist files a report required pursuant to section 317 within 24 hours after the deadline, the amount of the preliminary penalty is \$50. The commission may waive the fine or penalty in whole or in part if the commission determines the failure to register or report was due to mitigating circumstances or the fine or penalty is disproportionate to the level of experience of the lobbyist or the harm suffered by the public from the late registration or report. For purposes of this subsection, "mitigating circumstances" means:

A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the fine or penalty in whole or in part; [2011, c. 179, §7 (NEW).]

B. An error by the commission; or [2011, c. 179, §7 (NEW).]

C. Circumstances determined by the commission to warrant the waiver of the fine or penalty in whole or in part, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with this chapter, including, but not limited to, unexplained delays in Internet service. [2011, c. 179, §7 (NEW).]

[ 2011, c. 179, §7 (RPR) .]

**1-A. Notice of suspension.** Any person who fails to file a report or pay a fee as required by this chapter may be suspended from further lobbying by written notice of the commission until such failure is corrected.

[ 1993, c. 446, Pt. B, §12 (AMD) .]

**2. Class E crime.**

[ 1979, c. 632, §3 (RP) .]

**3. Exemption.** Notwithstanding section 317, subsection 1, a registered lobbyist is exempt from the penalty imposed under this section if, while the Legislature is convened in special session, the lobbyist failed to file a report with the commission pursuant to section 317 if no lobbying has been performed during that special session.

[ 1993, c. 446, Pt. B, §13 (AMD) .]