

Agenda

Item #3



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

To: Commissioners

From: Benjamin Dyer, Candidate Registrar
Jonathan Wayne, Executive Director

Date: July 19, 2013

Re: LePage Campaign Over-the-Limit Contributions

Summary

Under current law, donors may give candidates for the office of Governor up to \$1,500 per election. (21-A M.R.S.A. § 1015) Thus, candidates who are enrolled in a political party may accept up to \$3,000 per election cycle from a donor (\$1,500 for the primary election and \$1,500 for the general election).

In January 2013, while conducting a routine compliance review of campaign finance reports, Candidate Registrar Sandy Thompson noted that the 2014 re-election campaign of Governor Paul LePage accepted contributions from business entities that appeared to be over the campaign contribution limits of 21-A M.R.S.A. § 1015(2). The donors had given the maximum amounts allowable under law (\$3,000) in December 2011, and then had given additional amounts roughly one year later in October-December 2012. Ms. Thompson notified the campaign in mid-January 2013 and understood that the campaign would be working to remedy the errors, but they were not corrected by June of 2013.

On June 5, 2013, the Maine Citizens for Clean Elections (MCCE) contacted Commission staff by letter with concerns about the apparent over-the-limit contributions. Two days later, the MCCE filed a request for an investigation and a determination by you. In response, the LePage campaign returned the over-the-limit portions of the contributions, indicated that they were received due to mistakes in the campaign's fundraising procedures, and promised to implement specific changes to avoid accepting over-the-

limit contributions in the future. Because the campaign's acceptance of over-the-limit contributions was unintentional and resulted from turnover in the campaign treasurer, and the current campaign treasurer has responded appropriately by setting out preventative procedures for the future, the Commission staff recommends that you find the campaign violated § 1015(2) by accepting three over-the-limit contributions and assess no civil penalty.

Legal Requirements

Contribution Limitations. Under the Election Law, no donor may make a contribution of more than \$1,500 to a gubernatorial candidate, unless the contribution is from the candidate or the candidate's spouse or domestic partner. (21-A M.R.S.A. §§ 1015(1) & (2)) Under the Commission's rules, the Commission staff conducts compliance reviews of all campaign finance reports filed by candidates. (Commission Rules, Chapter 1, § 4(2)(A))

Civil Penalty. A person who accepts or makes a contribution that exceeds the contribution limitations may be assessed a penalty of no more than the amount by which the contribution exceeded the limitation. (21-A M.R.S.A. § 1004-A(2)).

Staff Procedures for Reviewing Reports

Pursuant to Commission Rules, Chapter 1, §4(2)(A), Ethics Commission staff review all campaign finance reports filed by candidates to verify compliance with statutes and rules. After a report is filed, during this "compliance review," Commission staff review the electronically filed reports and note potential issues. Because achieving compliance with the Ethics Laws is the ultimate goal of these compliance reviews, when there are potential issues, Staff contact candidates to determine the source of the apparent errors or omissions and then work with the candidates to make corrections to ensure accurate reporting.

Staff Review of the LePage Campaign's January 2013 Report

During the compliance review of the LePage campaign's January 2013 Semi-Annual Report, Candidate Registrar Sandra Thompson identified contributions the campaign received from Cianbro, Inc. (Cianbro), FairPoint Communications (FairPoint), Maine Beer & Wine Wholesalers, Associated (Maine Beer & Wine), and E.J. Carrier, Inc. (E.J. Carrier) which appeared to exceed the \$1,500 limits of 21-A M.R.S.A. §1015(2). Based on Ms. Thompson's experience in reviewing campaign finance reports, she concluded that the campaign had likely made errors in entering the contributions rather than accepted contributions that exceeded the limit. Ms. Thompson's log indicates that she spoke with William Logan, treasurer for the LePage campaign, three times on January 13, 15, and 16 concerning the issues. Her understanding was that he was working with someone else to resolve the problem.

Complaint by the MCCE

On June 5, 2013, the MCCE contacted Executive Director Jonathan Wayne by letter regarding three apparent over-the-limit contributions reported by the LePage campaign in its January Semi-Annual Report and requested information on how the Commission staff was addressing the potential violations. On June 7, 2013, the MCCE requested the Commission investigate the potential violations. The three contributions at issue are from Cianbro, FairPoint and Maine Beer & Wine. All three entities contributed the maximum amount (\$3,000) in December 2011, and then they contributed additional amounts roughly one year later in October-December 2012.

Response by LePage Campaign

On June 20, 2013, Mr. Logan, on behalf of the LePage campaign, responded to the complaint by the MCCE. He admitted that the campaign had received over-the-limit contributions from Cianbro, FairPoint, and Maine Beer & Wine and that the contribution from E.J. Carrier appeared over-the-limit due to a data-entry error by the campaign. To correct these errors, the campaign returned the portions of the contributions which were over-the-limit between June 1 and June 19, 2013. The E.J. Carrier data-entry error was corrected by an amendment to the report on February 21, 2013.

Mr. Logan explained that the over-the-limit contributions resulted from errors in the campaign's fundraising procedures during a time of transition between the campaign's previous treasurer and Mr. Logan. He stated that the campaign raised these contributions through a professional fundraiser and thus assumed that the sophisticated business entity contributors and the professional fundraiser would ensure that the contributions complied with the campaign finance law and thus Mr. Logan did not review the contributions before accepting them. After receiving notice of the apparent violations from Ms. Thompson, Mr. Logan reviewed the contributions and contacted the contributors to confirm the actual amounts contributed resulting in the return of excess contributions. Mr. Logan also stated that the campaign has implemented new procedures to prevent it from accepting over-the-limit contributions, including additional communication with fundraisers and Mr. Logan's direct review of received contributions.

Staff Recommendations

The Commission staff accepts the LePage campaign's assertions that the acceptance of over-the-limit contributions was unintentional and the result of insufficient review of the contributions when they were received. There was not a systematic attempt to violate campaign financing laws. Nevertheless, the failure of the campaign to correct the errors shown in the January 2013 semi-annual report until June is a matter of concern. In mitigation, the Commission staff notes that the over-the-limit contributions comprise a small percentage of the total amount raised by the LePage campaign in the past 2 ½ years, the LePage campaign did not spend the contributions and received no benefit from the over-the-limit amounts, and, in general, the scale of fundraising for gubernatorial campaigns is a far greater than of legislative campaigns, leading to more opportunities for errors. Accordingly, the Commission staff recommends that the Commission find the LePage campaign in violation of 21-A M.R.S.A. § 1015(2) by accepting three over-the-limit contributions, but assess no financial penalty for the violations.

Thank you for your consideration of this memorandum.

PAUL R. LEPAGE
GOVERNOR

**SCHEDULE A
CASH CONTRIBUTIONS**

- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "Information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information. 2,014
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Total contributions (cash and in-kind) from the same source (except the candidate and candidate's spouse or domestic partner) may NOT exceed \$350 in any election for legislative candidates, \$750 for county candidates, or \$1500 for gubernatorial candidates. For party candidates, the primary and general elections are considered separate elections. For non-party candidates, there is only one election, the general election.
- Contributor Types:

1 = Candidate and Candidate's Spouse/Domestic Partner	5 = Political Party Committees
2 = Other Individuals	6 = Other Candidates and Committees
3 = Commercial Sources (corporations, etc.)	7 = (This type not applicable to privately financed candidates.)
4 = Political Action Committees	8 = Contributors Giving \$50 or Less
	9 = Transfer from Previous Campaign

DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	TYPE	ELECTION	AMOUNT
12/23/2011	PHRMA 950 F STREET, SUITE300 WASHINGTON, DC 20004		4	Primary	\$1,500.00
12/23/2011	LARRY PUGH 6919 GREEN TREE DRIVE NAPLESW, FL 34108	RETIRED	2	Primary	\$1,500.00
12/11/2011	GERARD CHASSE 71 ARRON'S WAY HAMPDEN, ME 04444	PRESIDENT BANGOR HYDRO	2	Primary	\$1,500.00
12/11/2011	WILLIAM CARON, JR. 1195 SHORE RD CAPE ELIZABETH, ME 04107	EXECUTIVE MAINE HEALTH	2	Primary	\$1,000.00
12/24/2011	RICK SOULES P.O. BOX 264 OLD TOWN, ME 04468	MANAGER JOHNT. CYR & SONS	2	Primary	\$500.00
12/22/2011	FARMINGTON CHIPPING ENTERPRISES, INC P.O., BOX 488 JACKMAN, ME 04965		3	Primary	\$1,500.00
12/22/2011	FARMINGTON CHIPPING ENTERPRISES, INC P.O., BOX 488 JACKMAN, ME 04965		3	General	\$1,500.00
12/22/2011	MAINE CREDIT UNION LEAGUE P.O. BOX 1236 PORTLAND, ME 04104		3	Primary	\$1,500.00
12/22/2011	MAINE CREDIT UNION LEAGUE P.O. BOX 1236 PORTLAND, ME 04104		3	General	\$1,500.00
12/10/2011	CHAD CLOUTIER 58 PARK STREET ROCKLAND, ME 04841	CEO DAVIS LONG TERM CARE GROUP	2	Primary	\$500.00

2011

12/18/2011	PENOBSCOT ENERGY RECOVERY COMPANY OERRINGTON, ME 04474		3	Primary	\$500.00
* 12/17/2011	FAIR POINT COMMUNICATIONS 10 APPLETON STREET WATERVILLE, ME 04901		3	Primary	\$1,500.00
* 12/17/2011	FAIR POINT COMMUNICATIONS 10 APPLETON STREET WATERVILLE, ME 04901		3	General	\$1,500.00
12/15/2011	MICHAEL LAWLER 22 KIMBERLEY CIRCLE BRUNSWICK, ME 04011	RETIRED	2	Primary	\$250.00
12/15/2011	JASON BROCHU P.O. BOX 68 DOVER-FOXCROFT, ME 04426	OWNER PLEASANT RIVER LUMBER	2	Primary	\$1,000.00
* 12/15/2011	CIANBRO, INC. 101 CIANBRO SQUARE, PO BOX 1000 PITTSFIELD, ME 04967		3	Primary	\$1,500.00
* 12/15/2011	CIANBRO, INC. 101 CIANBRO SQUARE, PO BOX 1000 PITTSFIELD, ME 04967		3	General	\$1,500.00
12/21/2011	THOMAS SHIELDS 375 MAPLE ROAD AUBURN, ME 04210	RETIRED	2	Primary	\$100.00
12/19/2011	MARY ADAMS P.O. BOX 10 GARLAND, ME 04939	CHAIR MAINE COALITION	2	Primary	\$500.00
12/19/2011	PEMBROKE SCHAEFFER 90 CRESTVIEW LANE BRUNSWICK, ME 04011	RETIRED	2	Primary	\$250.00
12/22/2011	GARY HAMMOND P.O. BOX 30 FAIRFIELD, ME 04937	OWNER HAMMOND TRACTOR	2	Primary	\$250.00
12/22/2011	RICHARD MCGOLDRICK 100 SILVER STREET PORTLAND, ME 04101	DEVELOPER SELF EMPLOYED	2	Primary	\$1,500.00
12/22/2011	RICHARD MCGOLDRICK 100 SILVER STREET PORTLAND, ME 04101	DEVELOPER SELF EMPLOYED	2	General	\$1,500.00
12/18/2011	BANGOR HISTORIC TRACK, INC. 500 MAINE STREET BANGOR, ME 04401		3	Primary	\$1,500.00
12/22/2011	JOHN SHAW P.O. BOX 69 GORHAM, ME 04038	O2WNER SHAW BROTHERS	2	Primary	\$500.00
12/26/2011	HUGH ROBINSON 3 ROBINSON RD FALMOUTH, ME 04105	RETIRED	2	Primary	\$100.00
12/21/2011	GARY BAHRE P.O. BOX 900 ALTON, NH 03809	OWNER BLACK BAHRE, INC.	2	Primary	\$1,500.00

PAUL R. LEPAGE
GOVERNOR

12/21/2011	ROBERT BAHRE P.O. BOX 900 ALTON, NH 03809	OWNER BLACK BAHRE, INC.	2	Primary	\$1,500.00
12/22/2011	MAINE BEER & WINE WHOLESALERS, ASSOC. P.O. BOX 615 AUGUSTA, ME 04332		3	Primary	\$1,500.00
12/22/2011	MAINE BEER & WINE WHOLESALERS, ASSOC. P.O. BOX 615 AUGUSTA, ME 04332		3	General	\$1,500.00
12/26/2011	PINE STATE TRADING COMPANY 8 ELLIS AVENUE AUGUSTA, ME 04330		3	Primary	\$1,500.00
12/26/2011	PINE STATE TRADING COMPANY 8 ELLIS AVENUE AUGUSTA, ME 04330		3	General	\$1,500.00
12/30/2011	CRAIG NELSON 21 MEADOW HILL DRIVE FARMINGDALE, ME 04344	ATTORNEY DOYLE & NELSON	2	Primary	\$250.00
12/31/2011	GREGORY SMITH 99 FORT ROAD, SUITE 1 PRESQUE ISLE, ME 14769	SMITH'S FARM, INC.	2	Primary	\$200.00
12/31/2011	MERTON HENRY 15 PIPER RD, APT. J308 SCARBOROUGH, ME 04074	RETIRED	2	Primary	\$200.00
12/28/2011	PAUL GOLZBEIN P.O. BOX 261 OLD ORCHARD BEACH, ME 04064	AMUSEMENTS THE PIER	2	Primary	\$250.00
12/28/2011	CHARLES LUMBERT P.O. BOX 6 JACKMAN, ME 04945	EXECUTIVE MOOSE RIVER LUMBER CO., INC.	2	Primary	\$500.00
12/26/2011	JAMES SARGENT 4300 S US HWY 1, SUITE 203-204 JUPITER, FL 33477	RETIRED	2	Primary	\$1,000.00
12/29/2011	FRED MCGILLAN 5 MCGILLAN DRIVE FORT FAIRFIELD, ME 04742	CONTRACTOR MCGILLAN, INC.	2	Primary	\$100.00
12/26/2011	SUSAN SCHERBEL 48 BAY AVE. HANCOCK, ME 04640	INVESTMENT BANKER SELF EMPLOYED	2	Primary	\$1,500.00
12/28/2011	LINDA BEAN P.O. BOX 239 PORT CLYDE, ME 04855	LOBSTER BUYER SELF EMPLOYED	2	Primary	\$500.00
12/30/2011	PETER SARGENT P.O. BOX 650 BELGRADE LAKES, ME 04918	RETIRED	2	Primary	\$500.00
12/26/2011	SUSAN MCCRUM 28 PIERCE STREET BELFAST, ME 04915	POTATO GROWER/PROCESSOR SELF EMPLOYED	2	Primary	\$500.00
12/29/2011	SCOTT OLIVER 11 ALMA DRIVE LISBON, ME 04250	SALES PINE STATE TRADING COMPANY	2	Primary	\$100.00

PAUL R. LEPAGE
GOVERNOR

AS ORIGINALLY FILED ON 01/15/2013

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* 11/08/2012	FAIR POINT COMMUNICATIONS 10 APPLETON STREET WATERVILLE, ME 04901		3	Primary	\$500.00
* 10/15/2012	CIANBRO, INC. 101 CIANBRO SQUARE, PO BOX 1000 PITTSFIELD, ME 04967		3	General	\$1,500.00
09/28/2012	THOMAS SHIELDS 375 MAPLE ROAD AUBURN, ME 04210	RETIRED	2	Primary	\$100.00
10/19/2012	THOMAS SHIELDS 375 MAPLE ROAD AUBURN, ME 04210	RETIRED	2	Primary	\$200.00
09/04/2012	PEMBROKE SCHAEFFER 90 CRESTVIEW LANE BRUNSWICK, ME 04011	RETIRED	2	Primary	\$250.00
09/28/2012	PEMBROKE SCHAEFFER 90 CRESTVIEW LANE BRUNSWICK, ME 04011	RETIRED	2	Primary	\$250.00
09/28/2012	ROBERT BAHRE P.O. BOX 900 ALTON, NH 03809	OWNER BLACK BAHRE, INC.	2	General	\$1,500.00
* 12/05/2012	MAINE BEER & WINE WHOLESALERS, ASSOC. P.O. BOX 615 AUGUSTA, ME 04332		3	Primary	\$1,500.00
10/11/2012	SARA BURNS 189 BANSON RD. MANCHESTER, ME 04351	RETIRED	2	General	\$750.00
10/11/2012	LINDA GIFFORD 53 MAIN STREET READFIELD, ME 04355	ATTORNEY CENTRAL MAINE TITLE COMPANY	2	Primary	\$750.00

AS AMENDED ON 06/21/2013

SCHEDULE A
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11/08/2012	FAIR POINT COMMUNICATIONS 10 APPLETON STREET WATERVILLE, ME 04901		3	Primary	-\$500.00
10/15/2012	CIANBRO, INC. 101 CIANBRO SQUARE, PO BOX 1000 PITTSFIELD, ME 04967		3	General	-\$1,500.00
10/15/2012	CIANBRO, INC. 101 CIANBRO SQUARE, PO BOX 1000 PITTSFIELD, ME 04967		3	General	\$1,500.00
09/28/2012	THOMAS SHIELDS 375 MAPLE ROAD AUBURN, ME 04210	RETIRED	2	Primary	\$100.00
10/19/2012	THOMAS SHIELDS 375 MAPLE ROAD AUBURN, ME 04210	RETIRED	2	Primary	\$200.00
09/04/2012	PEMBROKE SCHAEFFER 90 CRESTVIEW LANE BRUNSWICK, ME 04011	RETIRED	2	Primary	\$250.00
09/28/2012	PEMBROKE SCHAEFFER 90 CRESTVIEW LANE BRUNSWICK, ME 04011	RETIRED	2	Primary	\$250.00
09/28/2012	ROBERT BAHRE P.O. BOX 900 ALTON, NH 03809	OWNER BLACK BAHRE, INC.	2	General	\$1,500.00
12/05/2012	MAINE BEER & WINE WHOLESALERS, ASSOC. P.O. BOX 615 AUGUSTA, ME 04332		3	Primary	-\$1,500.00



June 5, 2013

Jonathan Wayne
Executive Director
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333-0135

Dear Director Wayne:

While reviewing campaign finance records on the Commission's web site we discovered contributions which, if the information on the site is accurate, would exceed the limit in state law.

In particular, the Paul R. LePage 2014 gubernatorial campaign has received \$4,500 from Cianbro, Inc., \$4,500 from the Maine Beer & Wine Wholesalers, and \$3,500 from Fairpoint Communications. Details of the contributions appear on the subsequent page.

As you know, contribution limits applicable to candidates in the 2014 gubernatorial election are \$1,500 per primary election and an additional \$1,500 per general election. No candidate is allowed to receive more than \$3,000 from any contributor.

MCCE is committed to the proper application and enforcement of the contribution limits and all campaign finance and reporting laws. We therefore ask whether the forgoing information is accurate, and if so how the Commission will address this.

We appreciate your consideration of this inquiry and look forward to your reply.

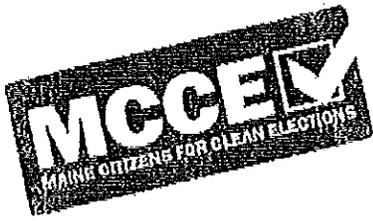
Sincerely yours,

A handwritten signature in black ink, which appears to read "Andrew Bossie". The signature is written in a cursive, flowing style.

Andrew Bossie
Executive Director
Maine Citizens for Clean Elections

LePage Campaign Contributions 2014 Election

Election Cycle	Contributor	Amount	Report
2014	Cianbro, Inc.	\$1,500.00	2013 January Semiannual, Schedule A, page 1
2014	Cianbro, Inc.	\$1,500.00	2012 January Semiannual, Schedule A, page 2
2014	Cianbro, Inc.	\$1,500.00	2012 January Semiannual, Schedule A, page 2
	total	\$4,500.00	
2014	Maine Beer & Wine Wholesalers	\$1,500.00	2013 January Semiannual, Schedule A, page 1
2014	Maine Beer & Wine Wholesalers	\$1,500.00	2012 January Semiannual, Schedule A, page 3
2014	Maine Beer & Wine Wholesalers	\$1,500.00	2012 January Semiannual, Schedule A, page 3
	total	\$4,500.00	
2014	Fairpoint Communications	\$500.00	2013 January Semiannual, Schedule A, page 1
2014	Fairpoint Communications	\$1,500.00	2012 January Semiannual, Schedule A, page 2
2014	Fairpoint Communications	\$1,500.00	2012 January Semiannual, Schedule A, page 2
	total	\$3,500.00	



June 7, 2013

Jonathan Wayne
Executive Director
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333-0135

Dear Director Wayne:

Thank you for your email relating how the Commission has handled the excess contributions outlined in my letter of Wednesday, June 5, 2013 (copy attached).

Please accept this letter as a request for a Commission investigation and determination regarding these violations pursuant to Commission Rules 94-270 C.M.R. ch. 1, § 4(2).

Sincerely yours,

A handwritten signature in black ink, appearing to read "Andrew Bossie". The signature is written in a cursive, slightly slanted style.

Andrew Bossie



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

June 7, 2013

By E-Mail and Regular Mail

William P. Logan, Esq.
Irwin Tardy & Morris
P.O. Box 476
Newport, Maine 04953

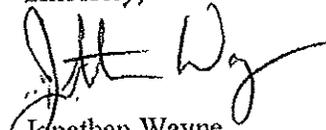
Dear Mr. Logan,

This is to notify you as the treasurer for the LePage 2014 campaign committee that the Maine Citizens for Clean Election (MCCE) submitted the attached letter today requesting an investigation and determination by the Commission. The MCCE asks the Commission to determine whether the LePage 2014 campaign accepted contributions that exceeded the \$1,500 limitation in 21-A M.R.S.A. § 1015(2).

The MCCE brought their concerns to my attention two days ago by way of the attached letter dated June 5, 2013. Yesterday, the Commission mailed you the attached letter dated June 6, requesting information as part of the Commission staff's ongoing compliance review. In light of today's request by the MCCE, please consider my June 6 letter to be part of a preliminary investigation to be conducted by the Commission staff pursuant to Chapter 1, Section 5(1) of the Commission's Rules.

I will be in touch with you concerning the scheduling of this matter and any further response that the campaign committee would like to make. Thank you.

Sincerely,


Jonathan Wayne
Executive Director

cc: Andrew Bossie, Maine Citizens for Clean Elections
Assistant Attorney General Phyllis Gardiner



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

June 6, 2013

By E-Mail and Regular Mail

William P. Logan, Esq.
Irwin Tardy & Morris
P.O. Box 476
Newport, Maine 04953

Dear Mr. Logan,

This letter is to request additional information from the re-election campaign of Governor LePage concerning contributions received from Fairpoint Communications, Cianbro, Inc., the Maine Beer & Wine Wholesalers Association, and E.J. Carrier, Inc. Candidate Registrar Sandy Thompson brought these to your attention in January 2013 as part of her compliance review of the campaign's January 15, 2013 semiannual report (see attached e-mail). Please consider this letter to be a continuation of the Commission staff's compliance review that Ms. Thompson initiated.

Requested Information

- Please provide a letter that states the dates and amounts of all cash contributions that the LePage campaign received from the four donors since January 1, 2011. A table of information that includes the donors, amounts, and dates would be a helpful format.
- If the campaign has returned any contributions to these donors, please indicate the return of funds in the table and provide documentation of the return of funds (copy of check).
- If the campaign accepted contributions that exceeded \$1,500 per election, please include in your letter an explanation of the circumstances that led to the over-the-limit contribution.

Please respond within 10 days of the date of this letter. If you need additional time, let me know. Thank you for your response.

Sincerely,

Jonathan Wayne
Executive Director

Wayne, Jonathan

From: Thompson, Sandy
Sent: Wednesday, June 05, 2013 3:24 PM
To: Wayne, Jonathan
Subject: FW: LePage - Minor Reporting Errors on 2013 Jan Semiannual (and prior reports)

SANDY THOMPSON
 Candidate Registrar
 207.287.3651
www.maine.gov/ethics

From: Thompson, Sandy
Sent: Wednesday, January 16, 2013 10:58 AM
To: 'William Logan'
Subject: Minor Reporting Errors on 2013 Jan Semiannual (and prior reports)

Dear Bill: I quickly reviewed the report including a list of contributions for the 2014 campaign. I noticed a couple of reporting errors concerning contributions. I can amend the report(s) if you reply to this email making a request for me to do so.

- (1) A return of a contribution is reported as a negative expenditure on Schedule A. The \$1,000 reported as a return of a contribution to Robert and Sandra Bahre on Schedule B of the 2013 Jan Semiannual needs to be deleted from Schedule B and reported on Schedule A. Since each individual is reported separately (not jointly), the return should be applied to Sandra (see table below).

9/28/2012	Bahre, Robert	General	Alton	NH	03809	Owner	Black Bahre, Inc.	Other Individuals	\$1,500.00
12/21/2011	Bahre, Robert	Primary	Alton	NH	03809	Owner	Black Bahre, Inc.	Other Individuals	\$1,500.00
10/19/2012	Bahre, Sandra	General	Alton	NH	03809	homemaker		Other Individuals	\$2,500.00
9/28/2012	Bahre, Sandra	Primary	Alton	NH	03809	homemaker		Other Individuals	\$1,500.00

(2) There are some duplicate

contributions reported for Clanbro (for general election 12/15/2011), Fairpoint on 12/17/2011, and Maine Beer and Wine on 12/22/2011. The duplicates should be deleted.

12/15/2011	Clanbro, Inc.	Primary	Pittsfield	ME	04967			Commercial Sources	\$1,500.00
12/15/2011	Clanbro, Inc.	General	Pittsfield	ME	04967			Commercial Sources	\$1,500.00
10/15/2012	Clanbro, Inc.	General	Pittsfield	ME	04967			Commercial Sources	\$1,500.00

12/17/2011	Fair Point Communications	General	Waterville	ME	04901			Commercial Sources	\$1,500.00
11/8/2012	Fair Point Communications	Primary	Waterville	ME	04901			Commercial Sources	\$500.00
12/17/2011	Fair Point Communications	Primary	Waterville	ME	04901			Commercial Sources	\$1,500.00

12/22/2011	Maine Beer & Wine	General	Augusta	ME	04332			Commercial	\$1,500.00
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	Wholesalers, Assoc.						Sources	
12/5/2012	Maine Beer & Wine Wholesalers, Assoc.	Primary	Augusta	ME	04332		Commercial Sources	\$1,500.00
12/22/2011	Maine Beer & Wine Wholesalers, Assoc.	Primary	Augusta	ME	04332		Commercial Sources	\$1,500.00

(3) It appears that one \$3,000 contribution was received on 2/17/12 -- which should have been allocated \$1,500 for the primary and \$1,500 for the general. This is an easy error to make.

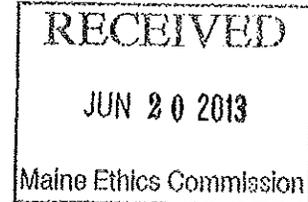
2/17/2012	E. J. Carrier, Inc.	Primary	Jackmn	ME	04945		Commercial Sources	\$3,000.00
2/17/2012	E. J. Carrier, Inc.	General	Jackmn	ME	04945		Commercial Sources	\$1,500.00

SANDY THOMPSON

Candidate Registrar
 207.287.3651
www.maine.gov/ethics

June 20, 2013

Jonathan Wayne, Executive Director
Maine Ethics Commission
135 State House Station
Augusta, ME 04333-0135



Re: *Response to June 6, 2013 letter*

Dear Jonathan:

Please accept the following as my response, as Treasurer for the LePage 2014 campaign, to your letter dated June 6, 2013. Should you have any additional questions following this letter, please feel free to contact me directly.

Responses to requested information

<u>Donor</u>	<u>Amount</u>	<u>Date</u>
E.J. Carrier	\$3,000.00	2/17/12
CIANBRO	\$3,000.00	12/15/11
	\$1,500.00	10/15/12
FairPoint	\$3,000.00	12/17/11
	\$500.00	11/8/12
Maine Beer & Wine	\$3,000.00	12/22/11
	\$1,500.00	12/5/12

Attached you will find copies of checks refunding the excessive donations from CIANBRO, FairPoint and Maine Beer & Wine Wholesalers Association. I note that the E.J. Carrier donation was not an over-the limit contribution but rather a typographical error by the previous treasurer in entering the information into the report. I confirmed with the campaign's records and the donor itself that there was only a single \$3,000.00 donation. This data entry error was corrected in the amended report filed on February 21, 2013.

The circumstances that led to the over the limit contributions are as follows. I came on as Treasurer for the campaign in the summer of 2012 - after the above contributors had made the December 2011 contributions. The 2012 contributions in question came via a fundraising professional. Given that the contributions were received not from individuals but rather from sophisticated entities and via a professional fundraiser, I, unfortunately and erroneously, assumed that the contributions were permissible. I neglected to properly cross-reference these contributions against the campaign's list of donors. As such, I did not identify the over-the-limit donations prior to deposit.

Jonathan Wayne
June 20, 2013
Page 2 of 2

After receiving notification from Sandy Thompson about these issues I double-checked the campaign's records. Also, and perhaps out of an overabundance of caution, the campaign reached out to the donors to have them confirm from their records the contributions they had made. While E.J. Carrier confirmed that they had not made an over-the-limit contribution, the other contributors, save FairPoint who we have been unable to receive a response from, have confirmed that the contributions show above were made and inadvertently resulted in an over-the-limit contribution. As noted above, refund checks have been issued to the contributors. It is also worth noting, and can be verified through the filed reports, that these funds were never spent by the campaign.

To ensure that this error will not occur in the future, I have taken the following steps. First, I now am in frequent contact with any fundraisers for the campaign and am providing updates as to received donations so that any fundraisers are aware of who has already donated and the amount they have contributed to date. Additionally, upon receipt of contributions I now employ a two-step verification process. First, prior to deposit, I check each and every contribution against the campaign's donor list to ensure that the contribution will not exceed the limit. Then, after depositing the contribution into the appropriate account, I enter the contribution into the donor list – again checking to ensure that the contribution does not exceed the statutory limit. Accordingly, every deposit is now checked twice against the campaign's donor list.

I understand that the staff intends to place this issue before the Commission at its next scheduled meeting, July 29, 2013. I will be present at that meeting and will be happy to answer any questions that the Commission may have. In the meantime, should you or any other member of the Commission Staff have further questions or request additional clarification, please feel free to contact me directly.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Logan', with a long horizontal flourish extending to the right.

William Logan
Treasurer

REFLECT GOVERNOR LEPAGE
GENERAL ELECTION ACCOUNT

6/1/13

Date

CIANBRO

\$ 1,500.00

One thousand five hundred ⁰⁰/₁₀₀ Dollars

KFS
fed sav

Kennebec Federal Savings

For refund excess contributions

Will B. P.

0501

COMMITTEE TO RE-ELECT
GOVERNOR LEPAGE
P O BOX 1788
WATERVILLE, ME 04003

882
92-7261/2112

6/17/13
Date

Pay to the Order of Maine Beer & Wine Wholesaler Assoc. \$ 1,500.00
One thousand five hundred ⁰⁰/₁₀₀ Dollars



Kennebec Federal Savings

For refund excess contrib.

Will R. [Signature]

0882

COMMITTEE TO RE-ELECT
GOVERNOR LEPAGE
PO BOX 1700
WATERVILLE, ME 04903

881
52-7761/2112

6/19/13

Date

Pay to the
Order of Fair Point Communications

\$ 500.00

Five hundred

Dollars 



Kennebec Federal Savings

For refund excessive contribution

W. H. B. J.

0881

21-A §1015. LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES

1. Individuals. An individual may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$1,500 in any election for a gubernatorial candidate, more than \$350 for a legislative candidate, more than \$350 for a candidate for municipal office and beginning January 1, 2012 more than \$750 for a candidate for municipal office or more than \$750 in any election for any other candidate. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner. Beginning December 1, 2010, contribution limits in accordance with this subsection are adjusted every 2 years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

[2011, c. 382, §1 (AMD) .]



2. Committees; corporations; associations. A political committee, political action committee, other committee, firm, partnership, corporation, association or organization may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$1,500 in any election for a gubernatorial candidate, more than \$350 for a legislative candidate, more than \$350 for a candidate for municipal office and beginning January 1, 2012 more than \$750 for a candidate for municipal office or more than \$750 in any election for any other candidate. Beginning December 1, 2010, contribution limits in accordance with this subsection are adjusted every 2 years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

[2011, c. 382, §2 (AMD) .]

3. Aggregate contributions. No individual may make contributions to candidates aggregating more than \$25,000 in any calendar year. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner.

[2007, c. 443, Pt. A, §12 (AMD) .]

4. Political committees; intermediaries. For the purpose of the limitations imposed by this section, contributions made to any political committee authorized by a candidate to accept contributions on the candidate's behalf are considered to be contributions made to that candidate. If the campaign activities of a political action committee within a calendar year primarily promote or support the nomination or election of a single candidate, contributions to the committee that were solicited by the candidate are considered to be contributions made to the candidate for purposes of the limitations in this section. For purposes of this subsection, solicitation of contributions includes but is not limited to the candidate's appearing at a fundraising event organized by or on behalf of the political action committee or suggesting that a donor make a contribution to that committee.

For the purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate are considered to be contributions from that person to the candidate. The intermediary or conduit shall report the original source and the intended recipient of the contribution to the commission and to the intended recipient.

[2011, c. 389, §14 (AMD) .]

5. Other contributions and expenditures. Any expenditure made by any person in cooperation,

consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate.

The financing by any person of the dissemination, distribution or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees or their authorized agents is considered to be a contribution to that candidate.

[1989, c. 504, §§7, 31 (AMD) .]

6. Prohibited expenditures. A candidate, a treasurer, a political committee, a party or party committee, a person required to file a report under this subchapter or their authorized agents may not make any expenditures for liquor to be distributed to or consumed by voters while the polls are open on election day.

[1991, c. 839, §11 (AMD); 1991, c. 839, §34 (AFF) .]

7. Voluntary limitations on political expenditures. A candidate may voluntarily agree to limit the total expenditures made on behalf of that candidate's campaign as specified in section 1013-A, subsection 1, paragraph C and subsections 8 and 9.

[1995, c. 384, §2 (NEW) .]

8. Political expenditure limitation amounts. Total expenditures in any election for legislative office by a candidate who voluntarily agrees to limit campaign expenditures as provided in subsection 7 are as follows:

A. For State Senator, \$25,000; and [2007, c. 443, Pt. A, §14 (AMD) .]

B. For State Representative, \$5,000. [2007, c. 443, Pt. A, §14 (AMD) .]

C. [2007, c. 443, Pt. A, §14 (RP) .]

Expenditure limits are per election and may not be carried forward from one election to another. For calculation and reporting purposes, the reporting periods established in section 1017 apply.

[2007, c. 443, Pt. A, §14 (AMD) .]

9. Publication of list. The commission shall publish a list of the candidates for State Representative and State Senator who have agreed to voluntarily limit total expenditures for their campaigns as provided in section 1013-A, subsection 1, paragraph C.

For the purposes of subsections 7 and 8 and this subsection, "total expenditures" means the sum of all expenditures made to influence a single election that are made by a candidate or made on the candidate's behalf by the candidate's political committee or committees, the candidate's party or the candidate's immediate family.

[1995, c. 384, §2 (NEW) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1989, c. 504, §§7,31 (AMD). 1991, c. 839, §11 (AMD). 1991, c. 839, §34 (AFF). IB 1995, c. 1, §11 (AMD). 1995, c. 384, §2 (AMD). 1999, c. 729, §§2,3 (AMD). 2007, c. 443, Pt. A, §§10-14 (AMD). 2009, c. 286, §§2, 3 (AMD). 2011, c. 382, §§1, 2 (AMD). 2011, c. 389, §14 (AMD) .

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21-A §1004-A. PENALTIES

The commission may assess the following penalties in addition to the other monetary sanctions authorized in this chapter. [2003, c. 628, Pt. A, §1 (NEW) .]

1. Late campaign finance report. A person that files a late campaign finance report containing no contributions or expenditures may be assessed a penalty of no more than \$100.

[2003, c. 628, Pt. A, §1 (NEW) .]



2. Contribution in excess of limitations. A person that accepts or makes a contribution that exceeds the limitations set out in section 1015, subsections 1 and 2 may be assessed a penalty of no more than the amount by which the contribution exceeded the limitation.

[2003, c. 628, Pt. A, §1 (NEW) .]

3. Contribution in name of another person. A person that makes a contribution in the name of another person, or that knowingly accepts a contribution made by one person in the name of another person, may be assessed a penalty not to exceed \$5,000.

[2003, c. 628, Pt. A, §1 (NEW) .]

4. Substantial misreporting. A person that files a campaign finance report that substantially misreports contributions, expenditures or other campaign activity may be assessed a penalty not to exceed \$5,000.

[2003, c. 628, Pt. A, §1 (NEW) .]

5. Material false statements. A person that makes a material false statement or that makes a statement that includes a material misrepresentation in a document that is required to be submitted to the commission, or that is submitted in response to a request by the commission, may be assessed a penalty not to exceed \$5,000.

[2005, c. 301, §6 (AMD) .]

When the commission has reason to believe that a violation has occurred, the commission shall provide written notice to the candidate, party committee, political action committee, committee treasurer or other respondent and shall afford them an opportunity to appear before the commission before assessing any penalty. In determining any penalty under subsections 3, 4 and 5, the commission shall consider, among other things, the level of intent to mislead, the penalty necessary to deter similar misconduct in the future and the harm suffered by the public from the incorrect disclosure. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure Rule 80C. [2009, c. 302, §1 (AMD) .]

Penalties assessed pursuant to this section that have not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B. [2009, c. 302, §2 (NEW) .]

SECTION HISTORY

2003, c. 628, §A1 (NEW). 2005, c. 301, §6 (AMD). 2007, c. 443, Pt. A, §2 (AMD). 2009, c. 302, §§1, 2 (AMD).

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C. Contents of Notice

- (1) The notice will include the date, time, and location of the Commission meeting. If mail notice of a meeting is not feasible, the staff will make best efforts to give oral notice to Commission members or to those entitled to notice under this provision.
5. **Public Meetings.** All meetings, hearings or sessions of the Commission will be open to the general public unless, by an affirmative vote of at least 3 members, the Commission requires the exclusion of the public, pursuant to 1 M.R.S.A. §1005 or 1 M.R.S.A. §1013(3).
6. **Quorum.** Every decision of the Commission must be made at a meeting at which at least 3 members of the Commission are present and voting. When it is impossible or impractical for a member of the Commission to travel to Augusta to attend a meeting in person, the member may participate in the meeting by telephone. That member will be considered present at the meeting and part of the quorum.

At least 2 members must be present in person for the conduct of a meeting or public hearing before the Commission. If fewer than 3 members are present in person for a hearing, however, objections to rulings of the presiding officer concerning the conduct of the hearing must be preserved until a meeting of the Commission at which a quorum is present in person. The presiding officer at a meeting or public hearing must be present in person.

7. Minutes

- A. The Director will prepare minutes of each business meeting of the Commission. These minutes will be the official record of Commission meetings, and will accurately record all matters considered.
- B. The minutes will record any executive session of the Commission and its subject matter, but will not report the proceedings of the executive session. Likewise, minutes will not be taken of any public hearing held by the Commission, since hearings are separately recorded.

SECTION 4. INITIATION OF PROCEEDINGS

1. **Legislative Ethics.** The Commission is authorized to investigate and make advisory recommendations to either House of the Maine Legislature concerning legislative conflicts of interest or any breach of the legislative ethics set forth in 1 M.R.S.A. §§ 1001 - 1023. The Commission's opinion may be sought by three methods, or the Commission may act on its own motion.

A. Legislator's Own Conduct

- (1) A Legislator seeking an advisory opinion with respect to his or her own circumstances or conduct should make a written request for an opinion, setting forth the pertinent facts with respect to the legislative matter at issue and the circumstances of the Legislator giving rise to the inquiry.
- (2) The request will be officially filed only when received at the offices of the Commission. The Director will promptly send a copy of the request

to the Chair, and the matter will be placed on the agenda for the next Commission meeting, or if necessary, at a special meeting.

- (3) An oral request by a Legislator for an opinion with respect to his or her own circumstances will not be considered an official request for an advisory opinion, and a Legislator making such a request will be so notified, by letter, and encouraged to file a written request.

B. **Complaints.** Any written complaint will be included in the agenda of the next Commission meeting.

- (1) **Complaint by a Legislator.** Copies of any sworn complaint filed by a Legislator will promptly be sent to the Legislator against whom the complaint has been lodged and to the Commission Chair, in each case identifying the Legislator making the complaint. A complaint invokes the Commission's authority only if made under oath and only if it addresses an alleged conflict of interest relating to circumstances arising during the term of the legislature then in office.

(2) **Other Complaints**

- (a) The Director will review each complaint to determine whether the matter relates to the Commission's statutory mandate. When a complaint is filed, the Director, in consultation with Commission Counsel, will review the matter to determine whether the complaint has sufficient merit to warrant recommending the calling of a meeting. When a meeting is called, the Commission will determine in executive session whether to hear the complaint. If the nature of the complaint clearly does not fall within the scope of the Commission's jurisdiction, the Director will so notify the complainant by letter within 14 days of receiving the complaint. In such cases, the respondent need not be notified. The Commission may reverse any administrative decision.
- (b) An oral complaint by any person alleging a conflict of interest concerning any legislator does not constitute a complaint under 1 M.R.S.A. §1013(2)(B), and a person registering such a complaint will be so notified, by letter.

C. **Referral by Presiding Officer.** When a Legislator has requested an advisory opinion from the Presiding Officer of the House of which he/she is a member, and the Presiding Officer has referred the inquiry directly to the Commission, the Director will arrange a meeting of the Commission as soon as possible to consider the question.

2. Election Campaign Reporting and Maine Clean Election Act Violations

- 
- A. **Report Review.** The Commission staff will review all reports filed pursuant to 21-A M.R.S.A., chapters 13 and 14 to verify compliance with the reporting requirements set by statute or rule. Notice of any omission, error, or violation will be given by mail to the filer and a copy of the notice and any other communication made to or from the filer relating to the problem(s) will be placed in the filer's record. The Commission staff will establish a reasonable time period for the filer to remedy any omission or error. If the filer fails to respond within that time frame, the Commission staff may extend the time period within which the filer must comply or place the matter on the agenda of the next Commission meeting, along with all documents relating to the case. Additionally, any apparent violations or occurrences of substantial nonconformance with the requirements of the law will be placed on the agenda of the next meeting.
- B. **Late Reports and Registrations.** Where required by statute, notice of failure to file a required report will be timely sent by Commission staff. When a report or registration is filed late, the Director's recommendations will be based on the following considerations:
- (1) Lateness of report or registration,
 - (2) Reason for lateness,
 - (3) Kind of report (more stringent application for pre-election reports),
 - (4) Amount of campaign funds not properly reported,
 - (5) Previous record of the filer; and
 - (6) Good faith effort of the filer to remedy the matter.
- C. Any person (as defined in 21-A M.R.S.A. §1001) may make an official complaint or request for a Commission investigation by filing a signed written request at the Commission's office, setting forth such facts with sufficient details as are necessary to specify the alleged violation. A copy of the signed request may be filed by facsimile or by electronic mail, provided that the original signed request is submitted to the Commission. Statements should be made upon personal knowledge. Statements which are not based upon personal knowledge must identify the source of the information which is the basis for the request, so that respondents and Commission staff may adequately respond to the request. A copy of any such written request will be promptly mailed to the candidate or organization alleged to have violated the statutory requirements. The Director may conduct preliminary fact finding to prepare a matter for presentation to the Commission. The Director, in consultation with Counsel, will prepare a summary of staff findings and recommendations for inclusion on the agenda.