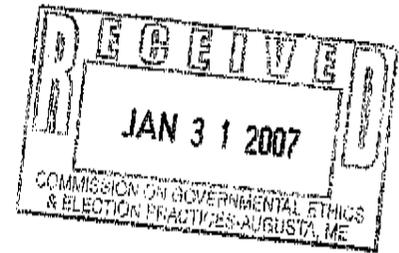


# Agenda

## Item #12

Richard R. Dort  
5727 Estabrooke Hall Rm. 434  
Orono, ME 04469



To whom it may concern,

I am writing this letter to ask for a late fee waiver on my 42-Day Post-General Campaign Finance Report that was due on 12/19/2006. First, let me say that I do not believe that I am without fault or responsibility. It has taken me this long to write this letter because I believed that the proper way to accept my responsibility was to simply accept the late fee. However, I have been encouraged, due to my circumstances, to write this letter explaining my lateness in filing the last report.

I am a full time Music Education student at the University of Maine in Orono, and last semester I was enrolled 9 classes that accounted for 15 credit hours, 2 of which included large ensembles, plus one additional ensemble. I also moved onto campus when school started so I was running my campaign by myself. Once the election was over things started getting busy at school. I had 5 performances, and then in the last 2 weeks of school there was one major paper and one major project due each week. Then my last final exam was on the 22<sup>nd</sup> of December 2006. The holidays came, and I finally filed on the 3<sup>rd</sup> of January 2007. I was very busy and distracted and filing simply fell to the back of mind until everything was over with. There are financial issues in that I really cannot afford the late fee. I do not work while at school but I receive the G.I. Bill. However, I was told sometimes people are allowed to make payments.

I await your decision and I thank you for you time,

Sincerely,

Richard R. Dort

## Title 21-A, §1020-A, Failure to file on time

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**PLEASE NOTE: The Revisor's Office CANNOT perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.**

### §1020-A. Failure to file on time

**1. Registration.** A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$10. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

[1995, c. 483, §15 (new).]

**2. Campaign finance reports.** A campaign finance report is not timely filed unless a properly signed copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission before 5 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. ~~The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "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 penalty in whole or in part; [1999, c. 729, §5 (amd).]

B. An error by the commission staff; [1999, c. 729, §5 (amd).]

C. Failure to receive notice of the filing deadline; or [1999, c. 729, §5 (amd).]

D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service. [1999, c. 729, §5 (new).]

[2003, c. 628, Pt. A, §3 (amd).]

**3. Municipal campaign finance reports.** Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.

[1995, c. 625, Pt. B, §5 (amd).]

#### **4. Basis for penalties.**

[2001, c. 470, §7 (amd); T. 21-A, §1020-A, sub-§4 (rp).]

**4-A. Basis for penalties.** The penalty for late filing of a report required under this subchapter, except for accelerated campaign finance reports required pursuant to section 1017, subsection 3-B, is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

A. For the first violation, 1%; [2001, c. 714, Pt. PP, §1 (new); §2 (aff).]

B. For the 2nd violation, 3%; and [2001, c. 714, Pt. PP, §1 (new); §2 (aff).]

- F. Disbursements With No Campaign Value. If a traditionally financed candidate has received monetary contributions which are disbursed in ways that do not in any way influence the nomination or election of the candidate, those receipts will not be considered by the Commission in calculating matching funds for his or her opponent. Such disbursements may include repaying a loan received by the candidate, refunding a contribution to a contributor, or transferring funds to a party or political committee for purposes that do not relate to the candidate's race.
4. Advance Purchases of Goods and Services for the General Election.
- A. If a preponderance of consulting services, or the design, printing, or distribution of campaign literature and advertising, including radio and television advertising, purchased prior to the primary election by an opponent of a certified Maine Clean Election Act candidate are used for the general election, then the portion to be used for the general election must be counted as a general election receipt in calculating the amount of matching funds for the certified Maine Clean Election Act candidate.
- B. If a certified candidate in a general election believes that an opponent, or person or committee making an independent expenditure, has failed to disclose an advance purchase for the general election, the certified candidate shall submit a written request for an investigation to the Commission no later than August 30 of the election year, or within 30 days of the opponent's filing of the 42-day post-primary report, whichever is later. The request must identify the pre-primary election expenditure that is believed to be for the general election and must state a specific basis for believing that the goods and services purchased were not used for the primary election.
- C. The Commission will request a response from the opposing candidate or other respondent, and will make a determination whether the expenditure should be counted toward the certified candidate's eligibility for matching funds.

## SECTION 6. LIMITATIONS ON CAMPAIGN EXPENSES.

A certified candidate must:

1. limit the candidate's campaign expenditures and obligations to the applicable Clean Election Act Fund distribution amounts plus any authorized Matching Fund allocations;
2. not accept any contributions unless specifically authorized in writing to do so by the Commission in accordance with the Act [§ 1125(2) and § 1125(13)];
3. use revenues distributed from the Fund only for campaign-related purposes as outlined in guidelines published by the Commission, and not for personal or any other use;
4. not use revenues distributed from the Fund to purchase goods to sell for profit;

5. not spend more than the following amounts of Fund revenues on post-election parties, thank you notes, or advertising to thank supporters or voters:

- A. \$250 for a candidate for the State House of Representatives;
- B. \$750 for a candidate for the State Senate; and
- C. \$2,500 by a gubernatorial candidate.

The candidate may also use his or her personal funds for these purposes; and

- \* 6. not use revenues distributed from the Fund for the payment of fines, forfeitures, or civil penalties, or for the defense of any enforcement action of the Commission.

## SECTION 7. RECORD KEEPING AND REPORTING

1. Record Keeping by Participating and Certified Candidates. Participating and certified candidates must comply with applicable record keeping requirements set forth in Title 21-A, chapter 13, subchapter II [§1016].
- A. Fiduciary Responsibility for Funds. All funds provided to a certified candidate or to a candidate's authorized political committee must be segregated from, and may not be commingled with, any other funds. Matching fund advance revenues for which no spending authorization has been issued must be deposited in a federally insured financial institution until the candidate receives authorization to spend those funds.
  - B. Meal Expenses. A candidate or treasurer must obtain and keep a record for each meal expenditure of more than \$50. The record must include itemized bills for the meals, the names of all participants in the meals, the relationship of each participant to the campaign, and the specific, campaign-related purpose of each meal.
  - C. Vehicle Travel Expenses. A candidate or treasurer must obtain and keep a record of vehicle travel expenses for which reimbursements are made from campaign funds. Reimbursement may be based using either the standard mileage rate or actual expenses. The candidate must use one method exclusively during an election campaign.
    - (1) Standard Mileage Rate. The standard mileage rate is a set rate per mile that a candidate may use to compute reimbursable vehicle travel expenses. Reimbursement should be calculated using the standard mileage rate currently prescribed for employees of the State of Maine. For each trip for which reimbursement is made, a record should be maintained showing the dates of travel, the number of miles traveled, the origination, destination and purpose of the travel, and the total amount claimed for reimbursement.



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

January 4, 2007

Mr. Richard Dort  
5727 Estabrooke Hall #434  
Orono, ME 04469

**BY CERTIFIED MAIL**

Dear Mr. Dort:

RE: Late 42-Day Post-General Campaign Finance Report Due 12/19/2006.

You filed a 42-Day Post-General campaign finance report on 1/3/2007. A penalty must be assessed for late reports based on the amount of financial activity conducted during the filing period, the number of calendar days a report is filed late, and the candidate's filing record. Based on the prescribed statutory formula, the preliminary determination of the penalty for the late filing of your report would be \$1,908.32. Please refer to the enclosed penalty matrix for more details on how the penalty is computed. If you agree with this preliminary determination of the amount of the penalty, you may use the enclosed billing statement to pay that penalty.

If you have a reason for filing late, you may request the Commission to make a final penalty determination. Any request for a Commission determination must be made within 10 calendar days of receipt of this notice, beginning on the day you sign its receipt. If this notice has been refused or left unclaimed at the post office, the 10-day period begins on the day the post office indicates it has given first notice of a certified letter. Upon receipt of your request for a Commission determination, we will schedule you to appear and will notify you of the date and time of the next Commission meeting. You or a person you designate may then appear personally before the Commission or you may send a written statement for the Commission's consideration. A statement must be notarized and contain a full explanation of the reason you filed late. Statements should be sent to the address shown on this letterhead. The Commission will notify you of the disposition of your case within 10 days after its determination.

**NOTE:** The Commission may waive penalties for late reports only in cases where tardiness is due to mitigating circumstances. The law defines "mitigating circumstances" as: 1) a valid emergency determined by the Commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; 2) an error by the Commission staff; 3) failure to receive notice of the filing deadline; or (4) other circumstances determined by the Commission that warrant mitigation of the penalty, based upon relevant evidence presented that a *bona fide* effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service.

The Maine Clean Election Act requires all revenues distributed to certified candidates from the fund to be used for campaign-related purposes. Commission guidelines regarding permissible campaign-related expenditures do not include the payment of a penalty as a permissible expenditure.

Sincerely,

A handwritten signature in cursive script that reads 'Gavin O'Brien'.

Gavin O'Brien  
Candidate Registrar

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE  
WEBSITE: WWW.MAINE.GOV/ETHICS

January 4, 2007

Mr. Richard Dort  
5727 Estabrooke Hall #434  
Orono, ME 04469

The Commission staff has made a preliminary determination, based upon application of the statutory formula, that a penalty of \$1,908.32 applies for the late filing of your 42-Day Post-General campaign finance report. If you agree with this determination, please make your check or money order in that amount payable to "Treasurer, State of Maine," and send it, along with the bottom half of this letter, to the Commission on Governmental Ethics and Election Practices, 135 State House Station, Augusta, Maine 04333, within 30 days of the date noted above. Please see the instructions included in the attached letter if you would like the Commission to make a formal determination of any penalty to be assessed in this case.

Failure to pay the full amount of an assessed penalty is a civil violation. The Commission is required to report to the Attorney General the name of any person who fails to pay the full amount of any penalty. Please direct any questions you may have about this matter to Gavin O'Brien at 287-4709.

Cut Along Dotted Line

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For Office Use Only:  
Account: CGEEP  
Fund: 014 Approp: 02

To Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, Maine 04333

From: Mr. Richard Dort

RE: Penalty for late filing of 42-Day Post-General Campaign Finance Report

Amount Enclosed: \$ \_\_\_\_\_

Check/M.O. No.: # \_\_\_\_\_

Please Make Check or Money Order Payable to Treasurer, State of Maine

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

## PENALTY MATRIX FOR LATE CANDIDATE REPORT FILINGS

### BASIS FOR PENALTIES 21-A M.R.S.A. Section 1020-A(4)

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%

For the second violation, 3%

For the third and each subsequent violation, 5%

A penalty begins to accrue at 5:00 p.m. on the day the report is due.

Example: The treasurer files the candidate's report two (2) days late. The candidate has not had any previous late violations this biennium. The candidate reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is calculated as follows:

\$2,500 Greater amount of the total contributions received or expenditures made during the filing period

X .01 Percent prescribed for first violation

\$25.00 One percent of total contributions

X 2 Number of calendar days late

\$50.00 Total penalty

Your penalty is calculated as follows:

Contributions/Expenditures: \$ \$2,544.43

Percent prescribed: 0.05

\$ \$127.22

Number of days late: X 15

Total penalty accrued: \$ \$1,908.32

Any penalty of less than \$5 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

**A required report that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.**

### MAXIMUM PENALTIES 21-A M.R.S.A. Section 1020-A(5)

\$5,000 for reports required to be filed 42 days before an election (gubernatorial candidate only),  
6 days before an election, 42 days after an election, and for 48-hour reports;  
\$1,000 for semiannual reports.



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

To: Jonathan Wayne

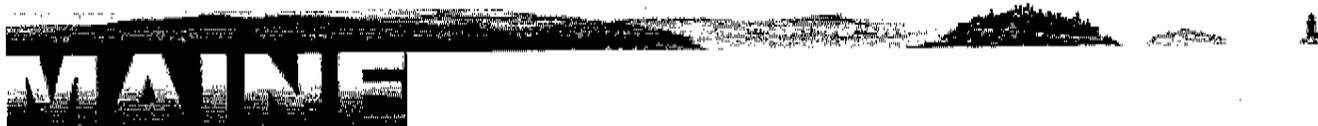
From: Nathaniel Brown

Re: Penalty Chart for Richard Dort

Date: March 1, 2007

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	<b>Due Date</b>	<b>Date Filed</b>	<b>Final Penalty</b>
<b>42-Day Post-Primary</b>	7/25/2006	7/30/2006 (5 days late)	\$218.10 (paid 8/17/06)
<b>6-Day Pre-General</b>	11/1/2006	11/2/2006 (1 day late)	\$185.39 (paid 1/5/07)
<b>42-Day Post-General</b>	12/19/2006	1/3/2007 (15 days late)	\$1908.32 (waiver requested)



## Welcome to the Campaign Finance Electronic Filing System Site

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[Admin Page](#)

3/1/2007

### Home Page for Richard Dort

#### CAMPAIGN YEAR 2006

REPORT TYPE	REPORTING PERIOD	DUE DATE	DATE FILED	STATUS	LAST MODIFIED	
Candidate Registration			10/6/2006	Filed		Print
Seed Money Report	11/3/2004 to 4/18/2006	4/18/2006	4/18/2006	Filed	4/18/2006	Print
6-Day Pre-Primary - MCEA Candidates	4/19/2006 to 6/1/2006	6/7/2006	6/7/2006	Filed	5/22/2006	Print
42-Day Post-Primary	6/2/2006 to 7/18/2006	7/25/2006	7/30/2006 1:40:33 PM	In-Progress (A)		Print
6-Day Pre-General	7/19/2006 to 10/26/2006	11/1/2006	11/2/2006 2:14:57 PM	Filed	1/2/2007 9:11:31 PM	Print
42-Day Post-General	10/27/2006 to 12/12/2006	12/19/2006	1/2/2007 8:46:26 PM	Filed	1/2/2007 8:46:26 PM	Print
24-Hr Report of Late Contributions and Expenditures		N/A		MULTIPLE		

Please click on the following buttons to Download schedule informations in excel format.

Download Contribution A

Download Contribution B

Download Expenditure B