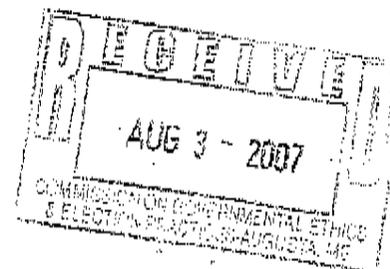


Agenda

Item #2



August 3, 2007.

Martha Demeritt
Lobbyist, PAC & Party Registrar
Commission on Governmental Ethics & Elections Practices
135 State House Station
Augusta, Maine 04333-0135

Dear Ms. Demeritt:

In response to your certified letter dated 7/17/07, please accept this as a request for the Commission on Governmental Ethics & Election Practices to make a final penalty determination regarding the most recent House Republican Fund PAC campaign finance report and to consider a waiver either in whole or in part.

It is my belief that a contributing factor to our clerical error was the Commission's reminder for filing sent Tuesday, July 10, 2007 setting the deadline of "two weeks from today on Tuesday (sic), July 16, 2007." A copy of the message is enclosed hereto as Exhibit A.

At approximately 4:45 p.m. on Monday, July 16th a member of my staff who donates her personal time to assist with report filings realized that the finance report was actually due that same day. The e-mailed reminder not only misstated the day, but also the fact that the report was due in two weeks.

On a final note, the aforementioned certified letter was addressed to Heather Priest and listed her as Treasurer of the House Republican Fund. I understood Heather informed you that I have replaced the former Treasurer, Joe Bruno. Please address all future correspondence to me.

Thank you for your time and consideration.

Sincerely,


Joshua A. Tardy, Treasurer
House Republican Fund

cc: Mr. Jonathan Wayne

Enclôsure

Heather Priest

From: "Demeritt, Martha" <Martha.Demeritt@maine.gov>
To: <undisclosed-recipients:>
Sent: Tuesday, July 10, 2007 11:34 AM
Subject: July Quarterly PAC Report Due 7/16/07

PAC Treasurer,

The purpose of this e-mail is to remind you that your PAC's July Quarterly campaign finance report is due electronically two weeks from today on Tuesday, July 16, 2007 by 5:00 p.m.

System Issues: These are several system errors that we are still in the process of fixing. Please do not attempt to fix them and just file your PAC report as is.

- Like the April Quarterly, you'll notice that your PAC balance on Schedule F is incorrect.
- When you go to view/print the report, sections of the cover page will be blank.
- You may or may not receive an e-mail confirmation that your report has been filed. Please print off the page that reads FILED REPORT RECEIPT to show proof of filing. You get to this page after entering your password to file your report.

If you have any questions about filing, please contact me.

Martha

Martha Demeritt
Lobbyist, PAC & Party Registrar
Maine Ethics Commission
195 S.H.S.
Augusta, ME 04333
(207) 287-6221
www.maine.gov/ethics

Demeritt, Martha

From: Demeritt, Martha
Sent: Tuesday, July 10, 2007 11:58 AM
Subject: UPDATE: July Quarterly PAC Report Due 7/16/07
Importance: High

PAC Treasurer,

The purpose of this e-mail is to remind you that your PAC's July Quarterly campaign finance report is due electronically two weeks from today on **MONDAY, July 16, 2007** by 5:00 p.m.

System Issues: These are several system errors that we are still in the process of fixing. Please do not attempt to fix them and just file your PAC report as is.

- Like the April Quarterly, you'll notice that your PAC balance on Schedule F is incorrect.
- When you go to view/print the report, sections of the cover page will be blank.
- You may or may not receive an e-mail confirmation that your report has been filed. Please print off the page that reads FILED REPORT RECEIPT to show proof of filing. You get to this page after entering your password to file your report.

If you have any questions about filing, please contact me.

Martha

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

July 17, 2007

Mrs. Heather Priest, Treasurer
House Republican Fund
P.O. Box 5629
Augusta, ME 04332

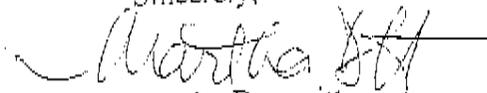
Dear Mrs. Priest:

You filed the July Quarterly campaign finance report on 7/16/07 at 6:36 p.m. that was due by 5:00 p.m. 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 PAC's filing record. Based on the prescribed statutory formula, the preliminary determination of the penalty for the late filing of your report is \$51.05. Please refer to the enclosed penalty matrix for more details on how the penalty is computed.

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 for 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.

Please note that the Commission may waive the penalty in whole or in part if it determines the failure to file a timely report was due to mitigating circumstances. "Mitigating circumstances" means 1) a valid emergency of the committee treasurer 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; or 3) other circumstances determined by the Commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service.

Sincerely,


Martha Demeritt
PAC Registrar

Enc.: PAC Penalty Matrix

OFFICE LOCATED AT: 241 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

*House representatives
July Quarterly*

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

PENALTY MATRIX FOR LATE POLITICAL ACTION COMMITTEE REPORT FILINGS

BASIS FOR PENALTIES
21-A M.R.S.A. Section 1062-A

The penalty for filing a required report late 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%

Example: The treasurer files the PACs report two (2) calendar days late. The PAC has not had any previous late filings in the past 2 years. The PAC 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 of the amount of 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 Commission may assess

Your penalty is calculated as follows:

Contributions/Expenditures	\$ 5,105.80
Percent prescribed:	x 1%
	\$ 51.05
Number of days late:	x 1
Total penalty accrued:	\$ 51.05

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

Any penalty of less than \$5 is waived.

X 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.

Title 21-A M.R.S.A. Section 1004-A(1) states the Commission may assess a penalty of no more than \$100 when a person files a late campaign finance report containing no contributions or expenditures.

MAXIMUM PENALTIES
21-A M.R.S.A. Section 1062-A (4)

\$10,000 for 6-day pre-election reports, 42-day post-election reports, and 24-Hour reports;
\$5,000 for quarterly reports.



Welcome to the Campaign Finance Electronic Filing System Site

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- [Help](#)
- [Logout](#)
- [Change Password](#)
- [Admin Page](#)

8/6/2007

Home Page for House Republican Fund

CAMPAIGN YEAR 2007 [Refresh](#)

REPORT TYPE	REPORTING PERIOD	DUE DATE	DATE FILED	STATUS	LAST MODIFIED	
April Quarterly	1/6/2007 to 3/31/2007	4/10/2007	4/10/2007 4:25:18 PM	Filed	4/13/2007 11:05:54 AM	Print
6-Day Pre-Election (PARTICIPANTS ONLY)	4/1/2007 to 5/31/2007	6/6/2007				
July Quarterly	4/1/2007 to 7/5/2007	7/16/2007	7/16/2007 6:36:30 PM	Filed	7/17/2007 9:30:20 AM	Print
42-Day Post Election (PARTICIPANTS ONLY)	6/1/2007 to 7/17/2007	7/24/2007				
October Quarterly	7/6/2007 to 9/30/2007	10/10/2007				
6-Day Pre-Election (PARTICIPANTS ONLY)	10/1/2007 to 10/25/2007	10/31/2007				
42-Day Post-Election (PARTICIPANTS ONLY)	10/26/2007 to 12/11/2007	12/18/2007				
January Quarterly	10/1/2007 to 1/5/2008	1/15/2008				
PAC Termination	1/1/2007 to 12/31/2007					
24-Hr Report of Late Expenditures		N/A		MULTIPLE		

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

- [Download Contribution A](#)
- [Download Expenditure B](#)
- [Download Expenditure B1](#)
- [Download In-kind](#)

Title 21-A, §1062-A, Failure to file on time

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§1062-A. Failure to file on time

1. Registration. A political action committee required to register under section 1053 that fails to do so in accordance with section 1053 or that fails to provide the information required by the commission for registration may be assessed a forfeiture of \$250. [1995, c. 483, §21 (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 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty if it is disproportionate to the level of experience of the person filing the report or to 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 of the committee treasurer 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, §9 (amd).]

* B. An error by the commission staff; or [1999, c. 729, §9 (amd).]

C. 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, §9 (new).]
[2003, c. 628, Pt. A, §7 (amd).]

3. Basis for penalties. The penalty for late filing of a report required under this subchapter 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%; [1995, c. 483, §21 (new).]

B. For the 2nd violation, 3%; and [1995, c. 483, §21 (new).]

C. For the 3rd and subsequent violations, 5%. [1995, c. 483, §21 (new).]

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 calendar year. Waiver of a penalty does not nullify the finding of a violation.

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

A required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter.

[1995, c. 483, §21 (new).]

4. Maximum penalties. The maximum penalties under this subchapter are \$10,000 for reports required under section 1059, subsection 2, paragraphs B, C and E and \$5,000 for reports required under section 1059, subsection 2, paragraph A.

STATE OF MAINE
 COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
 135 STATE HOUSE STATION
 AUGUSTA, MAINE 04333
 Phone: (207)287-4179 Fax: (207)287-6775
 Website: www.maine.gov/ethics

2007 FILING SCHEDULE - POLITICAL ACTION COMMITTEES

<u>Type of Report</u>	<u>Due Date</u>	<u>Covering Period</u>
January Quarterly	January 16, 2007	December 13, 2006 - January 5, 2007
April Quarterly	April 10, 2007	January 6, 2007 - March 31, 2007
July Quarterly	July 16, 2007	April 1, 2007 - July 5, 2007
October Quarterly	October 10, 2007	July 6, 2007 - September 30, 2007
January Quarterly	January 15, 2008	October 1, 2007 - January 5, 2008

PACs participating in the June 12, 2007 bond referendum or special election in HD 83 must file the following additional reports:

6-Day Pre-Election	June 6, 2007	April 1, 2007 - May 31, 2007
July Quarterly	-----	This does not need to be filed.
42-Day Post-Election	July 24, 2007	June 1, 2007 - July 17, 2007

If an election is held on November 6, 2007, PACs participating in that election must file the following additional reports:

6-Day Pre-Election	October 31, 2007	October 1, 2007 - October 25, 2007
42-Day Post-Election	December 18, 2007	October 26, 2007 - December 11, 2007

24-HOUR REPORTS

PACs participating in either the June 12, 2007 or November 6, 2007 elections must disclose any expenditure of \$500 or more made:

After May 31, 2007 and before 5:00 p.m. on June 11, 2007

After October 25, 2007 and before 5:00 p.m. on November 5, 2007

in a special report filed within 24 hours making the expenditure (including Saturdays and Sundays). This report can be filed electronically through the Commission's electronic filing system.