

Agenda

Item #7

## O'Brien, Gavin

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**From:** Benjamin Collings [ben2klucia@yahoo.com]  
**Sent:** Thursday, November 15, 2007 12:22 PM  
**To:** O'Brien, Gavin  
**Subject:** Re: Lobbyist Report

Mr. O'Brien,

Last month, I wasn't able to file my report on Oct. 15 by 5:00 pm. I believe I filed the report 15- 20 minutes after 5:00 pm.

Since then, you have sent me a letter with a \$100 fine.

I believe this action to be very dramatic and I would like to appeal this penalty of \$100. I am not a well paid lobbyist and I haven't been lobbying since June. I understand the importance of deadlines so you are able to monitor the political activity in Maine but I believe that the Ethics Commission can exercise discretion in such a case. I have never intentionally tried to circumvent the laws of Maine and I believe that you can excuse such a case just like other government agencies do when they have details regarding individual cases.

Thank you for your attention.

Benjamin T. Collings

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

To: Benjamin Collings, Lobbyist for:  
Penobscot Nation

From: Gavin O'Brien

Date: October 23, 2007

Each registered lobbyist is required to file monthly reports with the Commission on Governmental Ethics and Election Practices no later than 15 calendar days following the month that is the subject of the report. Reports are due by 5:00 p.m. Any person who fails to file a timely report may be assessed a penalty of \$100 for every month the report is late. You filed your September Lobbyist Monthly Disclosure report after 5:00 p.m. on 10/15/07. The penalty is \$100.

If you agree with this preliminary penalty determination, you may use the attached billing statement to pay that amount within 30 days of the date of this notice. Please mail your remittance to the Commission on Governmental Ethics and Election Practices, 135 State House Station, Augusta, Maine 04333.

However, if you have a valid reason for filing late, you may request the Commission to make a final penalty determination. The Commission will notify you of the disposition of your case within 10 days after its determination.

Any person who fails to file a report or pay a fee may be suspended from further lobbying by written notice of the Commission until such failure is corrected.

Please direct any questions you may have about this matter to the Commission at (207) 287-4179.

cc: Penobscot Nation

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Cut Along Dotted Line  
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To: Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, Maine 04333

From: Benjamin Collings, Lobbyist for:  
Penobscot Nation

Re: Penalty for late filing of the September Lobbyist Disclosure Report (\$100)

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

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

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

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

Last Name	First Name	Employer Name	Filed Date	Report Title
Collins	Benjamin	Penobscot Nation	10/15/2007 5:24:40 PM	Monthly Report - Short Form

## Title 3, §319, Penalty

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### §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 each person listed or who should have been listed on the lobbyist registration for every month the person fails to register or is delinquent in filing a report pursuant to section 317. The commission may waive the penalty in whole or in part if the commission determines the failure to register or report was due to mitigating circumstances.  
[1993, c. 691, §22 (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.**  
[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).]

PL 1975, Ch. 576, § (NEW) .  
PL 1975, Ch. 621, §2 (RP) .  
PL 1975, Ch. 724, § (REN) .  
PL 1977, Ch. 696, §17 (AMD) .  
PL 1979, Ch. 632, §3 (RPR) .  
PL 1989, Ch. 114, § (AMD) .  
PL 1991, Ch. 465, §2 (AMD) .  
PL 1993, Ch. 446, §A15, B11-13 (AMD) .  
PL 1993, Ch. 691, §22 (AMD) .

December 7, 2007

Benjamin T. Collings  
PO Box 1213  
Portland, ME 04104

Michael P. Friedman  
Francis C. Marsano  
David D. Shiah  
A. Mavourneen Thompson  
Edward M. Youngblood  
242 State Street  
Augusta, Maine 04333

Dear Maine Ethics Commission Members,

For the month of October, I submitted my short form lobbyist report 24 minutes late. I apologize for this minor misstep and hope that you wave the \$100 late fee that the Ethics staff suggests that I pay. I am not able to attend the Dec. 7 public hearing and therefore submit to you this letter.

First, I only had one client, most of my work was pro bono and what pay I received was not substantial. It is an undue financial hardship to pay \$100, especially considering that I stopped my lobbying in June. With that being said, I agree in principal to continue filing reports even when I am not lobbying if those are the rules everyone must abide by.

Second, even if I was a wealthy lobbyist with many clients I believe that members of the Commission should be able to use their discretion in such manners and wave late fees if they find no intent to circumvent the transparency of government and if the action of a lobbyist consists of an exception, not a consistent disregard of deadlines.

Third, I believe I am reasonable in my request. Some cities forgive the first parking ticket every six months <sup>and</sup> the Maine Revenue Services will wave assessed fees if a business filed a quarterly report late, but actually didn't have any transactions in that period. Government can be forgiving at times for simple human errors.

I am not asking to be treated differently, I agree that you need guidelines to have an efficient agency. What I am asking is that anyone, including myself, be given at least one chance over the course of a year when dealing with a minor detail that entailed a matter of minutes. I would ask that you consider the spirit of the law, not the letter of the law in this instance.

Sincerely,



Benjamin T. Collings