

Agenda

Item #9



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

To: Commissioners
From: Jonathan Wayne, Executive Director
Date: January 15, 2015
Re: Request for Waiver of Late-Filing Penalty by Dillon Bates Campaign

Dillon F. Bates was a candidate for the Maine House of Representatives from Westbrook, Maine. He won the November 4, 2014 general election. He participated in the Maine Clean Election Act program. Treasurer Spencer O'Neil filed the campaign reports for the campaign. The campaign under-reported its expenditures in two campaign finance reports. The reports were later amended to include the unreported activity.

	Total Spending Disclosed in Original Report	Number of Un-Reported Payments	Total of Un-Reported Payments	Actual Expenditures (disclosed in amended report)	Date of Amendment
Report filed on 7/22/2014	\$25.07	10	\$768.42	\$793.49	12/01/2014
Report filed on 10/24/2014	\$0.00	1	\$105.00	\$105.00	12/01/2014

In the earlier report (due in July), the unreported expenditures were made during a 10-day period in late May-early June. Most of the expenditures were under \$100 for postage, inexpensive literature, and Facebook ads. In the later report (due in October), the campaign omitted one expenditure for Facebook advertising in the amount of \$105.

Candidate Registrar Beth Hudson was in communication with the campaign in late November when it realized that the two reports needed corrections. The under-reporting seems to be caused by a limited period of disorganization and/or miscommunication.

The penalty for the first report has reached the maximum of \$5,000, because one of the factors in the statutory formula is the number of days late. The preliminary penalty for the second late report is \$119.70.

LEGAL REQUIREMENTS

Among other deadlines, candidates are required to file a campaign finance report on the 42nd day after a primary election and 11th day before the general election. (21-A M.R.S.A. §§ 1017(3-A)(B) & (D)) A report is not timely filed unless it is filed by the deadline and it substantially conforms to the disclosure requirements of Chapter 13 of the Election Law. (21-A M.R.S.A. § 1020-A(2)) If the candidate is late in filing a report, the amount of the penalty is set by a formula which takes into consideration a percentage of the total contributions or expenditures, whichever is greater, the number of prior violations within a two-year period, and the number of days the report is late. (21-A M.R.S.A. § 1020-A(4-A)) The maximum penalty for a late pre- or post-election report is \$5,000. (21-A M.R.S.A. § 1020-A(5-A)(A))

DISCUSSION

The original and amended versions of the reports are attached to this memo, if you wish to review the specific expenditures missing from the original reports. In the opinion of the Commission staff, the two reports failed to substantially conform to the disclosure requirements in the Election Law (specifically the duty to report expenditures in 21-A M.R.S.A. § 1017(5)). Accordingly, the reports may not be considered timely filed. Based on the statutory formula for calculating late-filed report penalties, the preliminary penalties for the two late reports are:

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
42-Day Post-Primary Report	07/22/2014	\$4,724.00	1%	131	\$5,000.00 (\$6,188.44)
11-Day Pre-General Report	10/24/2014	\$105.00	3%	38	\$119.70

Rep. Bates requests a waiver through the attached letter received on December 22, 2014. He explains that due to some delays with his financial institution, his campaign was unable to use its debit cards until mid-October. Campaign purchases were made using the personal debit or credit cards by the candidate and his partner. This “caused several instances where the receipts for the purchases were not provided to our treasurer or were misplaced” Rep. Bates argues for a waiver because the preliminary penalty of roughly \$5,100 “seems unreasonabl[y] steep compared to the amount of funds being used that were late in being reported.”

STAFF RECOMMENDATION

The Maine Legislature has authorized the Commission to waive a preliminary penalty if it is disproportionate to the level of harm to the public caused by the late disclosure, the level of experience of the candidate and treasurer, and the size of the candidate’s campaign.

The campaign failed to enter 10 purchases made in late May and early June 2014 totaling \$768.42, and one Facebook ad for \$105.00 made in October. Based on our interactions with the campaign this year, the Commission staff believes that lack of experience of the candidate and treasurer were contributing factors. The Commission staff views the preliminary penalty of \$5,119.70 as disproportionate to the public harm and the level of experience. We recommend a penalty of \$150. Relative to the other incomplete reporting violations on your January 23 agenda the amount of unreported activity is smaller. We are hopeful that this compliance matter may underscore to the candidate the need for careful communication and record-keeping in future campaigns.

Thank you for your consideration of this memo.

Dear Men and Women of the Commission,

Thank you for all of your hard work and your commitment to the integrity of the electoral process here in Maine. As you are aware, my campaign has been found in violation of the public reporting policies, and has been assessed \$5100.00 in fines as a result. Please accept this letter as a request for waiver of those fines for the reasons listed below.

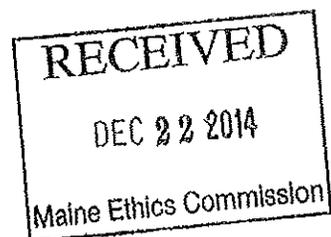
For the purposes of the election an account was opened through Saco & Biddeford Savings for all deposits and transactions to take place. Unfortunately there were several issues with this account, namely with the activation of the account's debit cards to allow for purchases to take place. It took the bank several months to sort out the issues with these debits cards and to finally get them activated so that that could be used, ultimately this did not take place until mid-October. This left us in the unfortunate position of having to use personal accounts to make all purchases in the meantime.

Throughout both the pre-primary and post primary either my own or my partner (Janelle LoSciuto)'s card was used to make all purchases and receipts where keep as best they could be to be reimbursed from the election account. The issue with this however is that it caused several instances where receipts were not provided to our treasurer or were misplaced, and it was not until we were able to do a complete review of our personnel bank statements in November that this purchases were caught. The previously submitted reports were then amended with the intention of accurately displaying all activity during the election. At no time was there a deliberate or intentional attempt to misreport spending.

As a result of these complications and our own unfamiliarity with the reporting process we now find ourselves being levied hefty fines. It is our hope to better explain these conditions in person so that the circumstances of the amended reports can be better understood by the committee. We do not advocate ignorance as an excuse for content of our reports and agree that they violate the rules of the Clean Election Act. We do however wish for some leniency in the punishment that is ruled against us as the amount of \$5100.00 between the two reports seems unreasonable steep compared to the amount of funds being used that were late in being reported.

I would like to thank my treasurer, Spencer O'Neil for navigating unfamiliar territory in terms of these filings, and Beth Hudson for her patient guidance through all of our obstacles. Additionally, I would ask the commission to bear in mind that the report was in fact filed by the due date. Despite the fact that it needed to be amended later, I believe that this demonstrates a good-faith effort toward compliance with the reporting law. We will be happy to share any and all of our documentation and bank statements with you. I hope that this letter finds you well, and we look forward to the opportunity to talk through all of the events of the campaign, and sort out where we went wrong. Thank you for your continued service to the state,

Dillon Bates



21-A MRS § 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.

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2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 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 in whole or in part 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 or interruptions in Internet service. [2009, c. 190, Pt. A, §13 (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.

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 is a percentage of the total contributions or expenditures for the filing

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Commission on Governmental Ethics and Election Practices
Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

2014 CAMPAIGN FINANCE REPORT
FOR MCEA CANDIDATES

COMMITTEE		TREASURER	
MR. DILLON F BATES 47 GARFIELD ST., #1 WESTBROOK, ME 04092 PHONE: (207) 570-1075 EMAIL: DILLON.BATES@UMIT.MAINE.EDU		SPENCER O'NEIL 708 EAST BRIDGE ST WESTBROOK, ME 04092 PHONE: (207) 479-5585 EMAIL: SPENCER.ONEILL497@GMAIL.COM	
REPORT	DUE DATE	REPORTING PERIOD	
42-DAY POST-PRIMARY	07/22/2014	05/28/2014 - 07/15/2014	

FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$972.52	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$400.00
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$4,724.00	\$6,152.68
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC..)	\$0.00	\$0.00
6. MINUS EXPENDITURES (SCHEDULE B)	\$25.07	\$881.23
7. CASH BALANCE AT CLOSE OF PERIOD	\$5,671.45	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

I, SPENCER O'NEIL, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: SPENCER O'NEIL
REPORT FILED ON: 07/22/2014
LAST MODIFIED: 07/23/2014
PRINTED: 01/09/2015
COMMITTEE ID: 7500

original

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.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

1 = Individual

2 = Candidate/ Spouse/ Domestic Partner

3 = Commercial Source

4 = Nonprofit Organization

5 = Political Action Committee

6 = Political Party Committee

7 = Ballot Question Committee

8 = Other Candidate/ Candidate Committee

9 = Candidate / Candidate Committee

10 = General Treasury Transfer

11 = Transfer from Previous Campaign

12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	TYPE	AMOUNT
6/13/2014	MCEA Payment		15	\$4,724.00
TOTAL CASH CONTRIBUTIONS				\$4,724.00

original

**SCHEDULE B
EXPENDITURES**

EXPENDITURE TYPES				
CNS	Campaign consultants	POL	Polling and survey research	
CON	Contribution to other candidate, party, committee	POS	Postage for U.S. Mail and mail box fees	
EQP	Equipment (office machines, furniture, cell phones, etc.)	PRO	Other professional services	
FND	Fundraising events	PRT	Print media ads only (newspapers, magazines, etc.)	
FOD	Food for campaign events, volunteers	RAD	Radio ads, production costs	
LIT	Print and graphics (flyers, signs, palmcards, t-shirts, etc.)	SAL	Campaign workers' salaries and personnel costs	
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)	
OFF	Office rent, utilities, phone and Internet services, supplies	TVN	TV or cable ads, production costs	
OTH	Other	WEB	Website design, registration, hosting, maintenance, etc.	
PHO	Phone banks, automated telephone calls			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
6/6/2014	STAPLES 443 WESTERN AVE S. PORTLAND, ME 04106	OFFICE SUPPLIES	OTH	\$25.07
TOTAL EXPENDITURES FOR CANDIDATE:				\$25.07

amended



Commission on Governmental Ethics and Election Practices
Mail: 135 State House Station, Augusta, Maine 04333
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Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

2014 CAMPAIGN FINANCE REPORT

FOR MCEA CANDIDATES

COMMITTEE		TREASURER	
DILLON F BATES 47 GARFIELD ST., #1 WESTBROOK, ME 04092 PHONE: (207) 570-1075 EMAIL: DILLON.BATES@UMIT.MAINE.EDU		SPENCER O'NEIL 708 EAST BRIDGE ST WESTBROOK, ME 04092 PHONE: (207) 479-5585 EMAIL: SPENCER.ONEIL1497@GMAIL.COM	
REPORT	DUE DATE	REPORTING PERIOD	
42-DAY POST-PRIMARY	07/22/2014	05/28/2014 - 07/15/2014	

FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$915.47	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$400.00
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$4,724.00	\$6,152.68
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$0.00
6. MINUS EXPENDITURES (SCHEDULE B)	\$793.49	\$1,706.70
7. CASH BALANCE AT CLOSE OF PERIOD	\$4,845.98	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

I, SPENCER O'NEIL, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: SPENCER O'NEIL
REPORT FILED ON: 07/22/2014
LAST MODIFIED: 12/01/2014
PRINTED: 01/09/2015
COMMITTEE ID: 7500

amended

**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.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

1 = Individual

2 = Candidate/ Spouse/ Domestic Partner

3 = Commercial Source

4 = Nonprofit Organization

5 = Political Action Committee

6 = Political Party Committee

7 = Ballot Question Committee

8 = Other Candidate/ Candidate Committee

9 = Candidate / Candidate Committee

10 = General Treasury Transfer

11 = Transfer from Previous Campaign

12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	TYPE	AMOUNT
6/13/2014	MCEA Payment		15	\$4,724.00
TOTAL CASH CONTRIBUTIONS				\$4,724.00

amended

**SCHEDULE B
EXPENDITURES**

EXPENDITURE TYPES				
CNS	Campaign consultants	POL	Polling and survey research	
CON	Contribution to other candidate, party, committee	POS	Postage for U.S. Mail and mail box fees	
EQP	Equipment (office machines, furniture, cell phones, etc.)	PRO	Other professional services	
FND	Fundraising events	PRT	Print media ads only (newspapers, magazines, etc.)	
FOD	Food for campaign events, volunteers	RAD	Radio ads, production costs	
LIT	Print and graphics (flyers, signs, palmcards, t-shirts, etc.)	SAL	Campaign workers' salaries and personnel costs	
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)	
OFF	Office rent, utilities, phone and internet services, supplies	TVN	TV or cable ads, production costs	
OTH	Other	WEB	Website design, registration, hosting, maintenance, etc.	
PHO	Phone banks, automated telephone calls			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
5/28/2014	USPS 775 MAIN ST. WESTBROOK, ME 04092	POSTAGE FOR MAILERS	POS	\$102.00
5/30/2014	PRIME R.I.B. GRAPHICS 4 SWEETBRIER LANE SCARBOROUGH, ME 04074	POST CARDS	LIT	\$25.00
6/3/2014	PRIME R.I.B. GRAPHICS 4 SWEETBRIER LANE SCARBOROUGH, ME 04074	PALM CARDS	LIT	\$180.00
6/3/2014	PRIME R.I.B. GRAPHICS 4 SWEETBRIER LANE SCARBOROUGH, ME 04074	TAX MAILERS	OTH	\$16.67
6/3/2014	PRIME R.I.B. GRAPHICS 4 SWEETBRIER LANE SCARBOROUGH, ME 04074	MAILERS	LIT	\$98.00
6/4/2014	LOWE'S HOME IMPROVEMENT 1058 BRIGHTON AVE PORTLAND, ME 04102	SCREWS AND HINGES	OTH	\$16.80
6/5/2014	USPS 775 MAIN ST. WESTBROOK, ME 04092	POSTAGE	POS	\$215.60
6/6/2014	STAPLES 443 WESTERN AVE S. PORTLAND, ME 04106	OFFICE SUPPLIES	OTH	\$25.07
6/7/2014	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	FACEBOOK PROMOTION AND POST BOOST	WEB	\$31.35
6/7/2014	USPS 775 MAIN ST. WESTBROOK, ME 04092	POSTAGE FOR MAILERS	POS	\$68.00
6/8/2014	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	FACEBOOK POST BOOST	WEB	\$15.00
TOTAL EXPENDITURES FOR CANDIDATE:				\$793.49

original



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Fax: 207-287-6775

2014 CAMPAIGN FINANCE REPORT

FOR MCEA CANDIDATES

COMMITTEE		TREASURER	
DILLON F BATES 47 GARFIELD ST., #1 WESTBROOK, ME 04092 PHONE: (207) 570-1075 EMAIL: DILLON.BATES@UMIT.MAINE.EDU		SPENCER O'NEIL 708 EAST BRIDGE ST WESTBROOK, ME 04092 PHONE: (207) 479-5585 EMAIL: SPENCER.ONEIL1497@GMAIL.COM	
REPORT	DUE DATE	REPORTING PERIOD	
11-DAY PRE-GENERAL	10/24/2014	09/17/2014 - 10/21/2014	

FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$2,024.45	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$400.00
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$0.00	\$6,152.68
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$4,528.23
6. MINUS EXPENDITURES (SCHEDULE B)	\$2,024.45	
7. CASH BALANCE AT CLOSE OF PERIOD		
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

I, SPENCER O'NEIL, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: SPENCER O'NEIL
REPORT FILED ON: 10/24/2014
LAST MODIFIED: 10/24/2014
PRINTED: 01/09/2015
COMMITTEE ID: 7500

amended



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2014 CAMPAIGN FINANCE REPORT

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DILLON F BATES 47 GARFIELD ST., #1 WESTBROOK, ME 04092 PHONE: (207) 570-1075 EMAIL: DILLON.BATES@UMIT.MAINE.EDU		SPENCER O'NEIL 708 EAST BRIDGE ST WESTBROOK, ME 04092 PHONE: (207) 479-5585 EMAIL: SPENCER.ONEIL1497@GMAIL.COM
REPORT	DUE DATE	REPORTING PERIOD
11-DAY PRE-GENERAL	10/24/2014	09/17/2014 - 10/21/2014

FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$1,198.98	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$400.00
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$0.00	\$6,152.68
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$0.00
6. MINUS EXPENDITURES (SCHEDULE B)	\$105.00	\$5,458.70
7. CASH BALANCE AT CLOSE OF PERIOD	\$1,093.98	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

I, SPENCER O'NEIL, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: SPENCER O'NEIL
 REPORT FILED ON: 10/24/2014
 LAST MODIFIED: 12/01/2014
 PRINTED: 01/09/2015
 COMMITTEE ID: 7500

amended

**SCHEDULE B
EXPENDITURES**

EXPENDITURE TYPES				
CNS	Campaign consultants	POL	Polling and survey research	
CON	Contribution to other candidate, party, committee	POS	Postage for U.S. Mail and mail box fees	
EQP	Equipment (office machines, furniture, cell phones, etc.)	PRO	Other professional services	
FND	Fundraising events	PRT	Print media ads only (newspapers, magazines, etc.)	
FOD	Food for campaign events, volunteers	RAD	Radio ads, production costs	
LIT	Print and graphics (flyers, signs, palmcards, t-shirts, etc.)	SAL	Campaign workers' salaries and personnel costs	
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)	
OFF	Office rent, utilities, phone and internet services, supplies	TVN	TV or cable ads, production costs	
OTH	Other	WEB	Website design, registration, hosting, maintenance, etc.	
PHO	Phone banks, automated telephone calls			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
9/27/2014	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	FACEBOOK PAGE BOOST	WEB	\$105.00
TOTAL EXPENDITURES FOR CANDIDATE:				\$105.00



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

December 2, 2014

Dillon F. Bates
47 Garfield St. #1
Westbrook, Maine 04092

Re: Notice of Violation and Penalty for Late-Filed 42-Day Post-Primary Report

Dear Representative Bates:

You were required to file the 42-Day Post-Primary Report on July 22, 2014 by 11:59 p.m. (due to system issues the deadline was extended to 07/23/2014). Although the initial report was filed by the due date, Commission staff considers the report late as a result of substantial non-conformity with disclosure requirements; a conforming report was not filed until December 1, 2014. Under the Commission's statutes (21-A M.R.S.A. § 1020-A(4-A)) the late filing of a report triggers an enforcement process. The Commission staff has made a preliminary finding of violation and determined that the preliminary penalty for filing the report late is \$6,188.44 which exceeds the maximum statutory penalty. Therefore, your penalty is capped at \$5,000. (21-A M.R.S.A. §1020-A (5-A)(A) Please see the next page for the penalty calculation.

You may request that the Commission waive the penalty in whole or in part or find that there was no violation. The request must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the report was filed late. Upon receiving your request, the Commission staff will schedule your request to be heard at an upcoming Commission meeting. You or your designee will have an opportunity to be heard at the meeting or you may submit a sworn statement to the Commission explaining the mitigating circumstances for its consideration.

The Commission may waive or reduce the penalty or find that there was no violation if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that a bona fide effort was made to file the report on time. The Commission may also consider whether the penalty is disproportionate to the level of experience of the person filing the report or the harm to the public caused by the late disclosure.

The staff requests that you pay the preliminary penalty within 14 days of the date of your receipt of this notice if you do not intend to request a waiver. Please use the payment statement on the next page when paying by mail. You may also make a payment online at www.maine.gov/ethics by clicking the "Penalty Payment" link. Please contact the Commission staff at (207) 287-4179 or ethics@maine.gov if you have any questions.

Sincerely,

Beth Hudson
Candidate Registrar

cc: Spencer O'Neil

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

PENALTY CALCULATION

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 1% for the first violation, 3% for the second violation, and 5% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$10 is automatically waived.

HOW YOUR PENALTY WAS CALCULATED

Filer: Representative Dillon F. Bates			
Late-Filed Report: 42-Day Post-Primary			
Contributions	\$4724.00	Penalty Base Amount	\$4724.00
Expenditures	\$793.49	Percentage	1%
Due Date	07/22/2014 (07/23/2014)	Daily Accrual Rate	\$47.24
Date Filed	12/01/2014	Days Late	131
Previous Violations	0	Your Total Penalty	\$6,188.44 *(Maximum statutory penalty is \$5,000)

PAYMENT STATEMENT AND PAYMENT OPTIONS

From: Representative Dillon F. Bates

Penalty Amount: *\$5,000.00

Penalty ID: N/A

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment so that it will be properly accounted for.

Please make check or money order payable to: Treasurer, State of Maine

Mail to: Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135

ONLINE: Go to www.maine.gov/online/ethics/penalties. Please include the penalty ID so that your payment will be properly accounted for.



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

December 2, 2014

Representative Dillon F. Bates
47 Garfield Street, #2
Westbrook, Maine 04092

Re: Notice of Violation and Penalty for Late-Filed 11-Day Pre-General Report

Dear Representative Bates:

You were required to file the 11-Day Pre-General Report on October 24, 2014 by 11:59 p.m. but the report was not filed until December 1, 2014. The Commission staff considers the report late as a result of substantial non-conformity with disclosure requirements. Under the Commission's statutes (21-A M.R.S.A. § 1020-A(4-A)) the late filing of a report triggers an enforcement process. The Commission staff has made a preliminary finding of violation and determined that the preliminary penalty for filing the report late is \$119.70. Please see the next page for the penalty calculation.

You may request that the Commission waive the penalty in whole or in part or find that there was no violation. The request must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the report was filed late. Upon receiving your request, the Commission staff will schedule your request to be heard at an upcoming Commission meeting. You or your designee will have an opportunity to be heard at the meeting or you may submit a sworn statement to the Commission explaining the mitigating circumstances for its consideration.

The Commission may waive or reduce the penalty or find that there was no violation if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that a bona fide effort was made to file the report on time. The Commission may also consider whether the penalty is disproportionate to the level of experience of the person filing the report or the harm to the public caused by the late disclosure.

The staff requests that you pay the preliminary penalty within 14 days of the date of your receipt of this notice if you do not intend to request a waiver. Please use the payment statement on the next page when paying by mail. You may also make a payment online at www.maine.gov/ethics by clicking the "Penalty Payment" link. Please contact the Commission staff at (207) 287-4179 or ethics@maine.gov if you have any questions.

Sincerely,


Beth Hudson
Candidate Registrar

cc: Spencer O'Neil

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

CORRECTED - PENALTY CALCULATION

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 1% for the first violation, 3% for the second violation, and 5% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$10 is automatically waived.

HOW YOUR PENALTY WAS CALCULATED

Filer: Representative Dillon F. Bates			
Late-Filed Report: 11-Day Pre-General			
Contributions	\$0.00	Penalty Base Amount	\$105.00
Expenditures	\$105.00	Percentage	3%
Due Date	10/24/2014	Daily Accrual Rate	\$3.15
Date Filed	12/01/2014	Days Late	38
Previous Violations	1	Your Total Penalty	\$119.70

PAYMENT STATEMENT AND PAYMENT OPTIONS

From: Representative Dillon F. Bates

Penalty Amount: \$ 119.70

Penalty ID: N/A

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment so that it will be properly accounted for.

Please make check or money order payable to: Treasurer, State of Maine

Mail to: Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135

ONLINE: Go to www.maine.gov/online/ethics/penalties. Please include the penalty ID so that your payment will be properly accounted for.