

Agenda

Item #6



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: June 17, 2014
Re: Request by Mark Holbrook for Waiver of Staff Finding of a Late Report

Late-Filing Penalty Procedures. Candidates for the Legislature and county office are required to file five campaign finance reports according to certain deadlines. When an expected report is not filed on time, the Commission staff contacts the candidate and requests that the candidate file the report. Once the candidate files the report *after* the deadline, the Commission staff makes a record that the report was late in the agency's internal records. The consequences for filing a report late are:

- The Commission calculates a preliminary penalty based on a formula in statute that takes into consideration the number of days late multiplied by a percentage of the financial activity in the late report. The percentage is 1% for the first violation within a two-year period, 3% for the second violation, and 5% for the third or greater violation.
- The Commission staff notifies the candidate of the preliminary penalty and explains that the candidate may pay the preliminary penalty or request a waiver by the Commissioners. Any penalty that is \$10 or less is automatically waived.
- Because a report has been filed late, subsequent late-filing penalties within a two-year period increase at a faster rate (3% or 5% of the financial activity in the report).

Request by Mark Holbrook. Mark Holbrook is a candidate for Maine House of Representatives, District 50. Mr. Holbrook was required to file a report at 11:59 p.m. on Friday, May 30.

On May 30, 2014, Mr. Holbrook undertook to enter in the Commission's e-filing system one expenditure made from his personal funds for campaign purposes. According to our e-filing database, he logged into the system at 5:42 p.m. He did not click on the File Report button, so the report was not filed.

On the following workday, Monday, June 2, Candidate Registrar Beth Hudson notified him that the report had not been filed. She advised him that since he had spent his own money, he needed to enter a cash contribution in the same amount to avoid a negative cash balance in his report. He entered the cash contribution and filed the report on June 2, which was three days late.

The preliminary penalty for the late filing was automatically waived because it was less than \$10. Nevertheless, because the staff has found that the report was filed late, the penalty for any *other* report filed later this year will be increased because of this violation.

Mr. Holbrook is requesting a waiver from the staff's preliminary finding that the report was late. At the time he entered the expenditure, he believed that he had fulfilled the requirements.

Guidance to Candidates on "Pressing the File Button." The Commission staff provides guidance to candidates on using the e-filing system in various ways. First, the staff created the attached brochure, "*7 Easy Steps for Filing Campaign Finance Reports*," which is available on the Commission's homepage at all times. The brochure explains the process for logging in, entering contributions and expenditures, and filing the report.

In addition, the Commission staff included advice to press the file button in a reminder newsletter sent a couple of weeks before the May 30 deadline (attached).

After each step in the e-filing process, the system offers an opportunity to file a report by displaying a red “File” button. If the filer chooses to file by clicking on the red file button, the e-filing system will confirm the report was filed by displaying a message on the screen that the report was successfully filed.

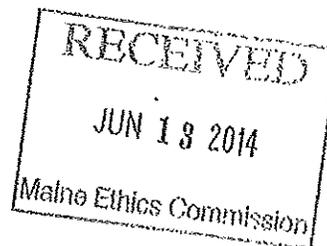
Also, the Commission staff answers questions from candidates on how to enter expenditures, contributions and how to file reports over the phone, by e-mail and in person.

Staff Recommendation

The staff recommends against granting the waiver. It is important to reinforce that candidates, lobbyists, PACs, and others need to complete the process and file the report. That will facilitate the public’s timely receipt of campaign finance information. Considering Mr. Holbrook’s report to be on time could invite future requests for waivers from other filers based on the same reasoning.

11 June, 2014

State of Maine
Commission on Governmental Ethics
And Election Practices
135 State House Station
Augusta, ME 04333-0135



RE: Request Waiver of Finding

Dear Ethics Commission Members:

I am writing to respectfully request a waiver of the late filing ruling because I believe I made a *bona fide* effort to complete the task on time.

On Friday, May 30th, 2014 I logged onto the Ethics website and completed the expense report as required by law. I searched the site for a few minutes for further cues as to additional steps to take and finding none, I logged off the system. I believed at that time I had fulfilled the requirement of filing within the designated timeframe.

On Monday, June 2, 2014 a staff member, Beth Hudson, notified me that I had not filed the report. Together we went online and she was able to see that I had in fact completed the expense portion of the filing but there was another step in the process that needed to be completed that I had not discovered on my own the previous Friday. There were a couple more mouse clicks and layers of dropdown boxes to go through that I had not discovered on the previous Friday. That additional step would have caused the report to be "filed."

My apologies for the error.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark I. Holbrook".

Mark I. Holbrook
130 Given Shipyard Road
Brunswick, ME 04011



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 PRIVATELY FINANCED CANDIDATES

COMMITTEE		TREASURER	
MARK I HOLBROOK 130 GIVEN SHIPYARD RD BRUNSWICK, ME 04011 PHONE: (207) 725-4317 EMAIL: SECRETARY@BRUNSWICK-GOP.ORG		JOHN CRIMMINS 86 JORDAN AVE BRUNSWICK, ME 04011 PHONE: (207) 725-7146 EMAIL: J_CRIMMINS@HOTMAIL.COM	
REPORT	DUE DATE	REPORTING PERIOD	
11-DAY PRE-PRIMARY	05/30/2014	01/01/2014 - 05/27/2014	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH CONTRIBUTIONS FOR THE PRIMARY ELECTION (SCHEDULE A)	\$18.99	\$18.99
1A. CASH CONTRIBUTIONS FOR THE GENERAL ELECTION(SCHEDULE A) <i>For party candidates, general election contributions will only appear on this line after the primary.</i>		
1B. CASH CONTRIBUTIONS FOR THE GENERAL ELECTION RAISED PRIOR TO PRIMARY (Not shown on Schedule A of this report)		
2. OTHER CASH RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS	\$18.99	\$18.99
EXPENDITURES		
5. EXPENDITURES (SCHEDULE B)	\$18.99	\$18.99
6. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
7. TOTAL PAYMENTS	\$18.99	\$18.99
CASH SUMMARY		
8. CASH BALANCE AT BEGINNING OF PERIOD	\$0.00	
9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$18.99	
10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 8)	\$18.99	
11. CASH BALANCE AT END OF PERIOD	\$0.00	
OTHER ACTIVITY		
12. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
13. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
14. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	
FOR PARTY CANDIDATES ONLY: CASH CONTRIBUTIONS FOR THE GENERAL ELECTION RAISED PRIOR TO PRIMARY ELECTION (INCLUDED IN LINE 1A AFTER PRIMARY ELECTION)	\$0.00	\$0.00

I, MARK I HOLBROOK, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: MARK I HOLBROOK
 REPORT FILED ON: 06/02/2014
 LAST MODIFIED: 06/02/2014
 PRINTED: 06/16/2014
 COMMITTEE ID: 7689

**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	ELECTION	AMOUNT
3/18/2014	CONTRIBUTORS GIVING \$50 OR LESS		12	Primary	\$18.99
TOTAL CASH CONTRIBUTIONS FOR PRIMARY					\$18.99
TOTAL CASH CONTRIBUTIONS FOR GENERAL					\$0.00

**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
3/18/2014	BLUEHOST INC. 560 TIMPANOGOS PKWY OREM, UT 84079	WEBSITE DOMAIN REGISTRATION.	OFF	\$18.99
TOTAL EXPENDITURES FOR CANDIDATE:				\$18.99



MAINE COMMISSION ON & Governmental Ethics & Election Practices

45 Memorial Circle | 135 State House Station | Augusta ME 04333 | (207) 287-4179 | www.maine.gov/ethics

7 Easy Steps for Filing Campaign Finance Reports

1. Go to www.maine.gov/ethics and click on "Filer Login"

Maine Commission on Governmental Ethics and Election Practices

Welcome to the Web site of the Maine Commission on Governmental Ethics and Election Practices. This site is designed to assist the public in finding out campaign finance information to promote timely, complete reports by candidates and others. If you have any questions, please contact us by e-mail or phone: ethics@maine.gov or (207)287-4179.

- Contribute**: To make a Qualifying Contribution to support a candidate seeking Maine Clean Election Act campaign funding.
- Reports & Lists**: To view campaign finance reports filed by candidates, party committees, political action committees, and ballot question committees, and lobbyist disclosure reports.
- Register**: For candidates, political action committees, ballot question committees, and lobbyists to register online with the Commission.
- Filer Login**: For registered users who have received login credentials for the new e-filing system.

Meetings	Filing	Notices
Commission meetings are held at the Commission's Office 45 Memorial Circle, Augusta.	<p>April 15, 2014 March Lobbyist Report Due</p> <p>April 15, 2014 Financial Statement for Executive Employees Due</p> <p>April 21, 2014 Patriots Day - Limited Office Hours</p> <p>The Commission office will be opened from 10:00 a.m. to 3:00 p.m. for MCEA candidates to submit qualification materials.</p>	<p>2014 Biennial Re-Registration for Political Act Committees</p> <p>MCEA Candidates Getting Started Packet</p> <p>2014 MCEA Candidates Guidebook</p> <p>Traditionally Financed Getting Started Packet</p> <p>2014 Traditionally Financed Candidates Guidebook</p>
<i>Upcoming Meeting Dates</i>		
April 20, 2014 at 9:00 a.m.		
May 28, 2014 at 9:00 a.m.		
June 25, 2014 at 9:00 a.m.		

2. Enter username and password/PIN and click "Login"

**Reminder: For MCEA candidates, your treasurer is the individual who must file all finance reports, and they have their own credentials to do so

MAINE COMMISSION ON
& Governmental Ethics
& Election Practices

Home | Public Site | Registration | Filer Login

Registered User Login | 20140220.1 PROD

[Help with this page](#)

User Name:

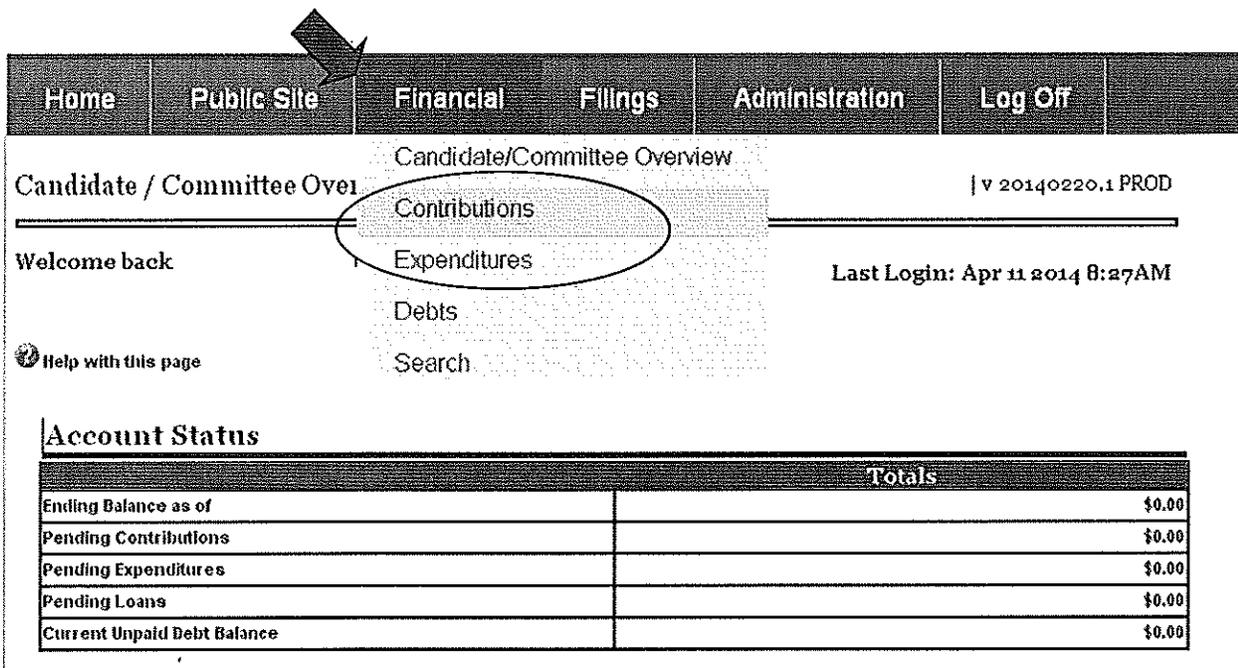
PIN:

[Forgot your PIN?](#)
[Forgot your User Name?](#)

If you have not received login credentials for the new Campaign Finance system, please contact the Maine Ethics Commission by email or phone: ethics@maine.gov | (207) 287-4179

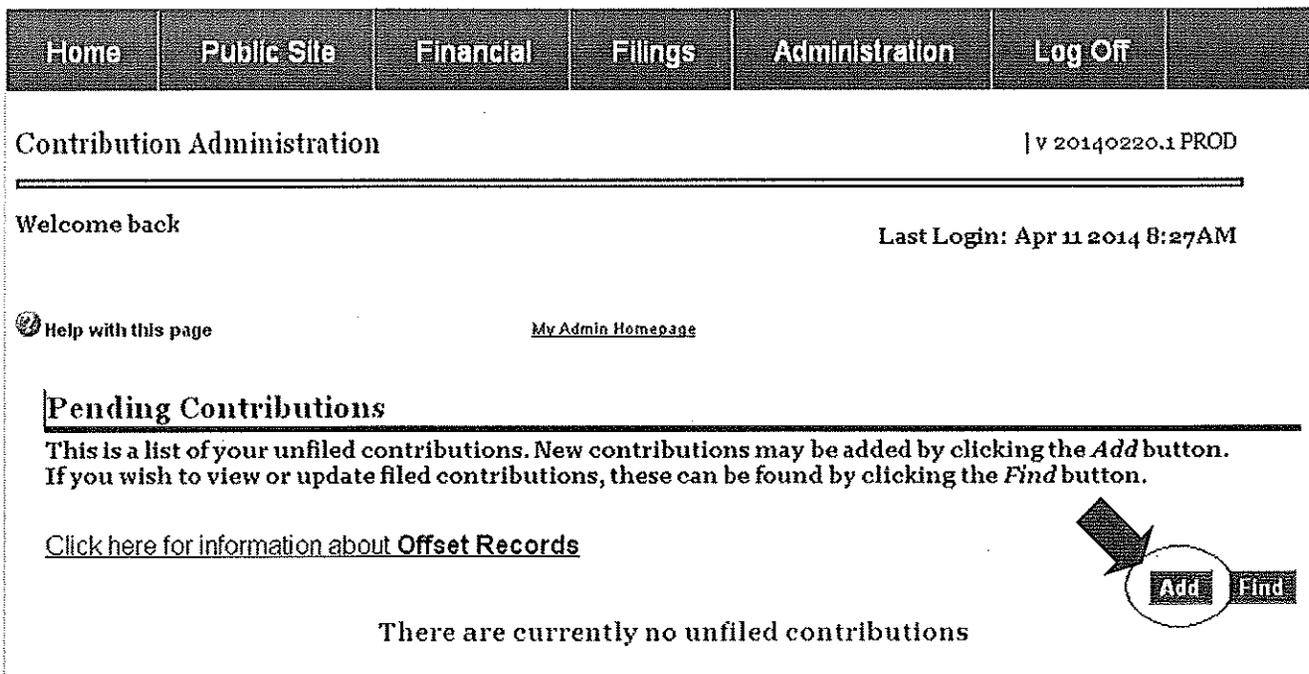
Maine Gov | Department Home | Site Policies
© Copyright 2013. All rights reserved.

3. Hover over "Financial" on the blue bar and choose which type of transactions you want to enter, and then click "Add"



The screenshot shows a navigation bar with 'Home', 'Public Site', 'Financial', 'Filings', 'Administration', and 'Log Off'. An arrow points to the 'Financial' menu. A dropdown menu is open, listing 'Candidate/Committee Overview', 'Contributions', 'Expenditures', 'Debts', and 'Search'. 'Contributions' is circled. The page title is 'Candidate / Committee Overview' and the version is '| v 20140220.1 PROD'. A 'Welcome back' message and 'Last Login: Apr 11 2014 8:27AM' are visible. A 'Help with this page' link is also present.

Totals	
Ending Balance as of	\$0.00
Pending Contributions	\$0.00
Pending Expenditures	\$0.00
Pending Loans	\$0.00
Current Unpaid Debt Balance	\$0.00



The screenshot shows the 'Contribution Administration' page. The navigation bar is the same as in the previous screenshot. The page title is 'Contribution Administration' and the version is '| v 20140220.1 PROD'. A 'Welcome back' message and 'Last Login: Apr 11 2014 8:27AM' are visible. A 'Help with this page' link and a link to 'My Admin Homepage' are also present. The main heading is 'Pending Contributions'. Below it, a paragraph explains that this is a list of unfiled contributions and that new contributions can be added by clicking the 'Add' button. A link for 'Offset Records' is provided. At the bottom, it states 'There are currently no unfiled contributions'. An arrow points to the 'Add' button in a toolbar.

Pending Contributions

This is a list of your unfiled contributions. New contributions may be added by clicking the *Add* button. If you wish to view or update filed contributions, these can be found by clicking the *Find* button.

[Click here for information about Offset Records](#)

There are currently no unfiled contributions

4. Enter the information and click “Save” for each transaction!

5. When done entering all transactions, click “Filings” on the blue bar

6. Click “View/File” next to the name of the report you wish to file, in the “Reports Due” table



Home	Public Site	Financial	Filings	Administration	Log Off
------	-------------	-----------	---------	----------------	---------

Filing Administration

| v 20140220.1 PROD

Welcome back

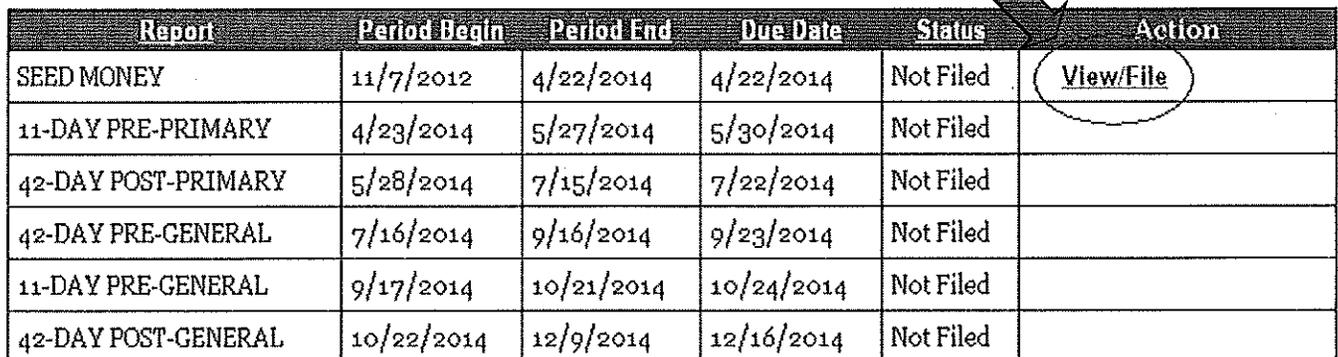
Last Login: Apr 11 2014 8:27AM

 Help with this page

[My Admin Homepage](#)

Candidate:

Reports Due



Report	Period Begin	Period End	Due Date	Status	Action
SEED MONEY	11/7/2012	4/22/2014	4/22/2014	Not Filed	View/File
11-DAY PRE-PRIMARY	4/23/2014	5/27/2014	5/30/2014	Not Filed	
42-DAY POST-PRIMARY	5/28/2014	7/15/2014	7/22/2014	Not Filed	
42-DAY PRE-GENERAL	7/16/2014	9/16/2014	9/23/2014	Not Filed	
11-DAY PRE-GENERAL	9/17/2014	10/21/2014	10/24/2014	Not Filed	
42-DAY POST-GENERAL	10/22/2014	12/9/2014	12/16/2014	Not Filed	

7. Make sure that all the information on the summary page is correct, or click "Preview" to see a preview of the entire report, and then click "File." Your report is filed!

Welcome back

Last Login: Apr 11 2014 1:35PM

 Help with this page

[My Admin Homepage](#)

File Campaign Finance Report

Committee
Committee Type:
Committee ID

Address
City, State, Zip

Report Name SEED MONEY Reporting Period 11/07/2012 through 04/22/2014
Report Due Date 04/22/2014

Summary of activity since last filed report		
CASH ACTIVITY	TOTAL FOR PERIOD	TOTAL FOR CAMPAIGN
CASH BALANCE FROM LAST REPORT	\$0.00	\$0.00
SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$0.00	\$0.00
SALE OF CAMPAIGN PROPERTY (SCHEDULE 3, PART 2)	\$0.00	\$0.00
OTHER CASH RECEIPTS (INTEREST, ETC.)	\$0.00	\$0.00
MINUS EXPENDITURES (SCHEDULE B)	\$0.00	\$0.00
CASH BALANCE AT CLOSE OF PERIOD	\$0.00	\$0.00
OTHER ACTIVITY		
IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

Debts

No debts found.



REMINDER!

.....▶

11-Day Pre-Primary Report Deadline:

May 30, 2014 by 11:59 p.m.

2014 PRIMARY ELECTION FILING REMINDER FOR TRADITIONALLY FINANCED CANDIDATES

Campaign Finance Reports Due

REPORT	DEADLINE	REPORT PERIOD
11 Day Pre-Primary Report	Friday, May 30, 2014 by 11:59 p.m.	Beginning of campaign* through May 27, 2014
24-Hour Report	Within 24 hours of receiving a contribution of \$1,000 or more or making a single expenditure of \$1,000 or more. See inside for more information.	May 28 through June 9, 2014

* If a 2014 January Semiannual report was filed, the report period began on January 1, 2014.

All candidates are required to file campaign finance reports — except county candidates who submitted a reporting exemption request. Reports are filed electronically using the Commission's e-filing system. Even if you did not raise or spend any money, you are still required to file a report. If you submitted an e-filing waiver, you will file reports using paper forms that the Commission provided to you.*

To log into the e-filing system:

- Go to the Commission's website: www.maine.gov/ethics.
- Click blue "Filer Login" button on top center of the screen.
- Enter your user name and password — which were emailed to you when you registered as a candidate. If you have problems logging in or have misplaced your login information, please contact the Commission before the filing deadline because we get very busy assisting candidates in filing their reports on the deadline.

Mailing Label

- To enter contributions, expenditures, loans, unpaid debts and file your report:**
- Position cursor on the "Financial" tab; a drop down box will appear.
 - From the drop down box, click on transaction type (contribution, expenditure, debt or loan).
 - Click red "Add" button to begin entering information for each transaction.
 - When finished entering a transaction, click the red "Save" button to save it.
 - To view or file a report, click on "Filings" tab, then click "View/File" to the right of the name of the report in the "Reports Due" grid.
 - To view the report before filing it, click the red "Preview" button.
 - To file the report, click the red "File" button.

REMEMBER BEFORE FILING YOUR REPORT:

- Review the entire report to ensure accuracy. Use the "View/File" button on the Report Due" screen (see E-Filing instructions). See inside for a complete checklist.

* For candidates filing on paper, the Commission's fax machine operates 24 hours a day. However, staff will be available only until 5:00 p.m. on May 30 to confirm receipt of a faxed report and to offer assistance and answer questions about filing reports.

Commission on Governmental Ethics and Election Practices
 135 State House Station
 Augusta, Maine
 04333-0135

POSTAGE

Inside:
 Important Reminders!
 Tips to Help with Reports!

Inside this issue:

2014 Candidate Guide: A Great Resource	2
Filing Checklist Error Free Reporting!	2
Unspent Primary Contributions	3
Reporting Occupation and Employer Information	3
Avoid the No. 1 Reporting Error - Reimbursements	3



MAINE COMMISSION ON
**& Governmental Ethics
& Election Practices**

Home Public Site Financial Filings Administration Log Off

Expenditure Entry | V 20140515:2 UAT

Welcome back: JONATHAN WAYNE on behalf of MARK I HOLBROOK Last Login: Jan 30 2014 8:23AM

Help with this page My Admin Home 62226

Expenditure has been successfully recorded.

[Add Another Expenditure](#) [File Next Report](#) [Contributions](#)

[Return](#)



THE PRIMARY (SCHEDULE A)		
OTHER RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
LOANS (SCHEDULE C)	\$0.00	\$0.00
TOTAL RECEIPTS	\$75.00	\$75.00
EXPENDITURES		
EXPENDITURES (SCHEDULE B)	\$75.00	\$75.00
LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
TOTAL PAYMENTS	\$75.00	\$75.00
CASH SUMMARY		
CASH BALANCE AT BEGINNING OF PERIOD	\$0.00	
PLUS TOTAL RECEIPTS THIS PERIOD	\$75.00	
MINUS TOTAL PAYMENTS THIS PERIOD	\$75.00	
CASH BALANCE AT END OF PERIOD	\$0.00	
OTHER ACTIVITY		
IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	
For Party Candidates Only: Cash contributions for the General Election Rusted prior to Primary Election (Included in Line 1.A. After Primary Election)		
	\$0.00	\$0.00

Debts

No debts found.

Unfiled transactions prior to this reporting period

The transactions below have a date prior to the reporting period of this report and have not been filed. Before filing this report make sure all transactions below have been corrected or filed. If the items listed below are correct, but should have been included on a prior report, please amend that report and all reports that follow it before filing the current report.

Unfiled Contributions Prior to this Reporting Period

No data was found for unfiled contributions

Unfiled Expenditures Prior to this Reporting Period