



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

Commission Meeting 7/23/2015
Agenda Item #6

To: Commissioners
From: Jonathan Wayne, Executive Director
Date: July 13, 2015
Re: Recommended Finding of Violation / Asher D. Platts

Asher D. Platts was a Maine Clean Election Act candidate for the Maine House of Representatives in the 2014 elections. He was not elected to the Legislature. He was randomly selected for a post-election audit. The final audit report for his campaign is attached.

The Maine Clean Election Act requires candidates to “obtain and keep” a “vendor invoice stating the particular goods or services purchased for every expenditure in excess of \$50” (21-A M.R.S.A. § 1125(12-A)(B)) The audit found that Mr. Platts did not obtain vendor invoice for a campaign purchase of postage in the amount of \$183.60 from the U.S. Postal Service. Mr. Platts has acknowledged that he did not obtain an invoice or receipt at the time of the purchase.

The Commission staff recommends that the Commissioners find that Mr. Platts violated 21-A M.R.S.A. § 1125(12-A)(B) by failing to obtain and keep a vendor invoice or receipt for the purchase. We are not recommending a civil penalty for this violation, because the payment to the postal service was partially documented and the expenditure did not represent a material percentage of the \$23,580 in Maine Clean Election Act funds received by Mr. Platts.

Thank you for your consideration of this agenda item.



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June 17, 2015

Asher D. Platts
PO Box 10973
Portland, ME 04104

Subject: Final Report – 2014 Campaign Audit

Dear Mr. Platts:

Enclosed is the final report of the audit by the Commission on Governmental Ethics and Election Practices of your 2014 senate campaign contributions and expenditures.

We anticipate presenting the report to our commissioners at their meeting on Thursday, July 23, 2015. Jonathan Wayne, the commission's executive director, will contact you in advance of the meeting to determine if you plan to attend and to schedule your appearance.

Thank you for your cooperation during the audit process, and for helping us to achieve the objectives of the commission's audit program.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent W. Dinan".

Vincent W. Dinan
Commission Auditor

Enclosure

Cc: Jonathan Wayne
Anthony Zeli, Campaign Treasurer



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June 17, 2015
Audit Report No. 2014-SEN012
Candidate: Asher D. Platts
Senate District 27

Background

Asher D. Platts was a candidate for election to the Maine State Senate, District 27, in the 2014 general election. Mr. Platts was certified for Maine Clean Election Act (MCEA) funding on April 24, 2014. Under the terms of the Act, MCEA candidates are required to submit reports of contributions received, campaign expenditures, equipment purchases and dispositions, and outstanding campaign debt for specified periods during the election cycle.

Audit Scope

The auditor examined selected contributions made to the campaign, and certain expenditures made during the following reporting periods:

- Seed Money
- 11 Day Pre-Primary
- 42 Day Post-Primary
- 42 Day Pre-General
- 11 Day Pre-General
- 42 Day Post-General

The transactions examined were recorded in the campaign's accounting and banking records. The audit's purpose was to determine if the identified contributions and expenditures (1) were properly approved by the candidate or his or her authorized representative; (2) were adequately documented as evidenced by original vendor invoices and cancelled checks or other acceptable third party disbursement documentation; (3) were properly reported to the Commission; and (4) complied in all material respects with the requirements of the Maine Clean Election Act and the Commission's rules.

Audit Findings and Recommendations

Finding No. 1 – Undocumented Campaign Expenditures

The Platts campaign reported a payment of \$183.60 to the U. S. Postal Service. The candidate was able to provide proof of payment to the vendor; however, he was unable to deliver an invoice or purchase receipt documenting the materials and services acquired. Mr. Platts informed the auditor that the Postal Service was not able to locate a copy of the purchase receipt so long after the date of the transaction. Without the document in question, the auditor was unable to verify the items bought from the Postal Service.

**2014 Campaign Audit
Candidate: Asher D. Platts
Final Audit Report**

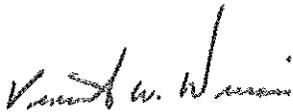
Standard – 21-A M.R.S.A. § 1125(12-A) states in part that “The candidate or treasurer shall obtain and keep ... A vendor invoice stating the particular goods or services purchased for every expenditure in excess of \$50”

Recommendations – The Commission staff recommends that the Commission find the candidate in violation of 21-A M.R.S.A. §1125 (12-A) (B). The staff does not, however, recommend the assessment of a financial penalty because (a) the procurement was at least partially documented, and (b) the expenditure in question did not represent a material percentage of the \$23,580 in Clean Election funds disbursed to Mr. Platts.

Candidate’s Comments on the Audit Finding

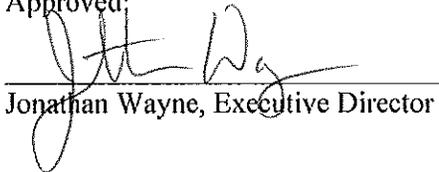
Mr. Platts chose not to respond to the finding.

Respectfully Submitted,



Vincent W. Dinan, Auditor

Approved:


Jonathan Wayne, Executive Director



STATE OF MAINE
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135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

July 9, 2015

By Email and Regular Mail

Mr. Asher D. Platts
P.O. Box 10973
Portland, ME 04104

NOTICE OF RECOMMENDED FINDING OF VIOLATION

Dear Mr. Platts,

Thank you for your cooperation with the Ethics Commission's audit of your 2014 campaign as a Maine Clean Election Act candidate. The audit will be considered at a meeting of the Commission on Thursday, July 23, 2015 in Augusta (details below).

Conclusion in the audit. On June 17, 2015, the Commission staff mailed you the final audit report for your 2014 campaign. The audit determined that you did not obtain and keep one vendor invoice for a campaign purchase of postage in the amount of \$183.60 from the U.S. Postal Service.

Potential finding of violation and penalty. At this time, the Commission staff intends to recommend that the Commissioners find that you violated a provision in the Maine Clean Election Act, 21-A M.R.S.A. § 1125(12-A) by failing to obtain and keep the invoice.

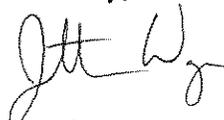
The Commission staff intends not to recommend the assessment of a civil penalty for this violation, because the payment to the postal service was partially documented and the expenditure did not represent a material percentage of the \$23,580 in Maine Clean Election Act (MCEA) funds paid to you. Please be aware, however, that the Commissioners do not always accept the staff's recommendation, and *could* assess a penalty for the violation. Any violation of the MCEA can result in a civil penalty of up to \$10,000.

Your opportunity to respond. You are welcome to attend the Commission's July 23 meeting to respond to the proposed finding of violation and potential penalty. The meeting will be held at 9:00 a.m. at the Commission's Office at 45 Memorial Circle in Augusta. You are also welcome to respond to the recommended finding of violation and potential penalty by submitting a written response. I will distribute any response to the Commissioners by electronic and/or United States mail before the July 23 meeting.

Mr. Asher D. Platts
Page 2
July 19, 2015

Please feel free to call me at 287-4179 or email me at Jonathan.Wayne@maine.gov if you have any questions about the July 23 meeting or the audit.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Wayne". The signature is written in a cursive style with a large initial "J" and "W".

Jonathan Wayne
Executive Director

cc: Commission Auditor Vincent W. Dinan (by email)

Maine Revised Statutes

Title 21-A: ELECTIONS

Chapter 14: THE MAINE CLEAN ELECTION ACT HEADING: IB 1995, c. 1, §17 (new)

§1125. TERMS OF PARTICIPATION

...

12-A. Required records. The candidate or treasurer shall obtain and keep:



- A. Bank or other account statements for the campaign account covering the duration of the campaign; [2005, c. 542, §5 (NEW).]
- B. A vendor invoice stating the particular goods or services purchased for every expenditure in excess of \$50; [2013, c. 334, §34 (AMD).]
- C. A record proving that a vendor received payment for every expenditure in excess of \$50 in the form of a cancelled check, cash receipt from the vendor or bank or credit card statement identifying the vendor as the payee; and [2013, c. 334, §34 (AMD).]
- D. [2009, c. 524, §15 (RP).]
- E. A contemporaneous document such as an invoice, contract or timesheet that specifies in detail the services provided by a vendor who was paid in excess of \$500 for the election cycle for providing campaign staff or consulting services to a candidate. [2013, c. 334, §34 (AMD).]

The candidate or treasurer shall preserve the records for 3 years following the candidate's final campaign finance report for the election cycle. The candidate and treasurer shall submit photocopies of the records to the commission upon its request.

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