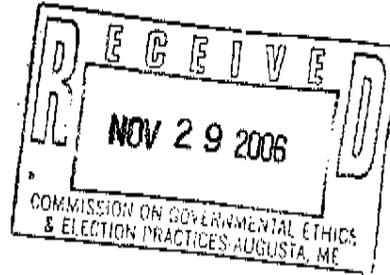


Exhibit #13



November 25, 2006

Ethics Commission
135 State House Station
Augusta, Maine 04333

Dear Sirs:

I am writing to appeal the \$59 late filing fee. The reason is that on October 31, 2006 my daughter-in-law went to the doctor for severely swollen lymph nodes. He originally said he was going to give her antibiotics thinking it might just be an infection. The next day, November 01, 2006, she called him after lunch and told him her turkey sandwich had made her nauseous. He told her to meet him at the hospital for emergency surgery and removed several lymph nodes. Needless to say, that my mind was on my daughter-in-law, my son and their two little boys. By the time I realized I had missed the deadline, it was already November 02. I apologize for missing the date and hope that you will consider these extenuating circumstances.

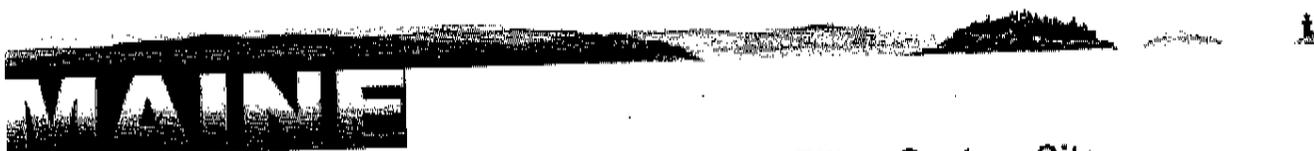
Thank you very much for your consideration

Sincerely,

A handwritten signature in cursive script that reads "Gerald A. York".

Gerald A. York
Somerset County Commissioner/Candidate

Welcome to the Public Campaign Finance Page for the State of Maine



Welcome to the Campaign Finance Electronic Filing System Site

[Menu](#) [Home](#) [Help](#) [Logout](#) [Change Password](#) [Admin Page](#)

2/2/2007

Home Page for Gerald A. York

CAMPAIGN YEAR 2006

REPORT TYPE	REPORTING PERIOD	DUE DATE	DATE FILED	STATUS	LAST MODIFIED	
Candidate Registration			6/6/2006	Filed	5/12/2006	Print
6-Day Pre-Primary	11/3/2004 to 6/1/2006	6/7/2006	6/8/2006	Filed	6/8/2006	Print
42-Day Post-Primary	6/2/2006 to 7/18/2006	7/25/2006	7/24/2006	Filed	7/24/2006	Print
6-Day Pre-General	7/19/2006 to 10/26/2006	11/1/2006	11/2/2006 10:14:24 AM	Filed	11/20/2006 9:19:31 AM	Print
42-Day Post-General	10/27/2006 to 12/12/2006	12/19/2006	12/18/2006 1:36:02 PM	Filed	12/18/2006 1:36:02 PM	Print
24-Hr Report of Late Contributions and Expenditures		N/A		MULTIPLE		

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



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

November 9, 2006

Mr. Gerald A. York
 5 Silver Street
 Fairfield, ME 04937

BY CERTIFIED MAIL

Dear Mr. York:

RE: Late 6-Day Pre-General Campaign Finance Report Due 11/1/2006 by 5:00 p.m.

You filed a 6-Day Pre-General campaign finance report on 11/2/2006. 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 candidate's filing record. Based on the prescribed statutory formula, the preliminary determination of the penalty for the late filing of your report is \$59.80. Please refer to the enclosed penalty matrix for more details on how the penalty is computed. If you agree with this preliminary determination of the amount of the penalty, you may use the enclosed billing statement to pay that penalty.

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 its 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.

NOTE: The Commission may waive penalties for late reports only in cases where tardiness is due to mitigating circumstances. The law defines "mitigating circumstances" as: 1) 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; 2) an error by the Commission staff; 3) failure to receive notice of the filing deadline; or (4) 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.

The Maine Clean Election Act requires all revenues distributed to certified candidates from the fund to be used for campaign-related purposes. Commission guidelines regarding permissible campaign-related expenditures do not include the payment of a penalty as a permissible expenditure.

Sincerely,

Sandy Thompson
 Candidate Registrar

cc. Treasurer

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

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>X Gerald York</i>	
1. Article Addressed to: <div style="text-align: center;"> <p><i>Gerald York</i> <i>5 Silver St</i> <i>Fairfield, ME</i> <i>04937</i> <i>ST</i></p> </div>	B. Received by (Printed Name)	C. Date of Delivery <i>11-16-06</i>
2. Article Number <i>(Transfer from service)</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
7002 2410 0000 9315 5131	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, August 2001	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Domestic Return Receipt		102595-02-M-1540



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

November 9, 2006

Mr. Gerald A. York
 5 Silver Street
 Fairfield, ME 04937

The Commission staff has made a preliminary determination, based upon application of the statutory formula, that a penalty of \$59.80 applies for the late filing of your 6-Day Pre-General campaign finance report. If you agree with this determination, please make your check or money order in that amount payable to "Treasurer, State of Maine," and send it, along with the bottom half of this letter, to the Commission on Governmental Ethics and Election Practices, 135 State House Station, Augusta, Maine 04333, within 30 days of the date noted above. Please see the instructions included in the attached letter if you would like the Commission to make a formal determination of any penalty to be assessed in this case.

Failure to pay the full amount of an assessed penalty is a civil violation. The Commission is required to report to the Attorney General the name of any person who fails to pay the full amount of any penalty. Please direct any questions you may have about this matter to Sandy Thompson 287-7651.

Cut Along Dotted Line

For Office Use Only:
 Account: CGEEP
 Fund: 014 Approp: 02

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

From: Mr. Gerald A. York

RE: Penalty for late filing of 6-Day Pre-General Campaign Finance Report

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

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
 PENALTY MATRIX FOR LATE CANDIDATE REPORT FILINGS

BASIS FOR PENALTIES
 21-A M.R.S.A. Section 1020-A(4)

The penalty for late filing of a required report 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%

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

Example: The treasurer files the candidate's report two (2) days late. The candidate has not had any previous late violations this biennium. The candidate 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 amount of the 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

YML

Your penalty is calculated as follows:

Contributions/Expenditures: \$ 1,993.48

Percent prescribed: X 3%
 \$ 59.80

Number of days late: X 1

Total penalty accrued: \$ 59.80

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

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

MAXIMUM PENALTIES
 21-A M.R.S.A. Section 1020-A(5)

\$5,000 for reports required to be filed 42 days before an election (gubernatorial candidate only),
 6 days before an election, 42 days after an election, and for 48-hour reports;
 \$1,000 for semiannual reports.

11/2/2006

report check: Sandy

all called on 11/1

Office Sought	Last	First	Last Of Filed Date
Representative	Finch	Edward	10/27/2006 3:06:28 PM
Representative	Curtis	Philip	10/27/2006 2:12:59 PM
Senate	Mayo III	Arthur	10/27/2006 8:59:53 AM
Representative	McKeen	William	10/26/2006 12:34:15 PM
Sheriff	Corbett	David	10/25/2006 4:40:31 PM
County Commi	Chandler	Sallie	10/23/2006 9:51:40 PM
Representative	Hamper	James	10/17/2006 9:31:17 PM
County Commi	Furbish	Jeffrey	10/15/2006 8:50:33 PM
Senate	Eoley	Neilson	9/26/2006 8:29:54 PM
Representative	Mills	Janet	11/1/2006 1:39:57 PM
Representative	Sease	Jane	In-progress 721-8675
Representative	Soule	Laure	fax today 626-3380 (W) - "no activity"
Representative	Painter	John	(H) left message, called work & left message.
Representative	Hughes	David	ok will file filed 1 day late
Representative	Davis	Kimberly	ok will file filed meday late
Representative	Eredatta	Kevin	ok Spencer Spencer m @ 2:35 2 days
Representative	Fisher	Mark	ok (W) called - left message (H) left message, will fill
County Commi	York	Gerald	ok will file 1 day late
County Treasur	Parkman	David	ok (H) left message, filed on paper.
Representative	Craven	Margaret	ok filed today 11/2
Representative	Gotta	H. David	ok "in-progress" talked to treasurer yesterday
Representative	Bryant-Desche	Joan	ok "In progress" H - left message - filed on paper
Representative	Gerzofsky	Stanley	ok "stan couldn't get it up yesterday so no because put it in the mail - registered mail on 11/1 (day late)

ok 11/1/2006

called filed 1 day early.

~~11/1/2006~~ 11/2 left, filed 1 day late

"no activity"

called work & left message.

will file filed meday late

Spencer m @ 2:35 2 days

(H) left message, will fill

will file 1 day late

(H) left message, filed on paper.

filed today 11/2

"in-progress" talked to treasurer yesterday

"In progress" H - left message - filed on paper

"stan couldn't get it up yesterday so no because put it in the mail - registered mail on 11/1 (day late)

1st file on 11/1
1:15 2nd call

check box M

for file by brown

- was having difficulty entering, called off.

< data; I emailed her

copy of form.

half done + then got kicked off -> ~~to me~~ Copied document from message - do we need copies?

spotty since due to change our form from Alpha -> ?

Title 21-A, §1020-A, Failure to file on time

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§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. [1995, c. 483, §15 (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 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty 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. [1999, c. 729, §5 (new).]
- [2003, c. 628, Pt. A, §3 (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. [1995, c. 625, Pt. B, §5 (amd).]

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, except for accelerated campaign finance reports required pursuant to section 1017, subsection 3-B, 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%; [2001, c. 714, Pt. PP, §1 (new); §2 (aff).]
- B. For the 2nd violation, 3%; and [2001, c. 714, Pt. PP, §1 (new); §2 (aff).]