

Agenda

Item #7

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES

Request for Waiver of Late-Filing Penalty/Lobbyist Severin Beliveau
AFFIDAVIT OF G. PAUL PADILLO

I, G. Paul Padillo, of Portland, Maine, being first duly sworn hereby state as follows:

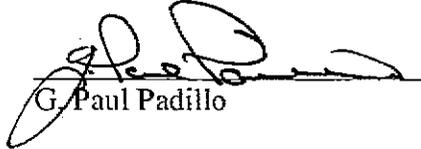
1. I am a legal/legislative assistant for Preti Flaherty Beliveau & Pachios, employed at the firm's Portland, Maine office since February 2002.
2. My duties include filing monthly lobbying reports for certain of our legislative clients.
3. On February 15, 2008 I was working on a project away from my desk for most of the day. Near the close of business I went to file the lobbying report for Maine Health Care Association, but discovered I had no internet access from my computer. I attempted to make several calls to inquire if there was a firm-wide problem or the problem was only from my computer.
4. This was the beginning a holiday weekend (Presidents' Day), and as all offices were scheduled to be closed Monday, February 18th, most of the staff had departed early and I was the only person remaining in our suite.
5. When my calls went unanswered, I made the decision to immediately go to file the report believing I could get it in as near the deadline as possible.
6. Weather conditions were icy and slick and traveling on foot it took longer than normal to arrive home.
7. Once home I proceeded to the Ethics Commission website, but had difficulty accessing my office computer's drive to retrieve password and other information necessary to

log in and file the report, the receipt of which is attached hereto as Exhibit A, and showing the report was received by the Ethics Commission at 6:02 p.m. that day.

8. During the following weeks I spoke with both our technical department and administration inquiring whether there was some record that showed (a) the firm's internet service to have been down for any period during that date; or (b) whether the internet access difficulty emanated solely from my computer. In each instance I was informed there is no log or record indicating whether or not the server had been down at that time nor was any explanation provided as to why I could not access the Ethics Commission's web site to file the report.

9. It is my sincere hope the Ethics Commission forgo assessing any penalty \$100 for late filing in this particular instance given that I made every effort to file this report in as timely a matter as possible given unusual and unforeseen circumstances.

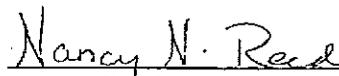
Dated at Portland, , Maine this 28th day of March, 2008.


G. Paul Padillo

STATE OF MAINE
Cumberland, ss.

March 28, 2008

Personally appeared before me the above-named Susan Crane and made oath that the above statements made by her are true to the best of her knowledge, information and belief, and where based upon information and belief, she believes the same to be true.


Nancy N. Reed
Notary Public
My commission expires:

NANCY N. REED
Notary Public, Maine
My Commission Expires December 3, 2010

EXHIBIT A**FILED REPORT RECEIPT**

LOBBYIST NAME: Mr. Severin M. Beliveau
EMPLOYER NAME: Maine Health Care Association
E-MAIL ADDRESS: krivera@preti.com
REPORT TITLE: Monthly Report - Long Form
FILED DATE: 02/15/08, 6:02 p.m. EST

O'Brien, Gavin

From: Padillo, G. Paul [gpadillo@preti.com]
Sent: Friday, February 22, 2008 10:51 AM
To: O'Brien, Gavin
Subject: January Lobbying Report for Maine Health Care Association
Attachments: MHCA - Ethics Commission Notice - January Filing 2008.PDF

Gavin -

I appreciate your letting me take a moment to explain the situation regarding my tardiness in filing our January report for Maine Health Care Association.

I certainly understand the reasons for timely filing and strive always to have ours filed on or before the monthly deadline.

I had been involved on a several days on a project for which I was not using my computer. When, late in the afternoon of Friday, the 15th I attempted to log in to the Ethic's Commission site and file our report I had difficulty accessing the site before finally discovering I had no internet access from my office computer. As it was the end of the day, there was no one present to help me or re-establish an internet connection. Realizing time was of the essence, I raced home on foot (in rather slick conditions, if that aids my cause!) to log into the Ethics Commission site from home file our January report from there. After a bit of fumbling attempting to access the site from my home computer, I was finally able to get the report filed, but - as you can see from the attached notice from the Commission - it was logged in at 6:02 p.m.

Given this occurrence was a highly unusual one, and the report **was** filed on the 15th - I sincerely hope the Commission will consider granting leniency in this specific instance, particularly since I could not have anticipated the initial office internet failure and immediately upon discovering it, made every effort to file this as close to the deadline as possible from my home computer.

If you need any further explanation or I can provide further information, please don't hesitate to e-mail me, or call me at 791-3138.

Thanks for your assistance.

G. Paul Padillo
Assistant to John P. Doyle, Jr.
PretiFlaherty

<<MHCA - Ethics Commission Notice - January Filing 2008.PDF>>

In accordance with Internal Revenue Service Circular 230, we hereby advise you that if this E-mail or any attachment hereto contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer by the Internal Revenue Service.

This E-Mail may contain information that is privileged, confidential and / or exempt from discovery or

2/22/2008



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

To: Severin Beliveau, Lobbyist for:
Maine Health Care Association

From: Gavin O'Brien, Registrar

Date: February 20, 2008

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 January Lobbyist Monthly Disclosure report on 2/15/08 at 6:02 p.m. 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) 287-4709.

Cut Along Dotted Line

To: Commission on Governmental Ethics From: Severin Beliveau, Lobbyist
and Election Practices
135 State House Station
Augusta, Maine 04333

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

Amount Enclosed: \$ _____

Check/M.O. No.: # _____

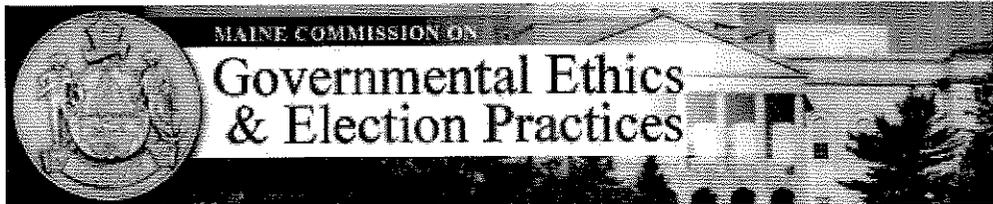
Please make Check or Money Order Payable to Treasurer, State of Maine

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



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Lobbyist Reports For Severin M. Beliveau Maine Health Care Association

2008 Reports for Severin M. Beliveau/Maine Health Care Association		
Associates: Charles Dingman, John Doyle		
Report Type	Filed Date	Amendment
Lobbyist/Employer Registration	1/15/2008 10:18:23 AM	
Monthly Report - Long Form - January	2/15/2008 6:02:46 PM	
Monthly Report - Long Form - February	3/14/2008 4:40:32 PM	

2007 Reports for Severin M. Beliveau/Maine Health Care Association		
Associates: John P. Doyle, Jr., Charles Dingman, Daniel Walker		
Report Type	Filed Date	Amendment
Lobbyist/Employer Registration	4/30/2007 10:50:12 AM	
Annual Report	12/19/2007 3:10:38 PM	
Monthly Report - Short Form - August	8/15/2007 2:39:20 PM	
Monthly Report - Long Form - February	4/30/2007 1:02:21 PM	
Monthly Report - Long Form - March	4/30/2007 12:59:11 PM	Yes
Monthly Report - Long Form - May	5/15/2007 3:38:20 PM	

O'Brien, Gavin

From: O'Brien, Gavin
Sent: Thursday, February 14, 2008 5:17 PM
Subject: January Lobbyist Report Due Tomorrow, Feb. 15

Dear Lobbyist,

Please remember to file your January lobbyist report no later than 5:00 p.m. on Friday, February 15th.

You must file one of the two reports listed below regardless of your activity during the month for all of your registered clients. Remember, once registered all lobbying activity is reportable. This means that if you're registered, and you lobbied at all during January, you must file the long form and report your activity.

Long Form -- If you have either lobbied or received compensation.

Short Form -- If you have neither lobbied nor received compensation.

To avoid the statutorily imposed \$100 penalty, please file your report on time. If you have any questions, please call me at the number below or reply to this e-mail. I will be out of the office tomorrow, so if you need assistance then, please call the main office number at (207) 287-4179. Thank you.

--
Gavin O'Brien
Registrar
Maine Ethics Commission
(207) 287-4709

O'Brien, Gavin

From: O'Brien, Gavin
Sent: Monday, February 04, 2008 9:21 AM
Subject: January Lobbyist Report Due Feb. 15

To All Lobbyists:

The lobbyist monthly report covering January is due by 5:00 p.m. on February 15. If you filed a lobbyist registration form before February 1, you are required to file a January monthly report for that client, even if you performed no lobbying in January. You are also required to file the January report if you registered in February but exceeded 8 hours of lobbying during the month of January. Please note that you have 15 business days after exceeding the 8-hour threshold to file a lobbyist registration form.

Please file the long form if you have either lobbied or received compensation during January. Please file the short form if you have neither lobbied nor received compensation during January. Feel free to contact me if you have any questions.

--
Gavin O'Brien
Registrar
Maine Ethics Commission
(207) 287-4709