



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 #4

To: Commissioners

From: Benjamin Dyer, Political Committee and Lobbyist Registrar

Date: July 8, 2015

Re: Request for Waiver of Late-Filing Penalty by Michael Coleman

Once registered, lobbyists are required to file monthly reports of their lobbying activities. Monthly reports are due on the 15th of the month for the preceding month. Michael Coleman, the lobbyist for the Maine Premium Cigar Association, was required to file his first monthly lobbyist report on May 15, 2015. He tried to log on to the Commission's e-filing system at nearly 11:00 p.m. on May 15th, but had difficulties due to a password issue described below. He filed the report three days late on May 18, 2015. That day, Commission staff assessed a \$100 penalty on Mr. Coleman for the late report filing.

LEGAL REQUIREMENTS

All registered lobbyists are required to file monthly reports for each calendar month they are registered. Reports are due by 11:59 p.m. on the 15th day of the following month (*i.e.*, the March lobbying report is due April 15th). (3 M.R.S.A. §317) For every month the report is late, the preliminary penalty is \$100. (3 M.R.S.A. §319)

DISCUSSION

Mr. Coleman registered online on April 15, 2015 and paid for his registration that same day. Commission staff accepted his registration and the Commission's lobbyist filing system generated and sent an email with his login credentials, including an initial, temporary PIN, on April 15, 2015 at 2:20 p.m. The initial, temporary PIN expires in 30 days, but if the user logs-in, they are prompted to change the temporary PIN to a permanent PIN of their own choosing. This permanent PIN does not expire. Mr. Coleman asks that the Commission waive the penalty because his initial login PIN had expired before he attempted to login on May 15, 2015 at around 11:00 p.m., which he believed was within the 30-day period before his temporary PIN expired.

STAFF RECOMMENDATION

The Commission staff does not believe that failing to make an initial login in a timely manner is sufficient to justify a waiver. There was no error on the part of the Commission staff when they indicated that the temporary PINs expired in 30 days, as, in fact, over 30 24-hour periods of time passed between when Mr. Coleman registered and when he first attempted to make his initial login. Neither are Mr. Coleman's actions – a first-time lobbyist attempting to make his initial login before his first lobbyist filing at the 11th hour – evidence of a bona fide effort to comply with the reporting deadlines. The Commission staff recommends upholding the \$100 penalty to retain the integrity of the Commission's commitment to high standards for timely filings.

Thank you for your consideration of this memo.

From: mike@grandslamstrategies.com
To: Dyer, Benjamin P
Subject: RE: Confirmation of Registration with Maine Ethics Commission
Date: Friday, May 29, 2015 11:42:36 PM

Mr. Dyer,

I am requesting a waiver of the penalty assessed on May 18, 2015 of \$100.00 for the late filing of the April lobbyist disclosure report. I attempted to file prior to the midnight deadline just before 10:58 PM as the screenshot and previous email in this thread indicate. May 15th was the 30th day after my registration was accepted. As the Commission can see there was an attempt to comply in a timely fashion but that was prevented by a timeout of the temporary password on the due date. I believed in good faith that I would be able to file the report any time up until the midnight deadline. I filed the report on the first day possible.

I look forward to discussing this request with the Commission at the earliest possible meeting and the Commission may be assured that future reports will be on time as I now have the permanent password.

Thank you and the Commission for your time and consideration of this request.

Michael Coleman
Executive Director
Maine Premium Cigar
Association 185 Saco Avenue
Old Orchard Beach, ME 04064
+1 (207) 423-4848
www.facebook.com/MaineCigar

From: Dyer, Benjamin P [mailto:Benjamin.P.Dyer@maine.gov]
Sent: Monday, May 18, 2015 3:29 PM
To: 'mike@grandslamstrategies.com'
Subject: RE: Confirmation of Registration with Maine Ethics Commission

Mr. Coleman,

It would appear that actually more than 30 days passed between when your registration was accepted (2:20 p.m. on April 15th) and when you attempted to login for the first time (about 10:58 p.m. on May 15th). Staff at the Ethics Commission cannot grant waivers of preliminary penalties. You will receive a preliminary penalty notice by mail shortly and it will have instructions for either paying the penalty or requesting a waiver. Should you request a waiver, the Commission itself would hear your waiver request at an upcoming meeting, likely the July 23rd meeting. I am not aware of the Commission previously granting a waiver based on the circumstances you describe in your email.

Regards, Benjamin P. Dyer
Political Committee and Lobbyist Registrar
Maine Ethics Commission

Mailing: 135 State House Station
Augusta, Maine 04333
T: (207) 287-6221
benjamin.p.dyer@maine.gov

From: mike@grandslamstrategies.com [<mailto:mike@grandslamstrategies.com>]
Sent: Monday, May 18, 2015 12:31 PM
To: Ethics Commission
Subject: RE: Confirmation of Registration with Maine Ethics Commission

Thank you for resetting my login so that I could file my report. I hope that any penalty or fine for late filing may be waived since I did attempt unsuccessfully to file on time. Thank you for your time and consideration of my request.

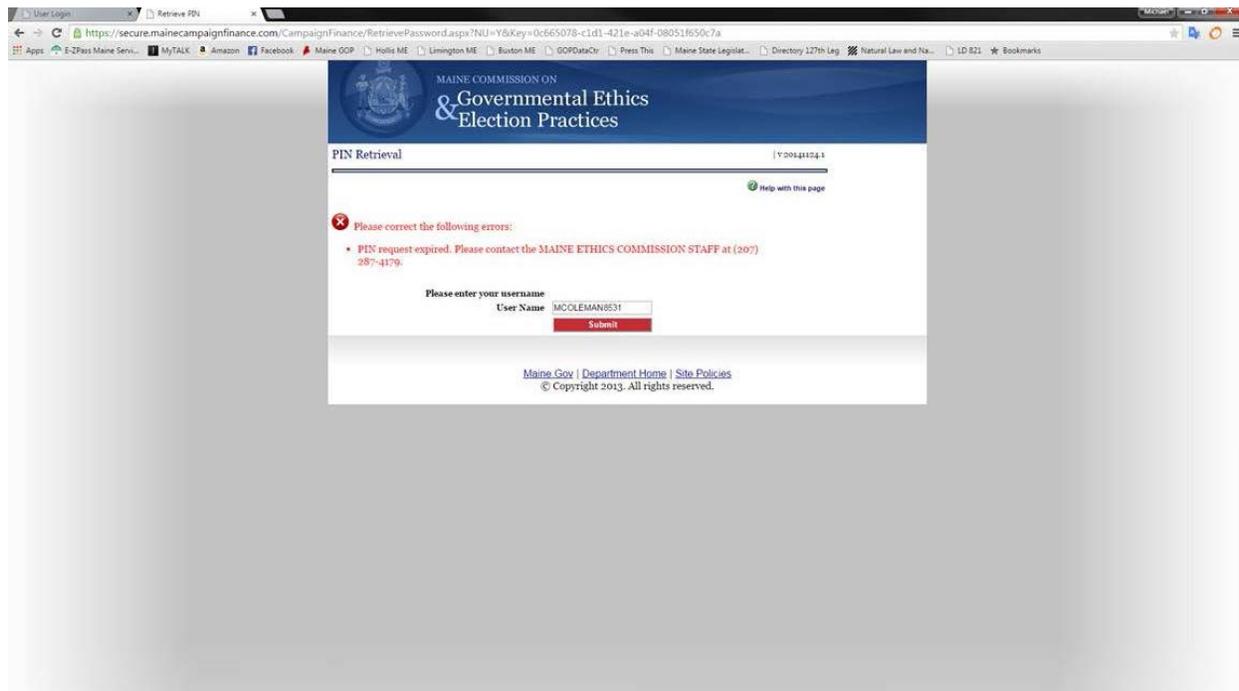
Respectfully,

Michael Coleman
Executive Director
Maine Premium Cigar Association
185 Saco Avenue
Old Orchard Beach, ME 04064
+1 (207) 423-4848
www.facebook.com/MaineCigar

From: mike@grandslamstrategies.com [<mailto:mike@grandslamstrategies.com>]
Sent: Friday, May 15, 2015 10:58 PM
To: 'ethics@maine.gov'
Subject: RE: Confirmation of Registration with Maine Ethics Commission

It is the 30th day after the notice and I am unable to log in. I hope we can resolve this on Monday. Thank you for your consideration.

Michael Coleman
Consultant/Lobbyist Grand Slam Strategies
185 Saco Avenue
Old Orchard Beach, ME 04064
Mobile: +1 (207) 423-4848



-----Original Message-----

From: ethics@maine.gov

Sent: Wednesday, April 15, 2015 2:20 PM

To: MIKE@GRANDSLAMSTRATEGIES.COM

Subject: Confirmation of Registration with Maine Ethics Commission

Thank you for registering with the Maine Ethics Commission.

This email has your username and a link to your temporary PIN (password) to access the electronic filing system for political candidates, political committees and lobbyists in Maine. Please click the link and follow the instructions to create a permanent PIN. Your temporary PIN will expire in 30 days. So please create a permanent PIN as soon as possible.

Once you have established your permanent PIN, you can access the e-filing system at <http://mainecampaignfinance.com> and clicking Filer Login.

If you already have an active user name and PIN and would like to use one user name and password for both accounts, contact the Commission Staff. If you did not make this request or have any questions, please contact the Commission Staff.

Your username: XXXXXXXXXXXXXXXXXXXXXXXX

PIN link:

<https://secure.mainecampaignfinance.com/CampaignFinance/RetrievePassword.aspx?NU=XXXXXXXXXXXXXXXXXXXXX>

Thank you,

MAINE ETHICS COMMISSION STAFF (207) 287-4179

ethics@maine.gov

From: campaignfinancesupport@questis.com
To: [Ethics Commission](#)
Subject: Lobbyist Acceptance Letter [rpt-LET-LobbyFinalAccept]
Date: Wednesday, April 15, 2015 2:15:22 PM
Attachments: [d2b0b6f1-82ee-4a45-864a-299790e44628](#)



STATE OF MAINE
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4/15/2015

CONFIRMATION OF FINAL ACCEPTANCE OF LOBBYIST REGISTRATION

The Lobbyist Registration for MICHAEL COLEMAN FOR MAINE PREMIUM CIGAR ASSOCIATION filed on 4/15/2015 has been accepted by the Maine Ethics Commission. You are receiving this notice because you are listed as the principal lobbyist, lobbyist associate or authorized agent on the registration.

Do you already have login credentials for the Commission's e-filing system? If you have already registered as a lobbyist, lobbyist associate or authorized agent in 2014, you have received your login credentials for the Commission's e-filing system. The next time you log in, you will see that this client has been added to your list of clients.

Is this the first time you have registered with the Commission? The principal lobbyist, designated lobbyist associates and authorized agents will receive their user ID and password in separate e-mails. These login credentials are specific to you and should not be shared with anyone. Your login credentials will allow you to access the e-filing website, where you can file lobbyist monthly reports, view filed reports, update lobbyist information, and receive messages from the Commission.

To log in to the Commission's e-filing system, go to www.mainecampaignfinance.com and click the "filer login" tab and enter your login credentials. The Commission staff recommends that you take some time to familiarize yourself with the laws and rules governing Maine lobbyists.

[2013 Guidebook for Maine Lobbyists](#)
[Laws and Commission Rules relating to Lobbyists](#)
[Forms and Guidance for Lobbyists](#)

If at any time you have questions or concerns, please don't hesitate to contact the Commission staff at (207)287-4179 or ethics@maine.gov.

Sincerely,

The Maine Ethics Commission staff



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

LOBBYIST DISCLOSURE REPORT FOR APRIL 2015

LOBBYIST INFORMATION		
MR. MICHAEL COLEMAN GRAND SLAM STRATEGIES 185 SACO AVENUE OLD ORCHARD BEACH, ME 04064	Telephone: (207) 423-4848 MIKE@GRANDSLAMSTRATEGIES.COM	ID: 8531
CLIENT INFORMATION		
MAINE PREMIUM CIGAR ASSOCIATION Principal Contact: DANIEL VELA 185 SACO AVENUE OLD ORCHARD BEACH, ME 04064	Telephone: (207) 2824969 Fax: (207) 2824969 CAJUNDAN3@HOTMAIL.COM WWW.FACEBOOK.COM/MAINECIGAR	
LOBBYIST ASSOCIATES		
TOTAL COMPENSATION FOR LOBBYING		
\$2,000.00 Legislative Branch Officials	\$0.00 Executive Branch Officials	\$0.00 Constitutional Officials
TOTAL EXPENDITURES MADE FOR LOBBYING ACTIVITIES		
\$0.00 Legislative Branch Officials	\$0.00 Executive Branch Officials	\$0.00 Constitutional Officials
TOTAL EXPENDITURES MADE TO OR ON BEHALF OF OFFICIALS AND FAMILY MEMBERS		
\$0.00 Legislative Branch Officials	\$0.00 Executive Branch Officials	\$0.00 Constitutional Officials
EXPENDITURES OF \$25 OR MORE FOR OFFICIALS AND FAMILY MEMBERS		
LIST OF EVENTS AND ATTENDEES IF \$250 OR MORE WAS SPENT ON OFFICIALS		
LEGISLATIVE ACTIONS THAT WERE THE SUBJECT OF LOBBYING		
Bills	LD 821	
Issues		
LEGISLATIVE ACTIONS FOR WHICH COMPENSATION/EXPENDITURES EXCEEDED \$1,000		
Bills		
Issues		
ORIGINAL SOURCES OF CONTRIBUTIONS/PAYMENTS OF \$1,000 OR MORE TO CLIENT		
LEGISLATIVE ACTIONS THAT WERE THE SUBJECT OF INDIRECT LOBBYING (OVER \$15,000)		
CERTIFICATION		

I, MR. MICHAEL COLEMAN, affirm that the information contained in this report is true and complete and that no information is knowingly withheld to the best of my knowledge.

Report Filed by: MR. MICHAEL COLEMAN

Report Filed on: May 18, 2015

If this report is filed by an authorized agent of the Principal Lobbyist, the Principal Lobbyist and the agent are liable for any violations of the Lobbyist Disclosure Law (3 M.R.S.A Chapter 15) that may result from the filing of a false or inaccurate report

Unsworn falsification is a Class D crime (17-A M.R.S.A. § 453).



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04333-0135

May 18, 2015

Michael Coleman
185 Saco Ave
Old Orchard Beach, ME 04064

Re: Late-Filed Lobbyist Report

Dear Mr. Coleman:

The Commission staff has made a preliminary determination that a penalty of \$100 applies for the late filing of the April lobbyist disclosure report. See, 3 MRSA § 319. The report was due on May 15, 2015 and was not filed until May 18th.

If you disagree with the preliminary penalty, you may request a waiver by submitting a statement, in writing, to the Commission stating the reason the report was filed late and requesting that the preliminary penalty be waived. All requests for waiver will be included on the agenda for the next Commission meeting.

If you do not intend to seek a waiver of the preliminary penalty, please mail a check, payable to "Treasurer, State of Maine," for the above amount to the Ethics Commission at 135 State House Station, Augusta, Maine 04333. You may also pay with a Visa or MasterCard online at www.maine.gov/ethics by selecting the "penalty payment" option.

Please either pay the preliminary penalty or submit a request for waiver within 14 days of the date of this letter. Please direct any questions you may have to me at (207) 287-4179 or benjamin.p.dyer@maine.gov.

Sincerely,

A handwritten signature in cursive script that reads "Benjamin P. Dyer".

Benjamin P. Dyer
Political Committee and Lobbyist Registrar

Please return this portion with your payment. Thank you.

From: Michael Coleman for Maine Premium Cigar Association
Re: Penalty for late filing of April 2015 Lobbyist Disclosure Report (\$100.00).
Enclosed: \$ _____ Check/M.O. No.# _____

Maine Revised Statutes
Title 3: LEGISLATURE
Chapter 15: LOBBYIST DISCLOSURE PROCEDURES

§317. REPORTS

Reports required by this section must be on forms prescribed or approved by the commission. The forms must provide for a sworn statement that the persons signing the report acknowledge the truth and completeness of all the information contained therein. [1993, c. 691, §18 (RPR).]

 **1. Monthly session reports.** During the period in which the Legislature is in session, every registered lobbyist shall file with the commission, no later than 11:59 p.m. on the 15th calendar day of each month, a report concerning the lobbyist's activities for the previous month regarding each employer.

Every lobbyist shall report that lobbyist's lobbying activities for each month that the Legislature is in session, even if no lobbying has been performed or compensation or reimbursement for expenses received for the month. In the case of a lobbyist representing multiple employers, if no lobbying or services in support of lobbying were performed, one report listing each employer on whose behalf no lobbying was conducted may be submitted. The monthly report must contain the following information:

- A. The month to which the report pertains; [1979, c. 632, §2 (RPR).]
- B. The name and address of the lobbyist and employer; [1979, c. 632, §2 (RPR).]
- C. The names of the individuals who lobbied during the month; [1979, c. 632, §2 (RPR).]
- D. The specific dollar amount of compensation received for lobbying activities, as defined in section 312-A, subsection 9, during the month. The amount of compensation received for lobbying officials in the legislative branch, officials in the executive branch and constitutional officers must be reported separately.

In the case of a regular employee, the specific dollar amount must be computed by multiplying the number of hours devoted to the preparation of documents and research for the primary purpose of influencing legislative action and to lobbying by the employee's regular rate of pay based on a 40-hour week; [2007, c. 630, §14 (AMD).]
- E. The specific dollar amount of expenditures made or incurred by the lobbyist during the month that is the subject of the report for purposes of lobbying as defined in section 312-A, subsection 9 for which the lobbyist has been or expects to be reimbursed. The amount of expenditures for lobbying officials in the legislative branch, officials in the executive branch and constitutional officers must be reported separately; [2007, c. 630, §14 (AMD).]

Maine Revised Statutes
Title 3: LEGISLATURE
Chapter 15: LOBBYIST DISCLOSURE PROCEDURES

§319. PENALTY



1. Failure to file registration or report. Any person who fails to file a registration or report as required by this chapter may be assessed a fine of \$100 for every month the person fails to register or is delinquent in filing a report pursuant to section 317. If a registration or report is filed late, the commission shall send a notice of the finding of violation and preliminary penalty. The notice must provide the lobbyist with an opportunity to request a waiver of the preliminary penalty. If a lobbyist files a report required pursuant to section 317 within 24 hours after the deadline, the amount of the preliminary penalty is \$50. The commission may waive the fine or penalty in whole or in part if the commission determines the failure to register or report was due to mitigating circumstances or the fine or penalty is disproportionate to the level of experience of the lobbyist or the harm suffered by the public from the late registration or report. For purposes of this subsection, "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 fine or penalty in whole or in part; [2011, c. 179, §7 (NEW).]

B. An error by the commission; or [2011, c. 179, §7 (NEW).]

C. Circumstances determined by the commission to warrant the waiver of the fine or penalty in whole or in part, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with this chapter, including, but not limited to, unexplained delays in Internet service. [2011, c. 179, §7 (NEW).]

[2011, c. 179, §7 (RPR) .]

1-A. Notice of suspension. Any person who fails to file a report or pay a fee as required by this chapter may be suspended from further lobbying by written notice of the commission until such failure is corrected.

[1993, c. 446, Pt. B, §12 (AMD) .]

2. Class E crime.

[1979, c. 632, §3 (RP) .]

3. Exemption. Notwithstanding section 317, subsection 1, a registered lobbyist is exempt from the penalty imposed under this section if, while the Legislature is convened in special session, the lobbyist failed to file a report with the commission pursuant to section 317 if no lobbying has been performed during that special session.

[1993, c. 446, Pt. B, §13 (AMD) .]