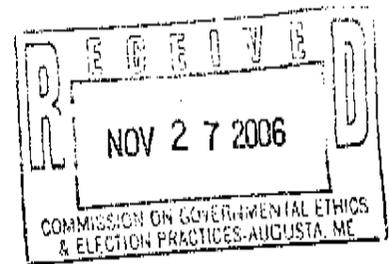


# Exhibit #11

**Todd Brackett for Sheriff  
P.O. Box 2  
Newcastle, ME 04553-0002**



November 24, 2006

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

**Re: Waiver of penalty for late 6-day pre-general report of  
Sheriff Todd B. Brackett, Penelope McCourtney Card, Treas.**

Dear Ethics Commission:

I am hereby formally requesting the Commission to waive penalty determination in the amount of \$74.60 due to mitigating circumstances.

On the evening of October 25, my husband and I were standing on the last remaining portion the construction staging outside our log cabin in Bremen. It was approximately 5:30 and nearly dusk. We wanted to finalize the dimensions of the landing outside the sliding glass door before the remainder of the staging was removed the following day. My dog Santo a 100 lb. yellow lab decided to join us on the slightly wobbly scaffolding. It was the straw that broke one ankle and crushed another.

The dog landed on top of the staging, which landed on my husband's right ankle, which landed on my right ankle. Two hours, three ambulances 22 rescue, fire, and EMT's later we arrived at Miles Hospital. A little past midnight I was moved from a long surgery to my hospital room. My husband's break did not require surgery, just a cast so he was waiting for me in a reclining hospital chair in my room. Two days later on Friday I was released from the hospital. We painfully hobbled home with eight screws, a plate and two pins in my leg. We were also equipped with walkers, crutches and a cooling machine to reduce swelling.

Saturday the rains came and the power went. Fifteen thousand of our Maine friends and neighbors were in the same boat. We didn't complain. Figuring that most power is restored within a day, my husband and I went to bed around six o'clock. Six the next morning the power finally came on, but that was about to change.

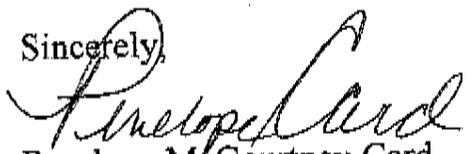
At first there wasn't much rain but a good stiff breeze started shaking the trees in the hollow. Most of the leaves were down and as the intensity grew soon they all were. The trees came next. One by one they started to fall. Soon the tip on the old majestic white pine, towering some 50 or more feet toward the sky, began to sway just a bit. A split second later came a loud cracking sound followed by a huge earth shaking as it hit the ground and broke into two large sections. One section completely covered the driveway while just the top branches of the other section leaned gently against the power line. The resulting smoke, quickly followed by the fire, knocked out our power once again.

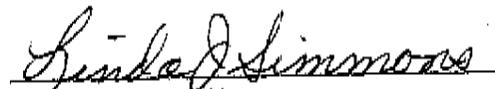
Once more the Bremen Fire Department was able to extricate us in record time. With no heat light or water we had no other choice but to get out of town. CMP forecasted it could be Tuesday before power would be restored. It was Wednesday November 1<sup>st</sup> before we were able to return to our home.

It took a full day to get acclimated to our temporarily handicapped life in our own home. The next day, November 2, I was able to once again start focusing on commitments including filings with the Commission. When I realized that I had missed a filing deadline I immediately contacted Nathaniel Brown with an explanation for the delay. A day later the report was in your office.

I apologize for the report being two days late and the need to request a waiver of the penalty due to "mitigating circumstances." Thank you for your consideration.

Sincerely,

  
Penelope McCourtney Card  
Treasurer, Brackett for Sheriff

  
Linda J. Simmons  
Notary Public

Notarized this 27<sup>th</sup> day of November, 2006

My commission expires 04/08/2010



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

November 14, 2006

Todd B. Brackett  
P.O. Box 2  
Newcastle, ME 04553

**BY CERTIFIED MAIL**

Dear Mr. Brackett:

RE: Late 6-Day Pre-General due 11/1/2006

You filed a 6-Day Pre-General report on 11/3/2006. 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 would be \$74.60. 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,

Nathaniel Brown  
Candidate Registrar

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



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

November 14, 2006

Todd B. Brackett  
 P.O. Box 2  
 Newcastle, ME 04553

The Commission staff has made a preliminary determination, based upon application of the statutory formula, that a penalty of \$74.60 applies for the late filing of your 6-Day Pre-General 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 Nathaniel Brown at 287-7652.

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: Todd Brackett

RE: Penalty for late filing of 6-Day Pre-General 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 proscribed for first violation

\$25.00 One percent of total contributions

X 2 Number of calendar days late

\$50.00 Total penalty

Your penalty is calculated as follows:

Contributions/Expenditures: \$ 3,730.00

Percent proscribed: X .01  
 \$ 37.30

Number of days late: X 2

Total penalty accrued: \$ 74.60

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.

**FOR 6/7/06 EXPENDITURES**

**SENDER: COMPLETE THIS SECTION**

- 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.

**Todd B. Brackett**  
**P.O. Box 2**  
**Newcastle, ME 04553**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *[Handwritten Signature]*

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

Does this mailpiece require a different delivery address?  Yes  
 No



3. service type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

(Transfer from service label)

7005 3110 0000 2803 6228

## 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).]