

# Agenda

## Item #8

RECEIVED

FEB 19 2008

Christine Zachman  
42 Scott Dyer Road  
Cape Elizabeth, ME 04107  
[CDoyle01@maine.rr.com](mailto:CDoyle01@maine.rr.com) • (207) 318-3761 MAINE ETHICS COMMISSION

February 16, 2008

Via Facsimile  
(207) 287-6775

Gavin O'Brien  
State of Maine Commission on Government Ethics & Election Practices  
135 State House Station  
Augusta, ME 04033-0135

Re: Cape Elizabeth Republican Committee Fine for Late Filing

Dear Mr. O'Brien:

I served as the Cape Elizabeth Republican Committee Treasurer until December 18, 2007. At that time, a new Treasurer, William Gross III, was elected. In the fall of 2007, our Committee had several emergency elections to fill the positions of Chairperson, Secretary and Treasurer. As I'm sure you can understand, there were several weeks of confusion as files, documents and other information exchanged hands to get to the appropriate officer.

At the time that the Notice of the filing was sent, the new Treasurer had just been elected. I don't recall receiving the Notice. However, I did receive a call mid-January alerting me of the missed deadline and the steps to follow to file the report. It was my understanding that we had until the end of the month to get the report filed. Due to personal and work travel, it was the following week until I was able to get the information needed to prepare the Report for filing.

I did file the Report the last week of January. Shortly thereafter the new Treasurer, Mr. Gross, received a notification of a \$120.00 fine assessed for the late filing. Though I understand that the deadlines are set for a purpose, I ask for your understanding of the extenuating circumstances in our Committee at the time resulting in the late filing of our end of year Report. I also ask that the \$120.00 fine be waived.

I thank you for your attention to this matter and I look forward to your response.

Sincerely,



Christine R. Zachman, Secretary  
Cape Elizabeth Republican Committee

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FEB 14 2008

MAINE ETHICS COMMISSION

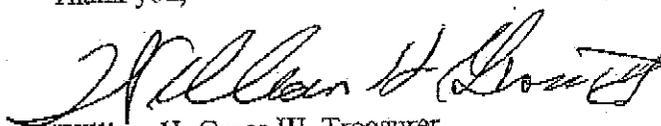
William H. Gross III, Treasurer  
Cape Elizabeth Republican Committee  
7 Seaview Avenue  
Cape Elizabeth, Maine 04107

Gavin O'Brien  
State of Maine  
Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, Maine 04033-0135  
Fax (207) 287-6775

Dear Mr. O'Brien

I would like to request a final determination by the commission on the \$120.00 penalty assessed for late reports. I am the newly elected Treasurer and never received the notice of the filing deadline. The previous Treasurer informed me that she had not received the filing deadline notice and only became aware of the deadline when she received a notice that the deadline had passed, when she immediately forwarded the required information to your office.

Thank you,



William H. Gross III, Treasurer  
Cape Elizabeth Republican Committee



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

January 31, 2008

William H. Gross III, Treasurer  
Cape Elizabeth Republican Committee  
7 Seaview Avenue  
Cape Elizabeth, ME 04107

Dear Mr. Gross:

Our records show that your committee's January Semiannual report, due on 1/15/08 was filed on 1/31/08. State law [21-A M.R.S.A. §1020-A] requires that a penalty 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 party committee's filing record. Based on the prescribed statutory formula, the preliminary determination of the penalty for the late filing of your campaign finance report would be \$120.00. 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 a final determination by the Commission on Governmental Ethics and Election Practices. Any request for a Commission determination must be made within 10 calendar days of receipt of this certified U.S. mail notice, beginning on the day you sign for receipt of this notice of the proposed penalty. If this certified letter 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 at the next scheduled Commission meeting and notify you of the date and time of that 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. If you elect to send a statement, it must be notarized and must 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.

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 personal emergency of the committee treasurer, such as a personal illness or death in the immediate family; 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.

Sincerely,

Gavin O'Brien

enc: Penalty Matrix & Billing Statement

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

January 31, 2008

William H. Gross III, Treasurer  
Cape Elizabeth Republican Committee  
7 Seaview Avenue  
Cape Elizabeth, ME 04107

The Commission on Governmental Ethics and Election Practices has made a preliminary determination that a penalty of \$120.00 applies for the late filing of your January 2008 Semiannual report. If you agree with this determination, please make your check or money order 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 to request a formal Commission determination of any penalty to be assessed in this case.

**FAILURE TO PAY THE FULL AMOUNT OF THIS PENALTY IS A CIVIL VIOLATION.**  
Pursuant to 21-A M.R.S.A. § 1020-A(10), the Commission is required to report to the Attorney General the name of any political committee that fails to pay the full amount of any penalty.

Please direct any questions you may have about this matter to the Commission at 287-4179.

Cut Along Dotted Line

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

From: William H. Gross III, Treasurer  
Cape Elizabeth Republican Committee

For Office Use Only Account: CGEEP Fund: 014 Appr: 02
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Re: Penalty for late filing of January Semiannual campaign finance report (\$120.00)

Amount Enclosed: \$ \_\_\_\_\_

Check/M.O. No.: # \_\_\_\_\_

Please Make Check/M.O. Payable to: Treasurer, State of Maine

**COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES**

**CONTRIBUTION/EXPENDITURE PENALTY MATRIX  
LATE PARTY COMMITTEE REPORTS**

**21-A M.R.S.A. Section 1020-A**

A campaign finance report is timely filed when a properly signed copy of the report, substantially conforming to the disclosure requirements, is received by the Commission before 11:59 p.m. on the date it is due. A penalty begins to accrue after 11:59 p.m. on the day the report is due. Penalties are based on 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%

*Example:* The party committee treasurer files the report two calendar days late. The committee has not had any previous late filings in the past 2 years. The committee 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 of the amount of 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 Commission may assess

**Cape Elizabeth Republican Committee**  
Your penalty is calculated as follows:

Contributions/Expenditures \$ \_\_\_\_\_ 750

Percent prescribed: X \_\_\_\_\_ 0.01

\$ \_\_\_\_\_ 7.50

Number of days late: X \_\_\_\_\_ 16

Total penalty accrued: \$ \_\_\_\_\_ 120

Maximum penalty \$ \_\_\_\_\_

A penalty begins to accrue at 11:59 p.m. on the day the report is due.

Any penalty of less than \$10 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:**

State Party Committee: \$5,000  
Municipal, District, & County Committees \$500

STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

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Mail: 135 State House Station, Augusta, ME 04333

Office: 242 State Street, Augusta, Maine

Tel: (207) 287-4179 Fax: (207) 287-6775

Website: www.maine.gov/ethics

Electronic Filing: http://www.maine.campaignfinance.com

JAN 31 2008

MAINE ETHICS COMMISSION

MUNICIPAL, DISTRICT & COUNTY PARTY COMMITTEE REPORT - 2007

COMMITTEE IDENTIFICATION (Include full name of committee.)

Name Cape Elizabeth Republican Committee  
Mailing address 7 Seaview Avenue  
(official headquarters of committee)  
City, zip code Cape Elizabeth, ME 04107 Telephone 799-1634

Check if address is different than previously reported



TREASURER IDENTIFICATION

Name of treasurer William H. Gross III  
Mailing address 7 Seaview Avenue  
City, zip code Cape Elizabeth, ME 04107 Telephone 799-1634  
E-mail address BGross@maine.rr.com

Check if address is different than previously reported

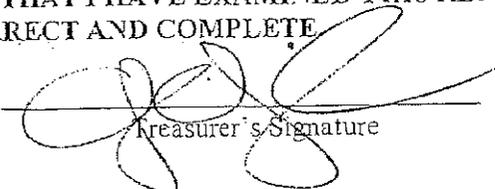


MUNICIPAL/COUNTY/DISTRICT COMMITTEE FILING PERIODS (Check applicable period below):

Due Date	Reporting Period
<input type="checkbox"/> July 16, 2007	January 1, 2007 – June 30, 2007
<input checked="" type="checkbox"/> January 15, 2008	July 1, 2007 – December 31, 2007
<input type="checkbox"/> October 31, 2007	July 1, 2007 – October 25, 2007
<input type="checkbox"/> January 15, 2008	October 26, 2007 – December 31, 2007

Any local party committees participating in the November 6, 2007 election who raise or spend money to support or defeat items on that ballot must file the following reports:

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND TO THE BEST OF MY KNOWLEDGE IT IS TRUE, CORRECT AND COMPLETE

  
Treasurer's Signature

1/29/08  
Date

REPORTING EXEMPTION: Any party committee receiving and expending less than \$1,500 in one calendar year is exempt from the reporting requirements for that year.



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

CERTIFIED MAIL

January 28, 2008

Christine Zachman, Treasurer  
Cape Elizabeth Republican Committee  
42 Scott Dyer Road  
Cape Elizabeth, ME 04107

**Re: Failure to File Campaign Finance Report**

Dear Ms. Zachman:

Our records show that your January Semiannual campaign finance report, due 1/15/08 for the above-mentioned party committee, has not been filed. Maine State Election law requires that a penalty 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 party's filing record. Because your penalty may increase daily, we **urge you to file your report as soon as possible.**

Once you have filed your delinquent report, our office will calculate any penalty that may apply, and will notify you of the amount. Maine State Elections law (21-A M.R.S.A. § 1004-A) permits the commission to assess a late-filing penalty on reports with zero financial activity.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Gavin O'Brien".

Gavin O'Brien  
Registrar

**IMPORTANT: A TREASURER WHO FAILS TO FILE A REQUIRED PAC REPORT WITHIN 30 DAYS OF THE FILING DEADLINE IS GUILTY OF A CLASS E CRIME. VIOLATIONS ARE REFERRED TO THE ATTORNEY GENERAL FOR PROSECUTION.**

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

PHONE: (207) 287-4179

FAX: (207) 287-6775

Action

called 1/16; treasurer is away and will file next week

Last Name
Cape Elizabeth Republican Committee



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

To: All Municipal, District, and County Party Committees  
From: Gavin O'Brien, Registrar  
Date: December 21, 2007  
Re: January 15, 2008 Filing Deadline

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Your municipal, district or county party committee filed a July semiannual campaign finance report with our office. Since you have met the \$1,500 threshold for reporting in 2007, you are obligated to file the January semiannual report. The report must include all financial activity from July 1 to December 31, 2007.

**Filing Deadline: 11:59 p.m. on January 15, 2008**

**Reporting Period: July 1 – December 31, 2007**

Committees that file reports electronically may do so at any time. If you do not remember your user code and password or if you have any problems entering information into the report, please contact the Commission. To file your report on time, you must hit the "File Report" button by 11:59 p.m. on January 15, 2008.

If you do not file your report electronically, you may fax it to the Commission (at 287-6775), provided the signed original report is received in this office within 5 calendar days after the fax. The time stamp on the Commission's fax machine will be deemed the time the report was filed.

You may also mail your report. If you mail your report, the Commission must receive it on January 15, 2008. A report that is sent by certified or registered mail and is postmarked at least two days prior to the deadline will not be considered late even if it is received after the deadline.

A blank reporting form is enclosed with this memo. You can also download a reporting form on the Commission's website at <http://www.maine.gov/ethics/forms/index.htm#party>.

A party committee that receives and spends less than \$1,500 in a calendar year is exempt from the requirement of filing reports for that year. Once a party committee receives or spends more than \$1,500 in a calendar year, the committee must file the next scheduled report and all subsequent reports for that year. The first report filed in any calendar year must include all contributions received and expenditures made since January 1 of that year.

Please call me at 287-4709 or e-mail [Gavin.O'Brien@maine.gov](mailto:Gavin.O'Brien@maine.gov) if you have any questions.

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE  
WEBSITE: [WWW.MAINE.GOV/ETHICS](http://WWW.MAINE.GOV/ETHICS)

Last Name	Address 1	City	State	Zip	Treasurer Name	Treasurer Address	Treasurer City
Androscoggin County Republican Committee	544 Sabattus Street	Sabattus	ME	04280	Tammy W. Seger	P. O. Box 1255	Sabattus
Aroostook Democratic County Committee	19 Baird Road	Caribou	ME	04736	Roger A. Roy	19 Baird Road	Caribou
Cape Elizabeth Republican Committee	42 Scott Dyer Road	Cape Elizabeth	ME	04107	Christine Zachman	42 Scott Dyer Road	Cape Elizabeth
Cumberland County Democratic Committee	P. O. Box 1894	Portland	ME	04104	Lawrence Bliss	504 Cottage Rd.	South Portland
Cumberland County Green Independent Committee	Fore Street	Portland	ME	04101	Benjamin Melkejohn	11 Exchange St.	Portland
Hancock County Democratic Committee	PO Box 1414	Ellsworth	ME	04605	Sally A. Crowley	P. O. Box 64	Corea
Hancock County Republican Committee	P. O. Box 5407	Ellsworth	ME	04605	Troy A.H. Adams	200 High St.	Ellsworth
Kennebec County Democratic Committee	P. O. Box 238	Manchester	ME	04284	Linda Mckee	201 Walton Rd.	Wayne
Knox County Democratic Committee	P. O. Box 482	Rockland	ME	04841	Stuart Thro	PO Box 215	Owl's Head
Knox County Republican Committee	P. O. Box 448	Rockland	ME	04841	Lawrence A. Bird	PO Box 391	Owl's Head
Lincoln County Democratic Committee	P. O. Box 336	Waldoboro	ME	04572	Sandra O'Farrell	P. O. Box 336	Waldoboro
Lincoln County Republican Committee	Inn Rd.	South Bristol	ME	04568	Peter Lawrence	438 Duck Puddle Road	Nobleboro
Oxford County Democratic Committee	PO Box 187	Greenwood	ME	04255	Michael K. Broderick	77 Sunday River Road	Bethel
Oxford County Republican Committee	1023 King Street	Oxford	ME	04270	Lynn Hamper	1023 King St.	Oxford
Penobscot County Democratic Committee	P. O. Box 2685	Bangor	ME	04402	Kurt A. Keef	42 Skyway Dr.	Heron
Penobscot County Republican Committee	P. O. Box 1734	Bangor	ME	04402	Harrison Clark	P. O. Box 1734	Bangor
Piscataquis County Democratic Committee	PO Box 44	Gulford	ME	04443	Patricia Fortier	P. O. Box 44	Gulford
Portland Democratic City Committee	P. O. Box 1332	Portland	ME	04104	Sive Neilan	29 Emerson St.	Portland
Sagadahoc County Democratic Committee	241 Fiddler's Reach Road	Phillpsburg	ME	04562	Stephen C. Masters	241 Fiddler's Reach Road	Phillpsburg
Seacoast Democrats	647 US Route 1 Unit 14-121	York	ME	03909			
Waldo County Republican Committee	P. O. Box 811	Belfast	ME	04915	Brian Scaglianni	P. O. Box 811	Belfast
Woolwich Republican Committee	157 Phipps Point Road	Woolwich	ME	04579	Pamela L. Cahill	157 Phipps Point Road	Woolwich
York County Republican Committee	P. O. Box 291	Lebanon	ME	04027	Karen Gerrish	PO Box 291	Lebanon
York Democratic Town Committee	3 Carwin Drive	York	ME	03909	Glen MacWilliams	77 Chases Pond Road	York