

Agenda

Item #6



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

November 1, 2010

**By Regular and Certified Mail, Return Receipt Requested**

Mr. Ronnie Marrache, Treasurer  
Robust Economy Maine PAC  
109 Silver Street  
Waterville, Maine 04901

Re: Penalty for late filing of Independent Expenditure

Dear Mr. Marrache:

The Robust Economy Maine PAC filed an Independent Expenditure due October 17, 2010, thirteen days late on October 30, 2010. Under the Commission's statutes, the late filing of a report by a local party triggers an enforcement process. (21-A M.R.S.A. § 1020-A(4-A)) The Commission staff has calculated the amount of a preliminary penalty for the late filing, based on the amount of financial activity in the report, the number of calendar days the report was late, and the Committee's previous violations. The preliminary penalty for the late filing is \$403.00. (Please see attached penalty matrix for the calculation.)

The Committee may pay the penalty or request that the members of the Commission waive the penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice (or attempted delivery by the U.S. Post Office). The request must be notarized and contain a full explanation of the reasons the committee filed late. Upon receiving your request, the Commission staff will schedule your request for an upcoming Commission meeting.

Under 21-A M.R.S.A. § 1062-A(2), the Commission may waive the penalty if it determines that the report was late due to 'mitigating circumstances,' which are defined as: (1) a valid emergency of the committee treasurer; (2) an error made by the Commission staff; or (3) other circumstances determined by the Commission that warrant mitigation of the penalty, based upon relevant evidence presented that the committee made a bona fide effort to file the report on time, including, but not limited to, unexplained delays in postal service or interruptions in Internet service. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

The Commission requests that the committee pay the preliminary penalty within two weeks, if it does not intend to request a waiver. Please call me at 287-6221 if you have any questions.

Sincerely,

Cindy Sullivan, PAC, Party, Lobbyist Registrar  
Enc.: penalty matrix

**COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES  
PENALTY MATRIX FOR LATE INDEPENDENT EXPENDITURE FILING**

**BASIS FOR PENALTIES  
21-A M.R.S.A. Section 1062-A**

<b>Committee Name:</b>	Robust Economy	<b>Report Title:</b>	Independent Expenditure
		<b>Due Date:</b>	October 17, 2010
<b>Previous Violation(s):</b>	0 this quarter	<b>Filed Date:</b>	October 29, 2010

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 11:59 p.m. on the day the report is due.**

<b>Penalty Example:</b>		<b>Your Penalty is calculated as follows:</b>	
The treasurer files the IE report two (2) days late. The organization has not had any previous late violations this biennium. The IE reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is			
\$2,500	Greater amount of the total contributions received or expenditures made during the filing period	Contributions / Expenditures:	\$3,100.00
X .01	Percent prescribed for first violation	Percent Prescribed:	1%
\$25.00	One percent of total contributions	Number of days late:	13
X 2	Number of calendar days late	Total penalty accrued:	\$403.00
\$50.00	Total Penalty		

**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**

21-A M.R.S.A. Section 1062-A(3)

\$10,000 for 11-Day Pre Election reports, 42-Day Post-Election reports, 24-Hour reports  
and for Quarterly reports



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](http://www.maine.gov/ethics)  
Phone: 207-287-4179  
Fax: 207-287-6775

## **24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES** **2010 CAMPAIGN YEAR**

<b>POLITICAL ACTION COMMITTEE</b>	
ROBUST ECONOMY MAINE C/O LISA MARRACHE, 109 SILVER ST. WATERVILLE, ME 04901	Telephone number (207)861-0154
<b>TREASURER</b>	
RONNIE C. MARRACHE 109 SILVER ST. WATERVILLE, ME 04901	Telephone number (207)861-0154
<b>EXPENDITURE AND PAYEE INFORMATION</b>	
OURSO BEYCHOK JOHNSON, INC 352 NAPOLEON ST BATON ROUGE, LA 70802	Date of expenditure 10/15/2010
Purpose of expenditure DIRECT MAILING TO SUPPORT PAUL L. TESSIER HOUSE 84	Amount of expenditure \$3,100.00
<b>CERTIFICATION</b>	
BY SUBMITTING THIS REPORT ON BEHALF OF ROBUST ECONOMY MAINE, I, RONNIE C MARRACHE, CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.	

UNSWORN FALSIFICATION IS A CLASS D CRIME (17-A M.R.S.A. § 453).

RECEIVED

NOV 12 2010

Maine Ethics Commission

Dear commissioner,

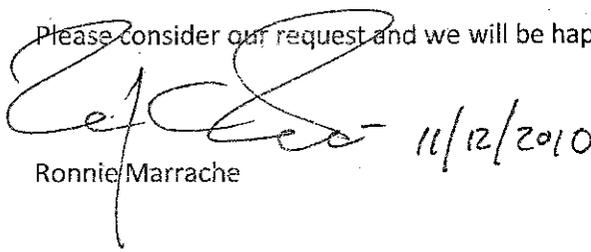
This letter is in regard to the penalty for the late filing of an independent expenditure for the robust economy maine pac. We are filing a request to waive the penalty amount. The PAC made an expenditure on 10/15/10 and filled out a 24 hour report that same day. Unfortunately, it was not the correct form. We did not realize it was an incorrect form until notified by the commission several days later. This time period was thus utilized by the commission to determine the penalty amount.

We would have gladly corrected the form sooner but was not aware of the situation. Since we filed the report the same day, there was clearly a bona fide effort to file the report on time it just was put into the wrong form. There was no express intent to limit matching funds or to not inform the commission of our PAC transactions.

The candidate we spent money on was very much overspent by his competitors and an amount of money spent on his behalf did not in any way affect the amount of money they had been receiving from other Independent expenditures.

I have been in charge of the PAC filings but we mostly do our transactions to another PAC so independent expenditures are not a common filing for us. While we agree filing correctly is important to maintain equality of candidate expenditures, in retrospect we thought that the staff would catch any mistaken filings within 24 hours if filed in a 24 hour report.

Please consider our request and we will be happy to offer any more information as needed.

  
Ronnie Marrache

11/12/2010



PATTY AUGE  
Notary Public-Maine  
My Commission Expires  
October 21, 2011



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

November 12, 2010

Mr. Ronnie C. Marrache  
Robust Economy Maine  
109 Silver Street  
Waterville, ME 04901

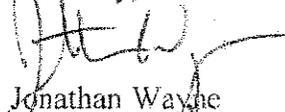
Dear Mr. Marrache:

Thank you for requesting a waiver of a late-filing penalty. Your request will be considered by the members of the Ethics Commission at their next meeting on Tuesday, November 30, 2010 at 11:00 a.m. The meeting will be held at our office at 45 Memorial Circle, 2<sup>nd</sup> floor, Augusta, Maine. You are welcome to attend the meeting in support of your request, but that is not required.

Next week, I will discuss your request with my colleagues and will write up a short memo for the Commissioners that will include a recommendation on behalf of the Commission staff. All of the materials relating to your request will be mailed to the Commissioners on November 22. That day, the agenda and materials will be posted on the Commission's website, [www.maine.gov/ethics](http://www.maine.gov/ethics).

If you have any questions, please call me at 287-4179.

Sincerely,



Jonathan Wayne  
Executive Director

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