

# Agenda

## Item #3



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

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: January 19, 2011

Re: Request for Waiver of Late-Filing Penalty/American Cancer Society

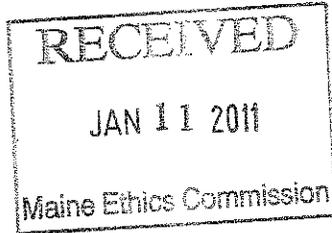
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During 2010, Megan Hannon worked as the Director of Government Affairs and Advocacy for the American Cancer Society (ACS). She was registered with the Commission as a lobbyist. She resigned from her position in June 2010 and terminated her 2010 lobbyist registration. The association did not realize that it was required to file an annual report by December 30, 2010. The American Cancer Society filed the report on January 7, 2011 after receiving the attached non-filer notice. Her successor, Hilary Schneider, submitted the waiver request on behalf of ACS by a letter dated January 10, 2011.

The Commission staff recommends reducing the penalty by 50% and assessing a penalty of \$100. Some penalty is appropriate to underscore that the deadlines for all reports by lobbyists are important. On the other hand, the departure of Ms. Hannon six months earlier reasonably interfered with internal communication within the organization. The annual report may not have been uppermost in Ms. Hannon's mind as she left her position. We sent a pre-deadline reminder of the December 30 deadline by e-mail to all lobbyists, but Ms. Hannon's e-mail was likely not received because she had left her position months earlier. All of the information contained in the annual report was available to the public on the Commission's website in monthly reports, although not aggregated.

The Commission has received few waiver requests concerning annual lobbyist reports. The penalty recommended by staff of \$100 is thus consistent with previous actions by the Commission on waiver requests for this type of report.

Thank you for your consideration of this memo.



January 10, 2011

Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, ME 04333

To Whom it May Concern:

Megan Hannan resigned from the American Cancer Society (ACS) as the Director of Government Affairs and Advocacy and the ACS' principal lobbyist for Maine in June 2010. I started in the position on November 1, 2010. I was unaware that Ms. Hannan had not filed an annual lobbyist report for 2010 for her lobbying hours for ACS. Thus, I did not file the report on her behalf. Upon learning that the report had not been filed, I contacted Ms. Hannan and the report was promptly filed.

As such, I am requesting that the \$200 penalty for late filing be waived. We apologize for this oversight and for any inconvenience that this has caused. If you have any questions on this matter, I can be reached at 207-373-3707.

Sincerely,

A handwritten signature in cursive script that reads "Hilary Schneider".

Hilary Schneider  
Director of Government Relations and Advocacy



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

January 3, 2011

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

Megan Hannan  
American Cancer Society  
One Main Street, Ste., 300  
Topsham, Maine 04086

Client: American Cancer Society

Dear Ms. Hannan,

Our records show that your joint annual lobbyist disclosure report has not been filed to date. 3 M.R.S.A. §317(2) states that the annual report is due 30 days following the end of the lobbying year— or the next business day if the date falls on a weekend or holiday. The report is required to be filed *electronically* by all lobbyists registered with the Commission by 11:59 p.m. The **2010 lobbyist annual report** was due by 11:59 p.m. on December 30, 2010.

In addition, any person who fails to file a timely annual report may be assessed a penalty of \$200 for every month the person is delinquent in filing the report; thus, to date your penalty is **\$200**. Please file your annual report as soon as possible to avoid further penalty. You may use the enclosed billing statement to pay that penalty 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 and make the check payable to Treasurer State of Maine.

However, if you have a valid reason for filing late, you may request a final penalty determination by the Commission. The Commission will notify you of the disposition of your case within 10 days after its determination.

**To avoid further penalty, you should file the report as soon as possible.** Pursuant to 3 M.R.S.A. § 319(1-A), 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 me at (207) 287-6221.

Sincerely,

Cindy Sullivan  
PAC, Party & Lobbyist Registrar

### 3 MRSA § 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 each person listed or who should have been listed on the lobbyist registration for every month the person fails to register or is delinquent in filing a report pursuant to section 317. The commission may waive the penalty in whole or in part if the commission determines the failure to register or report was due to mitigating circumstances.

**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.

**2. [repealed]**

**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.