



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

To: Commission
From: Martha Currier, Assistant Director
Date: March 24, 2022
Re: Request for Waiver of Late-Filing Penalty by Kenneth Fredette, Lobbyist

Mr. Kenneth Fredette, registered lobbyist for his client, Voatz, was required to file a monthly lobbying report with the Commission on March 15, 2022 for lobbying activity performed in February. The report was filed 7 days late on March 22, 2022. Mr. Fredette seeks a waiver of the preliminary \$100 penalty in his letter dated March 22, 2022.

LEGAL REQUIREMENTS

Maine's lobbying year goes from December-November. A lobbyist must register with the Commission once they exceed 8 hours of lobbying during a calendar month. However, some lobbyists choose to register regardless of this threshold at the beginning of the legislative session. Once registered, all lobbyists are required to file monthly reports, which are due on the 15th of the month for the preceding month's activity (*i.e.*, February lobbying activities are disclosed on a report due March 15th) unless that day falls on a weekend or holiday, in which case it falls on the next business day. (3 M.R.S. § 317) As a registered lobbyist, Mr. Fredette was required to file a monthly lobbyist report on March 15 that covered the activity for the month of February but did not file it until March 22. For late reports filed more than 24 hours past the deadline, the preliminary penalty is \$100 per month late. (3 M.R.S. § 319)

The Commission may waive the penalty in whole or in part based on several statutory factors, including if the Commission finds that a lobbyist made was delayed in filing due to a valid emergency, error by the Commission, the penalty is disproportionate to the level of experience of the lobbyist, or other circumstances that warrant a waiver of the fine. (3 M.R.S. § 319(1))

DISCUSSION AND STAFF RECOMMENDATIONS

Mr. Fredette is in his second year as a registered lobbyist for his client, Voatz. In his request for a waiver, he asserts that he has not been lobbying the Legislature this session, nor has he spent

more than 8 hours on this client's issue during the month of February as the reasons he missed the filing deadline.

On February 4, 2022, Mr. Fredette registered as a lobbyist for Voatz, which has created a digital platform to allow citizens to vote on their mobile smart phones. The registration also listed Mark Dion as a lobbyist associate. The registration is attached, along with the report for February that was filed seven days late.

In the view of the Commission staff, the reasons offered by Mr. Fredette do not warrant a waiver of the \$100 penalty. If he is arguing that no monthly report for February was due on March 15, 2022, we have to disagree. The first sentence of 3 M.R.S. § 317 reads:

A registered lobbyist shall file a report for each month that the Legislature is in session on forms prescribed or approved by the commission, even if no lobbying has been performed or compensation or reimbursement for expenses received for the month.

Once Mr. Fredette registered on February 4, 2022, he was required to file monthly reports every month to cover the legislative session. The statute explicitly requires a monthly report even if the lobbyist performed no lobbying during the month. Because Mr. Fredette registered on February 4, our e-filing system is designed so that monthly reports would be assigned to Mr. Fredette every month starting with March 15, 2022.

If a lobbyist performs no lobbying during the month, the lobbyist is required to file a "short form" report, which is a short statement that they performed no lobbying during the month for the client. It is not clear whether Mr. Fredette or his associate conducted any lobbying for Voatz during February that would need to be disclosed in a monthly report. In subsequent email correspondence to the Commission staff, Mr. Fredette indicated that he participated in meetings to discuss a 2021 bill (LD 1375) as a reference point for potential developments in 2023. For your reference, lobbying is defined as direct communication with an official in the legislative or executive branch, or a constitutional officer, for purposes of influencing "legislative action." Legislative action includes a bill, amendment, resolution, nomination or other matter by the Legislature. In addition to direct communication, lobbying includes time spent to prepare and

submit oral or written proposals for, or testimony or analyses concerning, a legislative action. Regardless whether Mr. Fredette lobbied during February, he was required to file a report on March 15.

The Commission's efilings system sent Mr. Fredette two automated reminders of the March 15 deadline on March 1 and 14. In addition, the Commission's Assistant Director sent Mr. Fredette an email on the afternoon of the filing deadline. Typically, these reminders prompt the lobbyist to contact staff who will assist them in making the appropriate filings or corrections prior to a report being marked as late, which did not occur in this case.

The Commission staff does not doubt that this was an honest mistake, but the Commission routinely imposes fines for late reports resulting from good-faith errors. Accordingly, the Commission staff recommends that the Commission deny Mr. Fredette's waiver request and impose the \$100 penalty for the late filed monthly report.

Thank you for your attention to this matter.



Fredette Dion LLC

Email: kwfredette@gmail.com

Phone: 207-341-0555

www.maine.gov/mentalaffairs.com

March 22, 2022

Sent via email to Marth.Currier@Maine.Gov

State of Maine

Commission on Governmental Ethics

And Election Practices

135 State House Station

Augusta, Maine 04330

RE: Request for Waiver of Late Filing Penalty

Dear Ms. Currier:

Please accept this letter as a request for a Waiver of Late Filing Penalty for the March Lobbyist Report for Voatz per your letter of March 17, 2022.

We have not been lobbying the Legislature this session for our client nor have we spent more than 8 hours during the March reporting period on this issue as there has been no bill to lobby for our client, and I thus, missed the March reporting deadline.

I do not believe we have had any past violations and am requesting a waiver of the \$100.00 penalty.

Please confirm receipt of this request and if you need to contact me please email me at kwfredette@gmail.com.

I appreciate your assistance on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'KW Fredette', written over a horizontal line.

Kenneth W. Fredette



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

March 17, 2022

Kenneth Fredette
Fredette Dion, LLC
254 Commercial Street, Ste. 103
Portland, ME 04101

Re: Late Filing – March Lobbyist Report

Dear Mr. Fredette:

The Commission staff has made a preliminary determination that a penalty of **\$100.00** applies for non-filing of the lobbyist disclosure report for your client, Voatz. See, 3 MRSA § 319. The report was due on 3/15/2022.

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 S.H.S., Augusta, ME 04333. You may also pay 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 call me at (207) 287-3024 or email Martha.Currier@Maine.Gov with questions.

Sincerely,

Martha Currier
Assistant Director

If paying by check, please return this portion with your payment. Thank you.

From: Kenneth Fredette
Re: Penalty for late filing of March Lobbyist Report (\$100.00).

Enclosed: \$ _____ Check/M.O. No.# _____

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775



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

2022 REGISTRATION: LOBBYIST

LOBBYIST INFORMATION	
Mr. Kenneth Wade Fredette Fredette Dion LLC 254 Commercial Street, Suite 103 Portland, ME 04101	Phone: (207) 368-5562 Fax: (207) 318-1004 Email: kwfredette@gmail.com
CLIENT INFORMATION	
Voatz Inc. PRINCIPAL CONTACT: Jon Tapper 175 Freeman St, Apt 908 Brookline, MA 02446	Phone: (617) 272-6610 Fax: Email: jon.tapper@voatz.com
LOBBYIST ASSOCIATES	
Mr. Mark Dion 254 Commercial Street, Suite 103 Portland, ME 04101	Phone: (207) 318-1004 Email: dionmark@me.com
COMMENCEMENT OF LOBBYING ACTIVITIES	
Date when lobbying commenced or is expected to commence: 2/4/2022	Date when lobbying first exceeded 8 hours in a calendar month: 2/4/2022
COMPENSATION	
The amount of compensation or the basis upon which the lobbyist will charge for those services. \$2,500 MONTHLY	
CLIENT'S BUSINESS DESCRIPTION, LEGISLATIVE INTERESTS, AND LEGISLATIVE COMMITTEES	
<u>Primary Nature of Business:</u>	GOVERNMENT
<u>Description of Business/Mission:</u>	MOBILE PHONE VOTING
<u>Legislative Interests:</u>	LEGISLATIVE AND/OR SECRETARY OF STATE AUTHORIZATION FOR USE
<u>Legislative Committees:</u>	Veterans and Legal Affair

Filed: 2/4/2022
Last Modified: 2/4/2022
Printed: 4/21/2022

Lobbyist Registration



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 FEBRUARY 2022

LOBBYIST INFORMATION		
MR. KENNETH W FREDETTE Fredette Dion LLC 155 GRAY ROAD FALMOUTH, ME 04105	Telephone: (207) 341-0555 KWFREDETTE@GMAIL.COM	ID: 12737
CLIENT INFORMATION		
Voatz Inc. Principal Contact: Jon Tapper 175 Freeman St, Apt 908 Brookline, MA 02446	Telephone: (617) 272-6610 jon.tapper@voatz.com www.voatz.com	
LOBBYIST ASSOCIATES		
MARK DION		
TOTAL COMPENSATION FOR LOBBYING		
\$0.00 Legislative Branch Officials	\$0.00 Executive Branch Officials	\$1,250.00 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 1375	
Issues		
LEGISLATIVE ACTIONS FOR WHICH COMPENSATION/EXPENDITURES EXCEEDED \$1,000		
Bills	LD 1375 - \$1,250.00;	
Issues		
ORIGINAL SOURCES OF CONTRIBUTIONS/PAYMENTS OF \$1,000 OR MORE TO CLIENT		
LEGISLATIVE ACTIONS THAT WERE THE SUBJECT OF GRASSROOTS LOBBYING (OVER \$2,000)		
CERTIFICATION		

I, MR. KENNETH W FREDETTE, 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. KENNETH W FREDETTE

Report Filed on: March 22, 2022

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).

From: [Currier, Martha](#)
To: kwfredette@gmail.com
Subject: Action Needed - Lobbyist Reports Due Tonight!
Date: Tuesday, March 15, 2022 3:56:00 PM
Importance: High

Just a friendly reminder to file your lobbyist report(s) by 11:59 p.m. to avoid a late filing penalty.

Thank you,

Martha Currier
Assistant Director
Maine Ethics Commission
135 S.H.S.
Augusta, ME 04333-0135
Direct (207) 287-3024
Main (207) 287-4179

Title 3 Maine Revised Statutes

§ 317. Reports

A registered lobbyist shall file a report for each month that the Legislature is in session on forms prescribed or approved by the commission, even if no lobbying has been performed or compensation or reimbursement for expenses received for the month.

1. **Monthly session reports.** During the period in which the Legislature is in session, a 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.

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4. **Monthly nonsession reports.** When the Legislature is not in regular session, every registered lobbyist must either file:

- A. With the lobbyist's last monthly report for that regular session a statement that the lobbyist and lobbyist associate will not engage in lobbying when the Legislature is not in session. The lobbyist is required to file a monthly report for lobbying conducted during a special session; or

- B. If the lobbyist or lobbyist associate is engaged in lobbying, if the lobbyist, lobbyist associate or employer conducts grassroots lobbying or if the employer makes any expenditures directly to or on behalf of a covered official or a covered official's immediate family member in any of those months, a monthly report in the manner prescribed in subsection 1 even if compensation or reimbursement for expenses has not been received for the month.

If the lobbyist did not expect to be engaged in lobbying when the Legislature was not in session, the commission may waive the requirement for the months between the end of the session and the renewal of lobbying.

§ 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;
- B.** An error by the commission; or
- 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.

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