



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

Commission Meeting 10/30/2020
Agenda Item #2

To: Commission
From: Michael Dunn, Esq., Committee Registrar
Date: October 19, 2020
Re: Revive Hometown Maine PAC – Waiver Request

During years with a general election (even-numbered years), political action committees registered with the Commission must file a quarterly campaign finance report on October 5th or the next business day. The Revive Hometown Maine PAC (the PAC) was required to file the 2020 October Quarterly campaign finance report on October 5, 2020, but did not do so until October 7, 2020. The PAC requests a waiver of the \$510 preliminary penalty.

LEGAL REQUIREMENTS

Reporting requirements. PACs are required to file campaign finance reports according to a schedule set in statute. 21-A M.R.S.A. §1059(2). According to this schedule, the PAC was required to file the 2020 October Quarterly campaign finance report on October 5, 2020. The time period of the report was August 19, 2020 through September 30, 2020.

Late-filing procedures. If a PAC is late in filing a campaign finance report, the amount of the preliminary penalty is set by a formula which takes into consideration a percentage of the financial activity reported late, and the number of days the report was late. 21-A M.R.S.A. § 1062-A(3). The Commission may waive the preliminary penalty in whole, or in part, if the Commission finds that the late filing was due to mitigating circumstances. Mitigating circumstances includes unexpected delays in internet service. Id.

DISCUSSION

The PAC is the leadership committee for Rep. Joel Stetkis and was formed in October 2017. This committee has never before had a late filed report. Since it's formation, the PAC has raised approximately \$45,000.

The Committee was required to file its Quarterly Report on October 5, 2020, but did not do so until October 7, 2020. The reported disclosed raising \$12,750 in contributions. This late filing resulted in a preliminary penalty of \$510 based on the following statutory formula:

Report Name	Amount	Due Date	No. of Days Late	Penalty Rate	Preliminary Penalty
October Quarterly	\$12,750	10/05/2020	2	2%	\$510

The PAC requests a waiver due to mitigating circumstances. The PAC contends that on September 30, 2020, a storm caused a power outage until late on October 2, 2020. At some point, either when the power went out or when it was restored a power surge damaged Rep. Stetkis' computer and he was unable to start it. He was unable to successfully troubleshoot the problem and ultimately purchased a new computer that required setup. The PAC filed the October Quarterly report on October 7, 2020.

Commission staff recommends a partial waiver of the preliminary penalty. Since 2018, the Commission staff recommends that a minimum penalty for late PAC reports be \$750. Here, the preliminary penalty is \$510, but Commission staff believes that mitigating circumstances warrants a further reduction. Commission staff accepts the PAC's explanation of events. Representative Stetkis' power was restored late on October 2, 2020, a Friday. He did not turn on his business computer until October 5, 2020, the following Monday and the due date for the report. When he attempted to turn on the computer, he was unable to. While not expressly stated in the waiver request, Commission staff assumes that this loss of computer functionality also made obtaining the records necessary to complete the campaign finance report more difficult to obtain.

Commission staff recommends that the Commission reduce the penalty to \$250¹. The public suffered some harm due to the late disclosure of financial activity. The mitigating

¹ Based on these facts Commission staff would consider a finding of a violation but imposing no financial penalty. Commission staff recommends the reduction to \$250 based on previous guidance from the Commission that a penalty should be imposed, even in understandable circumstances, to make clear the importance of filing on time. The suggested penalty of \$250 seems to adequately balance those interests and the experience of the PAC's officers.

circumstances, however, are mostly beyond the control of the PAC. One could argue that the PAC could have attempted to turn on the computer over the weekend, although it is understandable why Rep. Stetkis did not think to. This PAC has never had a late filed report before this instance. The PAC contacted Commission staff, even before mailing the preliminary penalty letters, to explain the situation and ensure that the report was received on October 7th. For these reasons, Commission staff recommends imposing a \$250 penalty.

Thank you for your attention this matter.

October 19th 2020

Mr.Dunn,

I received your communication of the finding by the commission staff that the 2020 October Report was filed 2 days late for the Revive Home Town Maine PAC. Of course this was on no surprise since I had spoke with you on the phone prior to be sure the report did come through.

In this letter I am requesting that a portion or all of the \$510 penalty be waived based on the following circumstances.

As you all know on Wednesday September 30th here in Maine we experienced a major storm that left more than 140,000 of us without power. At home in Canaan we did not have our power up and running until sometime late on Friday October 2nd.

Early Monday morning of October 5th as I went to start up and log on to our Home computer that we use exclusively for my Carpentry business ,banking, taxes and a few other sensitive things like filing campaign finance reports, the computer wouldn't start and wasn't able to file the report as planned.

I cut my day short at work knowing that the report needed to be filed. That afternoon I spent a fair amount of time trouble shooting possible issues, unsuccessful with getting the computer to run, I ordered a computer from Best buy in Augusta that I was able to pick up that evening.(I have included a copy of my order conformation).

As soon as got home I swapped out the new tower with the old and began the process of setting up the new computer including the software updates in order to get online. Unfortunately due to these circumstances I wasn't able to file the report until October 7th.

Frustratingly ,today October 19th , the old computer is still at the repair shop where they are attempting to recover all of our data from the hard drive after the power surge. Not having our QuickBooks software up and running ,keeping our banking information and other things current is quite the chore after getting so accustomed to technology.

The good news is though whether by hand or machine, this will not affect our ability to submit future reports on time.

Thank you for your time and understanding,
Joel R Stetkis

Revive Hometown Maine PAC



October 7, 2020

Mr. Joel Stekis
Revive Home Town Maine PAC
PO Box 336
Canaan, ME 04924

Re: Revive Home Town Maine PAC Late Filing of October 2020 Quarterly Report

Dear Mr. Stekis:

The Commission staff has made a finding that the Revive Home Town Maine PAC (the PAC) was late in filing its 2020 October Quarterly campaign finance report. The report was due by 11:59 p.m. on 10/05/2020, but was not filed until 10/07/2020. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1062-A). Based on the amount of financial activity in the report, the number of calendar days the report was late, and the PAC's history of violations, the Commission staff has determined that a penalty of \$510 is owed. (Please see attached penalty matrix for the calculation.)

The PAC may make a written request that the Commission waive the violation or penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the PAC filed late. Upon receiving your request, the Commission staff will schedule your appeal for an upcoming Commission meeting.

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; (2) an error made by the Commission staff; or (3) relevant evidence that the PAC made a bona fide effort to file the report on time. 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.

Please call me at (207) 287-4709 or send me an email at michael.dunn@maine.gov if you have questions.

Sincerely,

Michael J. Dunn

Michael J. Dunn, Esq.
Political Committee and Lobbyist Registrar

PAYMENT RECEIPT
(Please enclose with payment.)

Mail payment to:

Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Joel Stekis, Principal Officer
Revive Home Town Maine PAC
PO Box 336
Canaan, ME 04924

Violation: Late 2020 October Quarterly Report
Amount Due: \$510

Committee Name: Revive Home Town Maine PAC

Prior Violations:

Report Name	Activity Amount	Due Date	Days Late	Penalty Rate	Penalty
2020 October Quarterly Report	\$12,750	10/05/2020	2	2%	\$510

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, 2%

For the second violation, 4%

For the third and each subsequent violation, 6%

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

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.

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.

MAXIMUM PENALTIES

21-A M.R.S.A. Section 1062-A(4)

\$10,000 for Pre- and Post-Election Reports, Quarterly Reports and 24-Hour Reports, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late.



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

2020 CAMPAIGN FINANCE REPORT

FOR POLITICAL ACTION COMMITTEES

COMMITTEE		TREASURER	
Revive Home Town Maine PAC P.O. Box 336 Canaan, ME 04924 PHONE:(207) 399-7801 EMAIL: Revivepac@outlook.com		Mr. Scott Seekins 43 Corinna Rd St. Albans, ME 04924 PHONE: EMAIL: hiscott@tds.net	
REPORT	DUE DATE	REPORTING PERIOD	
October Quarterly Report	10/05/2020	08/19/2020 - 09/30/2020	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$12,750.00	\$15,350.00
2. OTHER CASH RECEIPTS (INTEREST, ETC.)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS (LINE 1 + 2 + 3)	\$12,750.00	\$15,350.00
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$5,775.54	\$5,775.54
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$0.00	\$2,850.00
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$5,775.54	\$8,625.54
CASH SUMMARY		
9. CASH BALANCE AT BEGINNING OF PERIOD	\$4,260.02	
10. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$12,750.00	
11. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 8)	\$5,775.54	
12. CASH BALANCE AT END OF PERIOD	\$11,234.48	
OTHER ACTIVITY		
13. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
14. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
15. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

I, Joel R Stetkis, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: Joel R Stetkis
 REPORT FILED ON: 10/7/2020 9:33:38 AM
 LAST MODIFIED:
 COMMITTEE ID: 5686

SCHEDULE A CASH CONTRIBUTIONS

- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

- | | |
|--|--|
| 1 = Individual | 9 = Candidate / Candidate Committee |
| 2 = Candidate/ Spouse/ Domestic Partner | 10 = General Treasury Transfer |
| 3 = Commercial Source | 11 = Transfer from Previous Campaign |
| 4 = Nonprofit Organization | 12 = Contributors giving \$50 or less |
| 5 = Political Action Committee | 13 = Contributors giving \$100 or less |
| 6 = Political Party Committee | 14 = Contributors giving \$200 or less |
| 7 = Ballot Question Committee | 15 = MCEA Payment |
| 8 = Other Candidate/ Candidate Committee | 16 = Financial Institution |

DATE RECEIVED	CONTRIBUTOR	EMPLOYER AND OCCUPATION	TYPE	AMOUNT
9/14/2020	WOMEN'S LEADERSHIP FUND PO Box 166 Warren, ME, 04864	Contribution	5	\$2,000.00
9/15/2020	We the People PAC PO Box 165 Augusta, ME, 04332	contribution	5	\$7,000.00
9/26/2020	Michael Smith 627 Chisholm pond road Polermo, ME, 04924	self employed Construction/Engineering	1	\$500.00
9/29/2020	OXFORD COUNTY REPUBLICAN COMMITTEE 107 Thurston Road Norway, ME, 04268	Contribution	6	\$2,000.00
9/29/2020	Peter Lyford 197 Jarvis Gore Drive Eddington, ME, 04428	Self employed Construction/Engineering contribution	1	\$250.00
9/30/2020	Haggen for House Haggen for House box 468 Hambden, ME, 04444	contribution	9	\$1,000.00
TOTAL CASH CONTRIBUTIONS				\$12,750.00

**SCHEDULE B
EXPENDITURES TO SUPPORT OR OPPOSE**

EXPENDITURE TYPES					
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.		
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)		
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)		
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)		
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data		
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)		
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)		
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees		
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs		
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)		
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)		
DATE OF EXPENDITURE	PAYEE	REMARK		TYPE	AMOUNT
9/16/2020	ChannelXRadio 152 East Greenridge Road Caribou, ME, 04736	CAMPAIGN RADIO AD PAYMENT OF \$2,062.50 TO OPPOSE: Troy D. Jackson Jurisdiction: State. Party: Democratic. Office: Senator. ELECTION YEAR: 2020.		RAD	\$2,062.50
9/16/2020	ChannelXRadio 152 East Greenridge Road Caribou, ME, 04736	Political ad PAYMENT OF \$1,217.50 TO OPPOSE: Troy D. Jackson Jurisdiction: State. Party: Democratic. Office: Senator. ELECTION YEAR: 2020.		RAD	\$1,217.50
9/23/2020	SPECTRUM MARKETING COMPANIES, INC. 95 EDDY RD SUITE 101 MANCHESTER, NH, 03102	support candidate PAYMENT OF \$2,495.54 TO SUPPORT: Amanda Noelle Collamore Jurisdiction: State. Party: Republican. Office: Representative. ELECTION YEAR: 2020.		LIT	\$2,495.54
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:					\$5,775.54

Title 21-A Maine Revised Statutes

Current with the Second Regular Session of the 129th Maine Legislature.

§ 1059. Report; filing requirements

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2. Reporting schedule. A committee shall file reports according to the following schedule.

A. A committee shall file quarterly reports:

- (1) On January 15th, and the report must be complete as of December 31st;
- (2) On April 10th, and the report must be complete as of March 31st;
- (3) On July 15th, and the report must be complete as of June 30th; and
- (4) On October 5th, and the report must be complete as of September 30th.

B. During any year in which primary and general elections are held, a committee shall file primary and general election reports in addition to the reports required under paragraph A:

- (1) On the 11th day before the date on which the election is held, which must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held, which must be complete as of the 35th day after that date.

A committee shall file primary and general election reports even if the committee did not engage in financial activity to influence the primary or general election.

...

§ 1062-A. Failure to file on time

...

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if it is disproportionate to the level of experience of the person filing the report or to 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 of the committee treasurer 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;
- B. An error by the commission staff; or
- C. 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 or interruptions in Internet service.

3. Basis for penalties. The penalty for late filing of a report required under this subchapter 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, 2%;
- B. For the 2nd violation, 4%; and
- C. For the 3rd and subsequent violations, 6%.

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 calendar year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter.

...