



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: August 5, 2020
Re: Request by Stan Gerzofsky for Waiver of Late-Filing Penalty

Stan Gerzofsky was a candidate in the July 14, 2020 Democratic primary election for State Senate, District #24. He was required to file a campaign finance report on Monday, July 6, 2020. His treasurer filed the report two days late on Wednesday, July 8. Two days later (Friday, July 10), the Commission received a complaint alleging that the report under-reported his advertising expenses. Later that day, the candidate provided the missing information to Candidate Registrar Emma Burke, who filed an amended report on behalf of the candidate. The Commission met on Monday, July 13 to consider the complaint. You determined that Mr. Gerzofsky's pre-primary report was four days late. After the meeting, Ms. Burke notified the candidate by letter that the preliminary penalty for the late filing was \$390.50. He is requesting a waiver of the preliminary penalty.

LEGAL REQUIREMENTS

Legislative candidates are required to file a campaign finance report no later than 11:59 p.m. on the 11th day before the date on which an election is held, and the report must be complete as of the 14th day before that date. 21-A M.R.S. § 1017(3-A)(B). A required report must contain the itemized expenditures made or authorized during the report filing period, the date and purpose of each expenditure and the name of each payee.

21-A M.R.S. § 1017(5). A campaign finance report is considered timely filed if it substantially conforms to the disclosure requirements in Maine's campaign finance law.

21-A M.R.S. § 1020-A(2).

The Legislature has set out a procedure for assessing penalties if a candidate files a campaign finance report late. Under 21-A M.R.S. § 1020-A(6), the Commission staff notifies the candidate of the preliminary penalty. The candidate may pay the penalty or request a determination by the Commission (*i.e.*, a waiver) within two weeks based on mitigating circumstances defined in the statute. The amount of the preliminary penalty is set by a formula which takes into consideration a percentage of the total contributions or expenditures, whichever is greater, the number of prior violations within a two-year period, and the number of days the report is late. 21-A M.R.S. § 1020-A)(4-A).

DISCUSSION

Late filing and preliminary penalty. Mr. Gerzofsky was required to file his first campaign finance report on Monday, July 6, which would cover all contributions received and all expenditures made through June 30.¹ His treasurer, Sara Randall, filed the report on the evening of Wednesday, July 8, which was two days late. That original report is in the attached materials, marked as ETH 4-7. The only expenditures in the report were five payments during March and April to a local newspaper, The Cryer, totaling \$2,315.63.²

On July 10, 2020, the Commission received a complaint from four residents of Brunswick alleging that the report “grossly under-reported” Mr. Gerzofsky’s payments to The Cryer. ETH 13-15. They requested that the Commission investigate the incomplete financial reporting and assess three times the authorized penalty because the financial reporting violation occurred less than 14 days before the primary election.

In a conversation with Candidate Registrar Emma Burke on July 10, 2020, Mr. Gerzofsky acknowledged making payments to The Cryer that were not in the original report. He made one payment with campaign funds that his treasurer did not know about because The Cryer had not yet cashed that check. He also made three payments to The Cryer in May and June 2020 with personal funds, that he hoped would be repaid by his campaign.

¹ The State of Maine was closed Friday, July 3 to observe the Independence Day holiday.

² One of these expenditures (\$600) was erroneously entered twice. After speaking to the candidate on July 10, 2020, Candidate Registrar Emma Burke deleted one of the duplicates.

The four payments missing from the report total \$3,121.89, which represents 65% of the candidate's total spending of \$4,837.52 for the report period. The originally filed report also did not include relevant information that he had self-funded his campaign advertisements through a loan. The amended report is in the attached materials at ETH 8-12.

Ms. Burke calculated the amount of the preliminary penalty as follows and notified the candidate of the preliminary penalty in a letter dated July 16, 2020. ETH 2-3.

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
11-Day Pre-Primary Report	07/06/2018	\$4,881.26	2%	4	\$390.50

Request for waiver. Stan Gerzofsky requests a waiver of the late filing penalty (ETH 1) due to the following health reasons. After an accident in the fall of 2019, he suffered pinched nerves in his neck, causing very severe leg pain. In January 2020, he had neck surgery, but that did not stop the pain in his legs. He was prescribed prednisone for his leg pain, which caused his mind to be very cloudy and he did not check the level of his blood sugar. This resulted in very high blood sugar levels which continued into late June. The accident also caused damage to vertebrae in his lower back. Because of the coronavirus, an MRI was delayed until May. In late June, Mr. Gerzofsky went into the hospital to have his lower vertebrae fused, which occurred on June 24 (the surgery was delayed for a few days because of his high blood sugar). He claims that most of June was foggy and he continues to have trouble with his eyes, but his brain is getting clearer every day and he can focus. He feels he has been penalized enough from his reputation being scarred.

Staff recommendation. On a personal level, I am very sympathetic to the difficulties that Mr. Gerzofsky contended with in the spring and early summer of this year. It is relevant that his second surgery occurred on June 24 which was twelve days before the July 6 filing deadline. Published information concerning the medication that he took in the spring indicates it has the potential to cause multiple side effects, including high blood sugar which can trigger or worsen diabetes, memory loss and confusion.

Nevertheless, the Commission assesses penalties to hold candidates to a reasonable but high standard in filing financial reports, and consistency in enforcement results is also important. The Commission staff has difficulty assessing whether Mr. Gerzofsky has stated sufficient grounds to justify a waiver of the \$390.50 penalty. He had a capable treasurer who was eager to receive the transaction details from him in order to file a campaign finance report on July 6, 2020. He did not have multiple payees to report. He only needed to remember or re-create his expenditures to a single vendor, The Cryer, and how he financed them. The Commission staff does not want to diminish the grave challenges Mr. Gerzofsky has faced this year (including back surgery 12 days before the July 6 filing deadline), but when he made a Zoom presentation to the Commission on July 13 (one week after the filing deadline) he seemed to have sufficient faculties to remember that he had placed advertisements in the local newspaper through June. That memory could have triggered a recollection or investigation of how he paid for them.³

In 2018, the Commission decided to increase its penalties for late filings by candidates and committees. Most waiver requests by legislative and county candidates in 2018-2019 resulted in a penalty in the range of \$300 - \$400. ETH-23. The preliminary penalty against Mr. Gerzofsky of \$390.50 is within this range.

We are hopeful that at the August 11 meeting Mr. Gerzofsky will provide you with more concrete explanation of how his health situation in June and July directly impacted the completeness and timeliness of the July 6 report, and are glad that you will have an additional opportunity to give the penalty further consideration. The Commission staff is not in favor of assessing triple the authorized penalty because of the incomplete report. The report was rectified four days before the election. In our opinion, the enhanced penalties should be reserved for cases involving greater public harm or negligence by the candidate or committee. Thank you for your consideration of this memo.

³ Filing an accurate financial report with the State of campaign activity is not like a pop quiz in which a candidate is tested on their memory of campaign transactions. It can (and often should) take a few sittings, in which the candidate and treasurer have an opportunity to assess whether all campaign goods and services received during the report period have been included in the draft report (including how they were paid for) and to communicate with their vendors or financial institutions as necessary.

July 22, 2020

State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135

Attn: Jonathan Wayne, Executive Director

Mr. Wayne,

I am hereby requesting a waiver of any penalty charge from the Complaint against me for Late Campaign Finance Report.

I do admit I was late filing which was due to my medical conditions from the last several months. I was **not** being negligent. These medical conditions include:

-Fall of 2019; a tree fell on my head.

-Due to the tree I ended up with pinched nerves in my neck which created very severe leg pains (continue to have leg pain but am able to control it with different meds).

-Also due to the tree I had 3 vertebrae that needed to be fused together; January 2020 I had neck surgery.

-Due to the medicine, prednisone, to control the leg pain my mind became very cloudy and I did not check my blood sugars as I have done for several years 3 times per day which caused very high blood sugars.

-Because of the pandemic it took some time for my Doctor to schedule an MRI on my lower back. The MRI occurred on June 19th. My situation was deemed a life or death emergency so my back surgery to fuse 3 or 4 lower disks was scheduled for June 21, 2020.

-I went into the hospital on June 21 for surgery but was delayed to June 24, 2020 because they found out about my high blood sugars. I was having my blood sugars drained with insulin for two days.

As you can see most of June was foggy.

I continue to have trouble with my eyes but under a Doctor's care I have controlled my blood sugars with different medicine. I check my blood sugars 3 times a day. My brain is getting clearer every day and can focus.

This was my 10th campaign and I have never had any issues. I feel I've been penalized enough from my reputation being scarred. This attack on me was a political hit by my opponent and her supporters.

Thank you for taking the time to read my request and I am looking forward to your response.

Respectfully,



Stan Gerzofsky
3 Federal Street
Brunswick, ME 04011-1507
(207) 504-1340
stan1340@aol.com

July 16, 2020

Stan Gerzofsky
3 Federal Street
Brunswick, Maine 04011

Re: UPDATED Notice of Violation and Penalty for Late-Filed 11-Day Pre-Primary Report

Dear Mr. Gerzofsky:

You were required to file the 11-Day Pre-Primary Report on July 6, 2020 by 11:59 p.m., but the report was not filed until July 10, 2020. Under the Commission's statutes (21-A M.R.S.A. § 1020-A(4-A)), the late filing of a report triggers an enforcement process. The Commission staff has made a preliminary finding of violation and determined that the preliminary penalty for filing the report late is \$390.50. Please see the next page for the penalty calculation. **Please disregard your previous notice of penalty with a penalty amount of \$112.00.**

This penalty is a result of the Commission's meeting on July 13, 2020, which was held to hear a request for investigation regarding expenditures not reported on the first version of your 11-Day Pre-Primary Report. The Commissioners did not see a need for further investigation as you provided the previously unreported expenditure and loan amounts on Friday, July 10, 2020. The Commission directed staff to send notice of preliminary penalty for the four-day late report.

You may request that the Commission waive the penalty in whole or in part or find that there was no violation. The request 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 report was filed late. Upon receiving your request, the Commission staff will schedule your request to be heard at an upcoming Commission meeting. You or your designee will have an opportunity to be heard at the meeting or you may submit a sworn statement to the Commission explaining the mitigating circumstances for its consideration. The Commission will be considering assessing a tripled penalty under 21-A M.R.S. § 1004-C, as requested by the complainants, because the violation occurred less than 14 days prior to the primary election.

The Commission may waive or reduce the penalty or find that there was no violation 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 a bona fide effort was made to file the report on time. The Commission may also consider whether the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff, or the harm to the public caused by the late disclosure.

Please contact me at (207) 287-4727 or emma.burke@maine.gov if you have any questions.

Sincerely,

Emma Burke
Candidate Registrar

Penalty Calculation

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 2% for the first violation, 4% for the second violation, and 6% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$10 is automatically waived.

How Your Penalty Was Calculated

Filer: Stan Gerzofsky			
Late-Filed Report: 11-Day Pre-Primary Report			
Contributions	\$4,881.26	Penalty Base Amount	\$4,881.26
Expenditures	\$4,837.52	Percentage	2%
Due Date	July 6, 2020	Daily Accrual Rate	\$97.62
Date Filed	July 10, 2020	Days Late	4
Previous Violations	1	Your Total Penalty	\$390.50

Payment Statement and Payment Options

From: Stan Gerzofsky

Penalty Amount: \$390.50

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment.

Please make check or money order payable to: Treasurer, State of Maine

Mail to: Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135

ONLINE: Go to www.maine.gov/online/ethics/penalties.



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 PRIVATELY FINANCED CANDIDATES

COMMITTEE		TREASURER	
Hon. Stan J Gerzofsky 3 Federal Street Brunswick, ME 04011 PHONE:(207) 373-1328 EMAIL: stan1340@aol.com		Sara Randall 6 Starboard Lane Freeport, ME 04032 PHONE: EMAIL: sara.randall04032@gmail.com	
REPORT	DUE DATE	REPORTING PERIOD	
11-Day Pre-Primary Report	07/06/2020	01/01/2020 - 06/30/2020	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH CONTRIBUTIONS FOR THE PRIMARY ELECTION (SCHEDULE A)	\$2,800.00	\$2,800.00
1A. CASH CONTRIBUTIONS FOR THE GENERAL ELECTION(SCHEDULE A) <i>For party candidates, general election contributions will only appear on this line after the primary.</i>		
1B. CASH CONTRIBUTIONS FOR THE GENERAL ELECTION RAISED PRIOR TO PRIMARY (Not shown on Schedule A of this report)		
2. OTHER CASH RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS	\$2,800.00	\$2,800.00
EXPENDITURES		
5. EXPENDITURES (SCHEDULE B)	\$2,315.63	\$2,315.63
6. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
7. TOTAL PAYMENTS	\$2,315.63	\$2,315.63
CASH SUMMARY		
8. CASH BALANCE AT BEGINNING OF PERIOD	\$0.00	
9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$2,800.00	
10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 7)	\$2,315.63	
11. CASH BALANCE AT END OF PERIOD	\$484.37	
OTHER ACTIVITY		
12. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
13. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
14. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	
FOR PARTY CANDIDATES ONLY: CASH CONTRIBUTIONS FOR THE GENERAL ELECTION RAISED PRIOR TO PRIMARY ELECTION (INCLUDED IN LINE 1A AFTER PRIMARY ELECTION)	\$0.00	\$0.00

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

REPORT FILED BY: Sara Randall
 REPORT FILED ON: 7/8/2020 8:25:41 PM
 LAST MODIFIED:
 COMMITTEE ID: 360589

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

2 = Candidate/ Spouse/ Domestic Partner

3 = Commercial Source

4 = Nonprofit Organization

5 = Political Action Committee

6 = Political Party Committee

7 = Ballot Question Committee

8 = Other Candidate/ Candidate Committee

9 = Candidate / Candidate Committee

10 = General Treasury Transfer

11 = Transfer from Previous Campaign

12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	EMPLOYER AND OCCUPATION	TYPE	ELECTION	AMOUNT
2/22/2020	Rick Sharp 116 Waybury Rd Colchester, VT, 05446	Attorney at Law Attorney/Legal	1	Primary	\$100.00
2/24/2020	Ruth Masters 116 Waybury Rd Colchester, VT, 05446	unknown unknown	1	Primary	\$100.00
3/5/2020	Charles Wallace 501 Mere Point Rd Brunswick, ME, 04011	Resource Systems Engineering Engineer	1	Primary	\$100.00
3/11/2020	Bill Diamond 10 Crown Point Windham, ME, 04062	State of Maine Government/Civil	1	Primary	\$100.00
3/12/2020	Elizabeth Pierce 32 Maxfield Lane White River JCT, VT, 05001	State of Vermont General Business	1	Primary	\$100.00
3/25/2020	Charlene Denton UNKNOWN UNKNOWN, ME, 04401	unknown Office and Administrative Occupations	1	Primary	\$100.00
3/25/2020	Stan Gerzofsky 3 Federal St Brunswick, ME, 04011	Retired Government/Civil	1	Primary	\$100.00
3/26/2020	David Miramont 174 Mountain Rd Camden, ME, 04843	State of Maine Government/Civil	1	Primary	\$100.00
3/29/2020	Claire M. Patrick 206 Strafford Aven Rumford, ME, 04276	unknown unknown	1	Primary	\$100.00
3/29/2020	John Patrick 206 Strafford Ave Rumford, ME, 04276	State of Maine Government/Civil	1	Primary	\$100.00

4/2/2020	Jeffrey & Pierce unknown Bar Harbor, ME, 04609	State of Maine Government/Civil	1	Primary	\$100.00
4/4/2020	Steven and Susan Weems 44 THOMPSON ST BRUNSWICK, ME, 04011	unknown unknown	1	Primary	\$100.00
4/9/2020	Bruce Bryant PO Box 643 Dixfield, ME, 04224	unknown Real Estate Professional	1	Primary	\$100.00
4/29/2020	Brenda and James McHigh 125 HIGHLAND TERRACE MEXICO, ME, 04257	unknown unknown	1	Primary	\$100.00
5/13/2020	Bruce Bryant 166 Albion Windham, ME, 04062	State of Maine Government/Civil	1	Primary	\$100.00
5/18/2020	James and Suzanne Howard 54 Beechwood Dr Topsham, ME, 04086	unknown unknown	1	Primary	\$100.00
5/18/2020	James Howard 2 Main St Topsham, ME, 04086	Business owner General Business	1	Primary	\$100.00
5/18/2020	Parker Howard 54 Beechwood Dr Topsham, ME, 04086	unknown unknown	1	Primary	\$100.00
5/20/2020	Bill Diamond 10 Crown Point Windham, ME, 04062	State of Maine Government/Civil	1	Primary	\$150.00
5/27/2020	Dion Law LLC 91 J Auburn St Portland, ME, 04103		3	Primary	\$100.00
6/1/2020	David Miramont 174 Mountain Rd Camden, ME, 04843	State of Maine Government/Civil	1	Primary	\$100.00
6/18/2020	Dawn Hill 124 PINE HILL RD CAPE NEDDICK, ME, 03902	State of Maine Healthcare/Medical	1	Primary	\$300.00
6/19/2020	Charles Wallace 501 Mere Point Rd Brunswick, ME, 04011	Resource Systems Engineering Engineer	1	Primary	\$300.00
6/23/2020	William Moore 228 Old Portland Rd Brunswick, ME, 04011	unknown unknown	1	Primary	\$50.00
TOTAL CASH CONTRIBUTIONS FOR PRIMARY					\$2,800.00
TOTAL CASH CONTRIBUTIONS FOR GENERAL					\$0.00

**SCHEDULE B
EXPENDITURES**

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
3/26/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ads	NEW	\$600.00
3/26/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ads	NEW	\$600.00
4/8/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ad	NEW	\$75.00
4/8/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ads	NEW	\$500.00
4/21/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	april balance ads	NEW	\$540.63
TOTAL EXPENDITURES FOR CANDIDATE:				\$2,315.63



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 PRIVATELY FINANCED CANDIDATES

COMMITTEE		TREASURER	
Hon. Stan J Gerzofsky 3 Federal Street Brunswick, ME 04011 PHONE:(207) 373-1328 EMAIL: stan1340@aol.com		Sara Randall 6 Starboard Lane Freeport, ME 04032 PHONE: EMAIL: sara.randall04032@gmail.com	
REPORT	DUE DATE	REPORTING PERIOD	
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2. OTHER CASH RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$2,081.26	\$2,081.26
4. TOTAL RECEIPTS	\$4,881.26	\$4,881.26
EXPENDITURES		
5. EXPENDITURES (SCHEDULE B)	\$4,837.52	\$4,837.52
6. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
7. TOTAL PAYMENTS	\$4,837.52	\$4,837.52
CASH SUMMARY		
8. CASH BALANCE AT BEGINNING OF PERIOD	\$0.00	
9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$4,881.26	
10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 7)	\$4,837.52	
11. CASH BALANCE AT END OF PERIOD	\$43.74	
OTHER ACTIVITY		
12. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
13. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$2,081.26	
14. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	
FOR PARTY CANDIDATES ONLY: CASH CONTRIBUTIONS FOR THE GENERAL ELECTION RAISED PRIOR TO PRIMARY ELECTION (INCLUDED IN LINE 1A AFTER PRIMARY ELECTION)	\$0.00	\$0.00

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

REPORT FILED BY: EMMA BURKE on behalf of Sara Randall
 REPORT FILED ON: 7/8/2020 8:25:41 PM
 LAST MODIFIED: 7/10/2020 3:20:50 PM
 COMMITTEE ID: 360589

**SCHEDULE A
CASH CONTRIBUTIONS**

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- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

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10 = General Treasury Transfer

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12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	EMPLOYER AND OCCUPATION	TYPE	ELECTION	AMOUNT
2/22/2020	Rick Sharp 116 Waybury Rd Colchester, VT, 05446	Attorney at Law Attorney/Legal	1	Primary	\$100.00
2/24/2020	Ruth Masters 116 Waybury Rd Colchester, VT, 05446	unknown unknown	1	Primary	\$100.00
3/5/2020	Charles Wallace 501 Mere Point Rd Brunswick, ME, 04011	Resource Systems Engineering Engineer	1	Primary	\$100.00
3/11/2020	Bill Diamond 10 Crown Point Windham, ME, 04062	State of Maine Government/Civil	1	Primary	\$100.00
3/12/2020	Elizabeth Pierce 32 Maxfield Lane White River JCT, VT, 05001	State of Vermont General Business	1	Primary	\$100.00
3/25/2020	Charlene Denton UNKNOWN UNKNOWN, ME, 04401	unknown Office and Administrative Occupations	1	Primary	\$100.00
3/25/2020	Stan Gerzofsky 3 Federal St Brunswick, ME, 04011	Retired Government/Civil	1	Primary	\$100.00
3/26/2020	David Miramont 174 Mountain Rd Camden, ME, 04843	State of Maine Government/Civil	1	Primary	\$100.00
3/29/2020	Claire M. Patrick 206 Strafford Aven Rumford, ME, 04276	unknown unknown	1	Primary	\$100.00
3/29/2020	John Patrick 206 Strafford Ave Rumford, ME, 04276	State of Maine Government/Civil	1	Primary	\$100.00

AMENDED REPORT

4/2/2020	Jeffrey & Pierce unknown Bar Harbor, ME, 04609	State of Maine Government/Civil	1	Primary	\$100.00
4/4/2020	Steven and Susan Weems 44 THOMPSON ST BRUNSWICK, ME, 04011	unknown unknown	1	Primary	\$100.00
4/9/2020	Bruce Bryant PO Box 643 Dixfield, ME, 04224	unknown Real Estate Professional	1	Primary	\$100.00
4/29/2020	Brenda and James McHigh 125 HIGHLAND TERRACE MEXICO, ME, 04257	unknown unknown	1	Primary	\$100.00
5/13/2020	Bruce Bryant 166 Albion Windham, ME, 04062	State of Maine Government/Civil	1	Primary	\$100.00
5/18/2020	James and Suzanne Howard 54 Beechwood Dr Topsham, ME, 04086	unknown unknown	1	Primary	\$100.00
5/18/2020	James Howard 2 Main St Topsham, ME, 04086	Business owner General Business	1	Primary	\$100.00
5/18/2020	Parker Howard 54 Beechwood Dr Topsham, ME, 04086	unknown unknown	1	Primary	\$100.00
5/20/2020	Bill Diamond 10 Crown Point Windham, ME, 04062	State of Maine Government/Civil	1	Primary	\$150.00
5/27/2020	Dion Law LLC 91 J Auburn St Portland, ME, 04103		3	Primary	\$100.00
6/1/2020	David Miramont 174 Mountain Rd Camden, ME, 04843	State of Maine Government/Civil	1	Primary	\$100.00
6/18/2020	Dawn Hill 124 PINE HILL RD CAPE NEDDICK, ME, 03902	State of Maine Healthcare/Medical	1	Primary	\$300.00
6/19/2020	Charles Wallace 501 Mere Point Rd Brunswick, ME, 04011	Resource Systems Engineering Engineer	1	Primary	\$300.00
6/23/2020	William Moore 228 Old Portland Rd Brunswick, ME, 04011	unknown unknown	1	Primary	\$50.00
TOTAL CASH CONTRIBUTIONS FOR PRIMARY					\$2,800.00
TOTAL CASH CONTRIBUTIONS FOR GENERAL					\$0.00

**SCHEDULE B
EXPENDITURES**

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
3/26/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ads	NEW	\$600.00
3/26/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ads	NEW	\$600.00 DELETED 07/10/2020
4/8/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ad	NEW	\$75.00
4/8/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ads	NEW	\$500.00
4/21/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	april balance ads	NEW	\$540.63
5/8/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	Ad	NEW	\$500.00
5/19/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	Ad	NEW	\$500.00
6/11/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	Balance of May ads	NEW	\$1,081.26
6/25/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	Cryer Ad	NEW	\$1,040.63
TOTAL EXPENDITURES FOR CANDIDATE:				\$4,837.52

**SCHEDULE C
LOANS/LOAN PAYMENTS**

LOAN TRANSACTIONS FOR THIS REPORTING PERIOD						
Lender	Type	Original Loan Date	Original Loan Amount	Activity Date	Loan Activity	Activity Amount
Stan Gerzofsky	Candidate/ Spouse/ Domestic Partner	05/08/2020	\$500.00	5/8/2020	Loan - Paid The Cryer with personal funds	\$500.00
Stan Gerzofsky	Candidate/ Spouse/ Domestic Partner	05/19/2020	\$500.00	5/19/2020	Loan - Paid The Cryer with personal funds	\$500.00
Stan Gerzofsky	Candidate/ Spouse/ Domestic Partner	06/11/2020	\$1081.26	6/11/2020	Loan - Paid The Cryer with personal funds	\$1081.26
LOAN ACTIVITY FOR THIS CAMPAIGN						
Lender	Type	Original Loan Date	Original Loan Amount	Total Payment Amount	Total Forgiveness Amount	Loan Balance
Stan Gerzofsky	Candidate/ Spouse/ Domestic Partner	05/08/2020	\$500.00	\$0.00	\$0.00	\$500.00
Stan Gerzofsky	Candidate/ Spouse/ Domestic Partner	05/19/2020	\$500.00	\$0.00	\$0.00	\$500.00
Stan Gerzofsky	Candidate/ Spouse/ Domestic Partner	06/11/2020	\$1081.26	\$0.00	\$0.00	\$1081.26
TOTAL LOAN BALANCE AT END OF REPORTING PERIOD						\$2081.26

July 10, 2020

By Email

Ms. Emma Burke,
Candidate Registrar
Maine Commission on Governmental Ethics & Election Practices
135 State House Station
Augusta, ME 04333

RE: Complaint Against Stan Gerzofsky, Candidate for Senator, District 24

Dear Ms. Burke,

We, the undersigned, are concerned voters of Senate District 24. Please consider this letter describing gross violations of Maine campaign finance laws as a formal complaint we request be immediately referred to the Commissioners so that they can authorize a full investigation into the campaign finances of Stan Gerzofsky.

Stan Gerzofsky registered as a candidate for Senate District 24 on January 9, 2020. Mr. Gerzofsky is a traditional, privately financed candidate. His campaign's first finance report, the 11-Day Pre-Primary Report, was due Monday, July 6, 2020. The campaign's Treasurer, Sara Randall, filed this report electronically on Wednesday, July 8, 2020 at 8:30 PM. We contend that this report does not substantially conform to the disclosure requirements.

We are very concerned that the campaign's expenditures are grossly underreported in the 11-Day Pre-Primary report.

There are five payments disclosed to The Town Cryer in March and April totaling \$2,315.63. The Cryer is a local, monthly publication in Brunswick. Using the Cryer's ad rates (attached) we have determined that the campaign has taken out at least \$4,995.02 worth of political advertisements that would have all had to be placed by June 15. **This means the campaign has failed to report at least \$2,679.39 worth of expenditures or debt—this would more than double the total expenditures reported by the campaign.**

Below is a breakdown of the published ads Mr. Gerzofsky's campaign has placed:

- **March: \$742.50**
 - \$675 full color, half page ad
 - Free 375 words of written content
 - \$67.50 full color 3 column inches (photo)

- **April: \$1130.63**
 - \$1040.63 full color, full page ad
 - \$90.00 full color 4 column inches (photo)
 - Additional 13 column inches of text

- **May: \$1,040.63**
 - \$1,040.63 full color, full page ad
 - Additional 14.5 column inches of text

- **June: \$1,040.63**
 - \$1040.63 full color, full page ad
 - Free 750 words of written content

- **July: \$1,040.63**
 - \$1040.63 full color, full page ad
 - Free 750 Words of written content

Attached are copies of the ads which are available on the Cryer's online archives as well as photographs from the April, May, June, and July issues.

We urge the Commission to authorize a full investigation into these discrepancies pursuant to its authority under 21-A MRSA § 1003. Either the campaign has failed to report expenditures or the Cryer has made an overlimit in-kind contribution to the campaign. An investigation will bring this to light and also determine if any other violations have occurred.

Additionally, we request the Commission exercise its authority under 21-A MRSA § 1004-C and find any penalty warrants an enhancement due to the aggravating circumstances. This statute states "when assessing a penalty or monetary sanction, the commission...may triple the authorized penalty or monetary sanction for a violation occurring less than 14 days prior to an election day." Today, we are just four days away from election day, and Mr. Gerzofsky is depriving the public of a complete campaign finance report which is typically due 11 days prior to the election. Any penalty assessed by the Commission should therefore be tripled under § 1004-C.

Campaign finance disclosure exists for a reason. We, as voters, deserve full, complete, and accurate disclosure from all individuals running for office. After reviewing the initial filings of Mr. Gerzofsky, it is clear that his campaign is continuing to violate state ethics rules and state statutes.

We are now less than 4 days from election day—absentee ballots are out and early voting is almost done. Mr. Gerzofsky has flagrantly ignored multiple Maine statutes and Maine Ethics Commission rules. This matter must be referred to the Maine Ethics Commission for immediate investigation and enforcement. Residents of Senate District 24--and all Maine voters--deserve transparency around elections and elected officials.

We are now four days away from Election Day. Mr. Gerzofsky has flagrantly ignored multiple Maine statutes and Maine Ethics Commission rules by first ignoring the campaign finance deadline and then filing a substantially incomplete report. It would set an unfortunate and dangerous precedent if these violations go unaddressed until after the Election. We respectfully ask that you use all investigative and enforcement tools at your disposal to resolve this matter swiftly.

Thank you for your attention to this matter.

Sincerely,

Percival Stoddard

Percival Stoddard
Brunswick, ME

Julie Terray

Julie Terray
Brunswick, ME

Andrew Hamilton

Andrew Hamilton
Brunswick, ME

Lorraine Washburn

Lorraine Washburn
Brunswick, ME

cc: Jonathan Wayne
Paul Lavin

enc

Friday, July 10, 2020

To: Jonathan Wayne – Executive Director, Commission on Governmental Ethics

From: Charles Crosby Publisher, DBA The Cryer, 135 Maine Street, #253 Brunswick, ME 04011

RE: Per your request about advertising placed by Stan Gerzofsky in The Cryer

Accounting for Advertising
March 2020 – July 2020 Cryer

Ads placed by Stan Gerzofsky


March 2020 - Half Page Color on Page 9	\$ 675.00
April 2020 - Full Page Color on Page 7	\$1,040.63
May 2020 - Full Page Color on Page 5	\$1,040.63
June 2020 - Full Page Color on Page 5	\$1,040.63
July 2020 - Full Page Color on Page 5	\$1,040.63
Total PAID:	\$4,837.52

Paid in Full

21-A M.R.S. § 1002

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

§ 1002. Meetings of commission



1. Meeting schedule. The commission shall meet in Augusta for the purposes of this chapter at least once per month in any year in which primary and general elections are held. In the 28 days preceding an election, the commission shall meet in Augusta within 2 business days of the filing of any complaint with the commission, unless the complainant and respondent agree otherwise. Regardless of whether the complainant or respondent agree, the commission may defer until after the election considering complaints determined by the chair to involve allegations of minor violations of this chapter or chapter 14, such as disclaimer statements omitted from campaign signs or transactions of less than \$ 100 omitted from campaign finance reports.


....

21-A M.R.S. § 1003

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

§ 1003. Investigations by commission

1. Investigations. The commission may undertake audits and investigations to determine whether a person has violated this chapter, chapter 14 or the rules of the commission. ...



2. Investigations requested. A person may apply in writing to the commission requesting an investigation as described in subsection 1. The commission shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.

....

21-A M.R.S. § 1004-C

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

§ 1004-C. Enhanced penalties for violations with aggravating circumstances

Notwithstanding any maximum penalty otherwise set forth in this chapter, when assessing a penalty or monetary sanction, the commission may double the authorized penalty or monetary sanction for a violation occurring less than 28 days prior to an election day and may triple the authorized penalty or monetary sanction for a violation occurring less than 14 days prior to an election day.

21-A M.R.S. § 1012


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


§ 1012. Definitions

....

3. Expenditure. The term “expenditure:”

A. Includes:

 (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

 (2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;

(3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and

(4) A payment or promise of payment to a person contracted with for the purpose of influencing any campaign as defined in section 1052, subsection 1; and

B. Does not include:

...

21-A M.R.S. § 1017

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

§ 1017. Reports by candidates

....

3-A. Other candidates. A treasurer of a candidate for state or county office other than the office of Governor shall file reports with the commission and municipal candidates shall file reports with the municipal clerk as follows. Once the first required report has been filed, each subsequent report must cover the period from the end date of the prior report filed.

A. In any calendar year in which an election for the candidate's particular office is not scheduled, when any candidate or candidate's political committee has received contributions in excess of \$500 or made or authorized expenditures in excess of \$500, reports must be filed no later than 11:59 p.m. on July 15th of that year and January 15th of the following calendar year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the treasurer of the candidate as of the end of the preceding month, except those covered by a previous report.

B. Reports must be filed no later than 11:59 p.m. on the 11th day before the date on which an election is held and must be complete as of the 14th day before that date. If a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 14th day before the election.

....

5. Content. A report required under this section must contain the itemized accounts of contributions received during that report filing period, including the date a contribution was received, and the name, address, occupation, principal place of business, if any, and the amount of the contribution of each person who has made a contribution or contributions aggregating in excess of \$50. The report must contain the itemized expenditures made or authorized during the report filing period, the date and purpose of each expenditure and the name and address of each payee and creditor and any refund that a payee has made to the candidate or an agent of the candidate. If the payee is a member of the candidate's household or immediate family, the candidate shall disclose the candidate's relationship to the payee in a manner prescribed by the commission. The report must contain a statement of any loan to a candidate by a financial institution in connection with that candidate's candidacy that is made during the period covered by the report, whether or not the loan is defined as a contribution under section 1012, subsection 2, paragraph A. The candidate and the treasurer are jointly and severally responsible for the timely and accurate filing of each required report.


....

21-A M.R.S. § 1020-A

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

§ 1020-A. Failure to file on time

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$100. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.



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 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or 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 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;
- C. Failure to receive notice of the filing deadline; or
- D. 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. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.

4. Repealed. Pursuant to its terms, eff. Aug. 1, 2002.

4-A. 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 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 registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.

5. Repealed. Pursuant to its terms, eff. Aug. 1, 2002.

5-A. Maximum penalties. Penalties assessed under this subchapter may not exceed:

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

A-1. Five thousand dollars for reports required under section 1019-B, subsection 4, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; or

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B.

E. Repealed. Laws 2011, c. 558, § 5.



6. Request for a commission determination. If the commission staff finds that a candidate or political committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the candidate or political committee within 3 business days following the filing deadline informing the candidate or political committee that a report was not received. If a candidate or a political committee files a report required under this subchapter late, a notice of preliminary penalty must be sent to the candidate or political committee whose registration or campaign finance report was not received by 11:59 p.m. on the deadline date, informing the

candidate or political committee of the staff finding of violation and preliminary penalty calculated under subsection 4-A and providing the candidate or political committee with an opportunity to request a determination by the commission. Any request for a determination must be made within 14 calendar days of receipt of the commission's notice. A candidate or political committee requesting a determination may either appear in person or designate a representative to appear on the candidate's or political committee's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

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