



# City of Westbrook, Maine

## OFFICE OF THE CITY CLERK

City Clerk's Office  
2 York Street  
Westbrook, Maine 04092

Phone: 207-591-8131  
Fax: 207-854-0635  
Email: [clerk@westbrook.me.us](mailto:clerk@westbrook.me.us)

Philip D. Spiller, Jr.  
76 Sawyer Road  
Westbrook, ME 04092

Tuesday November 12, 2019

### RE: Penalty for Second Late Filing

Dear Mr. Spiller,

As discussed over the phone on November 7, 2019, you are subject to penalties for the late filing of three 24-Hour Reports for the November 5, 2019 election, which were submitted November 8, 2019. The reports were due within 24-hours of the qualifying expenditures. This deadline was referenced in the 2019 Municipal Candidate's Guidebook. Reporting requirements were also outlined in email communications sent on September 13, October 18, October 21, October 25, November 4, and November 7, 2019, in the letter sent to you on October 29, 2019 outlining your first penalty for filing a late report, and in several conversations you and I have had in-person and over the phone during this election season.

The formula for the late filing penalty is outlined in Title 21-A M.R.S.A. § 1020-A(4-A). As this is your second late filing, you will be assessed a fine of 4% of the total contributions or total expenditures made during this filing period (whichever is greater), multiplied by the number of calendar days late.

You submitted four late 24-Hour Reports; however, one of the reports outlined an expenditure previously disclosed in your 11-Day Pre-Election Report. I have not taken this filing into consideration when calculating your late penalties. The remaining late penalties are outlined below.

Report 1	Expenditure Date:	10/23/19
	Days Late:	15
	Total Expenditure:	\$1,642
	Late Fine:	\$985.20
Report 2	Expenditure Date:	10/30/19
	Days Late:	8
	Total Expenditure:	\$1,642
	Late Fine:	\$525.44
Report 3	Expenditure Date:	11/1/19
	Days Late:	6
	Total Expenditure:	\$3,686
	Late Fine:	\$884.64

Based upon this formula, your penalties combined total is \$2,395.28. Due to the serious nature of these violations, you must either pay this penalty amount within 14 days, or you must request a waiver of the penalty from the Maine Commission on Governmental Ethics & Election Practices within 14 days.

**Please remit payment in the amount of \$2,395.28 or request a waiver of the penalty by 5pm on Tuesday November 26, 2019.** 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 reports were 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.

You can contact me directly by phone at 207-591-8115 (office) or 207-671-0605 (cell) or by email at [aholmes@westbrook.me.us](mailto:aholmes@westbrook.me.us) if you have any questions or would like to schedule an appointment.

If you request a waiver, your request must be sent to Candidate Registrar Emma Burke at the Maine Ethics Commission. She can be reached by phone at 207-287-4727, by email at [emma.burke@maine.gov](mailto:emma.burke@maine.gov) or at:

Maine Ethics Commission  
135 State House Station  
Augusta, Maine 04333

In addition, please be cognizant of the reporting requirements and deadlines for the 42-Day Post-Election Campaign Finance Report, due on December 17, 2019, and covering all expenditures and contributions not otherwise disclosed in your 24-Hour Reports made during the period of October 23, 2019 through December 10, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela Holmes', written in a cursive style.

Angela Holmes, CMC/CCM  
City Clerk & Registrar of Voters