

LaBerge, Holly

From: LaBerge, Holly
Sent: Wednesday, March 28, 2012 1:21 PM
To: 'Kevin D. Abernethy'; 'Hillary Stringfellow'; 'Alexander, Kent'; 'Heath Garrett'; 'dcathey@catheyandstrain.com'
Cc: Dentler, Lisa
Subject: current late fee numbers
Attachments: 01-01-11 - 03-01-12 Late Reports Analysis - CCDR PDF LOB 03-23-12 LMD.xlsx

Dear Commissioners;

I have attached the spread sheet that Lisa compiled showing the most current late fee information. The first page shows the statistics for the CCDR's, the second page for the PFD's, the third page for the lobbyists and the fourth page is a total of costs and revenues associated with the late filings and notices.

The local and state wide filers and the non-candidate committees (we have one requesting a waiver) have a five business day grace period in which to file their CCDR's without any late fees. After the grace period ends, there is a \$125 fine imposed if the original report is filed between one and fourteen days after the grace period. If the report is filed between the fifteenth and forty-fourth day there is an additional \$250 fine imposed. If the report is filed forty-five days or more after the grace period there is an additional \$1,000 late fee imposed. The minimum fine is \$125 and the maximum is \$1,375.00. Because we have not mailed out any certified late fee notices, the late fee are all at the \$125 level right now. Once we send out the certified notices, the \$125 late fee will be good for 10 days and then the late fee could escalate based on when the original report was filed. The chart below may be a better visual than my narrative.

Local/ State Wide/Non Candidate Committee Late Fees		
<i>Item</i>	<i>Late Fee</i>	<i>Total Owed to Commission</i>
Report filed late after 5 business day grace period <i>Note: PFD has no grace period</i>	\$125.00	\$125.00 per report
Report not filed on the 15th day after the report due date	\$250.00	\$375.00 per report
Report still not filed on now the 45th day after the report due date	\$1,000.00	\$1,375.00 per report

The same scheduled late fee amounts apply to the PFD's but there is no grace period with that report so a PFD filed between one and fourteen days after the required report date will have a \$125 fine imposed. Fifteen to forty-four days adds \$250 to the late fee and after forty-five days there is the additional \$1,000. In an election year, the PFD is due within 15 days of qualifying for a local filer and within 7 days of qualifying for a state wide filer. In a non-election year, the PFD is due between January 1st and July 1st for all filers.

The lobbyists have a three business day grace period. After the grace period ends, the late fee escalation schedule is based on whether the Legislature is in session or not. If the Legislature is in session then there is a \$275 late fee imposed if the report is filed between one and six days after the grace period ends. If the report is filed between the seventh and twentieth day, there is an additional \$1,000 fine imposed. If the report is filed twenty one days or more past the end of the grace period, there is an additional \$10,000 fine imposed. If the Legislature is not in session then there is a \$275 fine imposed if the report is filed between one and fourteen days after the grace period ends. If the report is filed between the fifteenth and forty-fourth day, there is an additional \$1,000 fine imposed. If the report is filed forty-five days or more past the end of the grace period, there is an additional \$10,000 fine imposed. The chart below may be a better visual than my narrative.

When the General Assembly *is in session* a late fee will be imposed for each report filed late.

Late Fees when the General Assembly IS IN SESSION

<i>Item</i>	<i>Late Fee</i>	<i>Total Owed to Commission</i>
Report filed late	\$275.00	\$275.00 per report
Report not filed on the 7 th day after the report due date	\$1,000.00	\$1,275.00 per report
Report still not filed on now the 21 st day after the report due date	\$10,000.00	\$11,275.00 per report

When the General Assembly *is not in session* a late fee will be imposed for each report filed late.

Late Fees when the General Assembly IS NOT IN SESSION

<i>Item</i>	<i>Late Fee</i>	<i>Total Owed to Commission</i>
Report filed late	\$275.00	\$275.00 per report
Report not filed on the 15 th day after the report due date	\$1,000.00	\$1,275.00 per report
Report still not filed on the 45 th day after the report due date	\$10,000.00	\$11,275.00 per report

As of today the Education/Information department has approximately 124 filers that they are in the process of researching and determining what, if any, late fees are applicable along with what reports still need to be filed to bring the filer into compliance. Belinda also has 14 cities that she is in the process of researching each filer in the city, or an additional 84 filers. So there are approximately 208 filers they are working with. Not all of these filers will owe late fees nor will they all request a waiver. It is difficult to estimate how many of them will end up requesting a waiver. Because the March 31st CCDR filing date is fast approaching we will have a decrease in the number of these "cases" we can finish due to the email and call volume we experience around a filing period.

As of today, I have finished the research on 323 "cases" and that is the number of late fee waivers we have on the list. I have an additional 28 filers who are either not responding to my emails and or phone calls or I am waiting for them to file required reports. We do not add someone to the late fee waiver list until all required reports have been filed. Some filers, upon learning that they will stay on the late/non-filer list until the Commissioners make their decision, go ahead and pay the late fee with the understanding that the issue is resolved. Other filers realize that they filed late and have no valid excuse so they go ahead and pay the fines. I do not have the figures put together on the number of filers who have paid the late fees but I can put those together if you would like.

If the Commissioners choose to waive any portion or all of the late fees a decision needs to be made in regards to the filers that have already paid their late fees. The Commission gets to keep the first \$25 of each late fee and the rest goes to the Treasury. We cannot get the money back from the Treasury so any refunds beyond the \$25 we have will have to come out of our current fiscal year budgeted funds of which we do not have enough to honor refunds. The first \$25 of each late fee goes to our retained earnings which we are using to cover some unexpected IT expenditures and will use to help with the mailing costs and to cover the costs associated with the five training classes we will be holding around the state this next fiscal year. (These five classes are in addition to the 70 that we will be holding at our offices in Atlanta).

The following is the breakdown of the 323 "cases" I have on the late fee waiver request list as of today:

Type	#
Local filer with contributions/expenditures on their reports	4 (includes 1 hardship case)
Local filer late on the PFD only	55
Local filer late on the CCDR only	97 (92 plus 5 hardship cases)
Local filer late on both CCDR and PFD	90 (91 plus 9 hardship cases)
Statewide Filer	8
Non-candidate committee with contributions/expenditures on their reports	1
Lobbyist with no expenditures on their reports	61 (59 plus 5 hardship cases)

Section 21-5-6(14)(C) states that "in imposing a penalty or late filing fee under this chapter, the commission may waive or suspend such penalty or fee if the imposition of such penalty or fee would impose an undue hardship on the person required to pay such penalty or fee. The commission may also waive or suspend a penalty or fee in the case of failure to file or late filing of a report if there are no items to be included in the report." My understanding of this code section is that reports with expenditures on them do not meet the requirements for a potential waiver.

I would like to request that the Commissioners take up the hardship waivers separate from the other late fee waiver requests. I will be glad to present the hardship cases individually or in total as the Commissioners desire but I have not been telling the filers that they would have to present their hardship case in person to the Commission.

I realize that this is a lot of information to digest so if you have any questions regarding any of it or need additional information, please let me know.

Holly LaBerge

Executive Secretary

Campaign Finance Commission of Georgia

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1/1/11 to 3/1/2012 Late Report Fees Totals

REPORT TYPE	100% COLLECTION	REVENUE TO STATE	RETAINED REVENUE
CAMPAIGN CONTRIBUTION DISCLOSURE	\$ 928,500.00	\$ 742,800.00	\$ 185,700.00
PERSONAL FINANCIAL DISCLOSURES	\$ 330,500.00	\$ 264,400.00	\$ 66,100.00
LOBBYIST DISCLOSURES	\$ 2,361,450.00	\$ 2,343,500.00	\$ 17,950.00
NON-CANDIDATE COMMITTEES*	\$ 12,150.00	\$ 7,850.00	\$ 4,300.00
TOTAL:	\$ 3,632,600.00	\$ 3,358,550.00	\$ 274,050.00

MAILING COSTS FOR	COST
CAMPAIGN CONTRIBUTION DISCLOSURE	\$ 25,515.00
PERSONAL FINANCIAL DISCLOSURES	\$ 14,991.48
LOBBYIST DISCLOSURES	\$ -
NON-CANDIDATE COMMITTEES*	\$ 510.30
TOTAL:	\$ 41,016.78

* = Non-Candidate Committees: Numbers include ALL late filed reports from 2007 through 2011

1/1/11 to 3/1/2012 Campaign Contribution Disclosure Reports (CCDR) Late Reports Analysis

Total Late Fees Owed	\$ 928,500.00
# of Reports Late	7,428
# of Reports Late 2011	7,389
# of Reports Late 2012	39

# of Late Reports Filed and Not Filed	
Of the 7,428 late reports this many are filed	1,793
Of the 7,428 late reports this many have not yet been filed	5,635

# of Individuals by # of Late Reports	
# of Individuals that have ONE Report Late	2,010
# of Individuals that have TWO Reports Late	1,273
# of Individuals that have THREE Reports Late	539
# of Individuals that have FOUR Reports Late	134
# of Individuals that have FIVE Reports Late	131
# of Individuals that have SIX Reports Late	6
# of Individuals that have SEVEN Reports Late	4

# of Late Filers	4,097
# of late filers WITH a Campaign Committee	403
# of late filers WITHOUT a Campaign Committee	3,694

Mailing Costs utilizing Click2Mail for 4,500 mailings TOTAL:

REVENUE	
IF Agency collected all 7,428 \$125 late fees	\$ 928,500.00
REVENUE TO STATE if all late fees collected:	
7,428 x \$100.00	\$ 742,800.00
RETAINED REVENUE TO AGENCY if all late fees collected	
7,428 x \$25.00	\$ 185,700.00

Mailing Costs utilizing Click2Mail at \$5.67 per mailing	
\$	23,229.99
\$	2,285.01
	\$25,515.00

# Late Reports by Report Type	
15 Days Before Special Election	14
15 Days before Special Election - 02/07/2012	5
15 Days before Special Election - 02/15/2011	4
15 Days before Special Election - 03/06/2012	34
15 Days before Special Election - 03/15/2011	18
15 Days before Special Election - 06/21/2011	7
15 Days Before Special Election - 07/19/2011	1
15 Days before Special Election - 09/20/2011	9
15 Days Before Special Election - 11/08/2011	16
15 Days Before Special Election - 12/06/2011	1
6 Days Before General Run-Off Election - 12/06/2011	12
6 Days Before Special Run-Off Election - 07/19/2011	1
December 31st - Election Year - 2011	1,199
December 31st - Non-Election Year - 2011	1,460
December 31st - Special Election - 2011	92
June 30th - Election Year - 2011	573
June 30th - Non-Election Year - 2011	1,405
March 31st - Election Year - 2011	442
October 25th - Election Year - 2011	1,049
September 30th - Election Year - 2011	1,086
TOTAL:	7,428

# of Late Reports by Office	
Aldermen	76
Clerk of Municipal Court	1
Clerk of Superior Court	22
Commissioner	195
Commissioner of Labor	1
Coroner	131
Councilman	4061
Commission Chair	42
Commissioner	594
Court Tax Collector	2
District Attorney	17
Judge of Civil Court	2
Judge of Municipal Court	11
Judge of Probate Court	57
Judge Superior Court	34
Judges of Recorder	1
Magistrate	50
Marshall of Municipal Court	1
Mayor	901
Mayor Pro Tempore	21
Other Office	9
Other Municipal Office	18
School Board Chair	17
School Board Member	815
Sheriff	84
Solicitor General	21
State Court Judge	60
State Representative	65
State Senate	30
Surveyor	54
Tax Assessor	2
Tax Commissioner	27
Treasurer	6
TOTAL:	7,428

1/1/11 to 3/1/2012 Personal Financial Disclosure (PFD) Reports Late Reports Analysis

Total Late Fees Owed	\$ 330,500.00
# of Individuals with late PFD = # of late reports	2,644

# of Late Reports by Year	
# of late 2010 PFDs	2,635
# of late 2011 PFDs	9

# of Late Reports Filed and Not Filed	
# of reports filed late	1454
# of reports late for not yet being filed	1190

Late Filers By Office	# of Late Reports
Aldermen	25
Brain and Spinal Trust Fund Commission	1
Clerk of Superior Court	12
Commissioner	56
Community Affairs, Board of	1
Community Health, Board of	1
Composite Medical Board, Georgia	1
Consumer Advisory Board	1
Coroner	37
Councilman	1134
County Commission Chair	17
County Commissioner	226
Court of Appeals	1
District Attorney	10
Election Board, State	1
Foresters, State Board of Registration for	1
Forestry Commission, State	1
Georgia Development Authority (GDA)	1
Georgia Medical Center Authority	2
Georgia Public Defender Standards Council	2
Georgia Trauma Care Network	1
Judge of Civil Court	1
Judge of Municipal Court	4
Judge of Probate Court	6
Judge Superior Court	33
Judicial Qualifications Commission	2
Lake Allatoona Preservation Authority (LAPA)	1
Land Conservation Council, Georgia	1
Magistrate	25
Mayor	235
Mayor Pro Tempore	5
McPherson Implementing Local Redevelopment Authority	1
Natural Resources, Board of	2
Nonpublic Postsecondary Education Commission	2
Nursing, Georgia Board of	4
Other County Office	1
Other Municipal Office	5
Pharmacy, State Board of	1
Professional Standards Commission, Georgia	1
Regents of The University System of Georgia , Board of	1
School Board Chair	6
School Board Member	224
Service and Volunteerism, Georgia Commission for	4
Sheriff	46
Solicitor General	8
Speech Language Pathology and Audiology, State Board of Examiners for	1
State Court Judge	13
State Representative	21
State Road and Tollway Authority (SRTA)	2
State Senate	10
Surveyor	16
Tax Assessor - County Lowndes	2
Tax Commissioner	12
Treasurer	2
No Office Listed	414

Total: 2644

REVENUE	
<i>If Agency collected all 2,644 \$125 late fees</i>	\$ 330,500.00
REVENUE TO STATE if all late fees collected:	
2,644 x \$100.00	\$ 264,400.00
RETAINED REVENUE TO AGENCY if all late fees collected	
2,644 x \$25.00	\$ 66,100.00

Mailing Costs utilizing Click2Mail	
2,644 x \$5.67 per mailing	\$ 14,991.48

1/1/11 to 3/1/2012 Lobbyist Disclosure Reports (LOB) Late Reports Analysis

Total Late Fees Owed	\$ 2,361,450.00
# of Reports Late	718
of which:	
# of Late Reports at \$275.00 Level	384
# of Late Reports at \$1,275.00 Level	151
# of Late Reports at \$11,275.00 Level	183

# of Late Reports Filed and Not Filed	
# of reports filed late	575
# of reports late but not yet filed	143

# of Individuals that filed late and/or have a past due report	342
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Individuals with	
1 late report	208
2 late reports	64
3 late reports	30
4 late reports	12
5 late reports	7
6 late reports	8
7 late reports	3
8 late reports	2
10 late reports	2
11 late reports	1
12 late reports	1
13 late reports	2
23 late reports	1
32 late reports	1

# of Reports Late by Lobbyist Level	
State	477
State Agency	155
Local	32
Vendor	54
Total Reports:	718

REVENUE	
If Agency collected all late fees	\$ 2,361,450.00

REVENUE TO STATE	
If Agency collected all late fees MINUS Retained Revenue	\$ 2,343,500.00

RETAINED REVENUE TO AGENCY	
If Agency collected all 718 late report fees 718 x \$25.00 Notice sent via e-mail	\$ 17,950.00

Of Note:

When a lobbyist fails to file a report by the required due date the system sends an e-mail to the lobbyist stating the late report and fine due.

All Non-Candidate Committees Disclosure Reports (NCC) Late Reports Analysis
2001 through 2011

Total Late Fees Owed	\$ 12,150.00
# of Reports Late	172
of which:	
# of Late Reports at \$25.00 Level	42
# of Late Reports at \$75.00 Level	103
# of Late Reports at \$125.00 Level	27

# of Late Reports Filed and Not Filed	
# of reports filed late	172
# of reports late but not yet filed	-

# of Individual Committees that filed late	90
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# of Late Reports by Year Due	
2007	1
2008	24
2009	50
2010	70
2011	27

# of Committees with	
ONE Report Late	48
TWO Reports Late	21
THREE Reports Late	10
FOUR Reports Late	5
FIVE Reports Late	3
EIGHT Reports Late	1
NINE Reports Late	1

# of Reports Late by Committee Type	
Constitutional Amendment or Statewide Referendum	2
Corporation	9
County or Municipal Ballot Question	2
Individual	3
Political Action Committee	149
Political Party	7
Total Reports:	172

REVENUE	
If Agency collected all late fees	\$ 12,150.00

REVENUE TO STATE	
IF Agency collected all late fees MINUS Retained Revenue	\$ 7,850.00

RETAINED REVENUE TO AGENCY	
IF Agency collected all 172 late report fees 172 x \$25.00	\$ 4,300.00

Mailing Costs utilizing Click2Mail	
90 x \$5.67 per mailing	\$ 510.30

Note: Non-Candidate Committees are required to file electronically.