CAMPAIGN FINANCE DIVISION

☒ **WAIVER REQUEST**	**DATE: 12/8/2021**
☐ **RECONSIDERATION REQUEST**	**DOCKET#: 2021-462**

FILER INFORMATION
Name: C. Denise Marcelle
Office: Mayor-President, Metro Council, City of Baton Rouge
Parish: EAST BATON ROUGE
Election Date: 11/3/2020
Level of Office: Major

REPORT INFORMATION
Name of Report: 10-G
Original Due Date: 11/25/2020
Date Filed: 2/18/2021
Activity Receipts: $25,600.00
Expenditures: $47,775.78
Funds at Close of Reporting Period: $6,798.40

LATE FEE INFORMATION
Amount of Late Fee: $2,500
Days Late: 85
Late Fee Order Received: 2/26/2021
Payment/Waiver Request Due Date: 3/18/2021
Waiver Request Received: 3/17/2021
Additional Information Requested:
- Medical
- Financial
- Other

COMMENTS: Waiver request reconsideration was sent in by Rodney Braxton by regular mail. He states that due to difficulty with and the complications associated with doing business during the pandemic and the fact that Ms. Marcelle never received proper notice of any delinquency from the Board, they request reconsideration of the Board's decision.

OTHER LATE FEE INFORMATION
Campaign Finance:
Other Outstanding Reports: No
Other Outstanding Late Fees: No
Prior Late Fees: YES
Reassessed Late Fees: No
Disclosure Statements:
Other Outstanding Late Fees: No
Prior Late Fees: No

Braxton & Cunningham
ATTORNEYS AT LAW

November 17, 2021

Mr. Charles E. Reeves, Jr.
617 North Third Street
LaSalle Building
Suite 10 – 36
Baton Rouge, Louisiana 70802

RE: 10-G Campaign Finance Disclosure Report – November 3, 2020 Election
Docket ID: 2021-462

Dear Mr. Reeves:

This office has been retained to represent Ms. C. Denise Marcelle regarding the above referenced matter recently ruled on by the Louisiana Board of Ethics (the Board). According to your recent correspondence, the Board denied Ms. Marcelle's request for a "good cause" waiver of a $2500.00 late fee assessed against her for failing to timely file the 10-G Campaign Finance Disclosure Report. Please accept this correspondence as an official request for reconsideration of your decision.

As you well know, Ms. Marcelle's initial request was based on the fact that the person responsible for the preparation of her campaign finance reports had closed her office due to the impact of COVID-19 and was unaware of the deadline and only filed the report once she was made aware that it was well past due. Ms. Marcelle as well had no knowledge that the report had not been filed because she was not in contact with her preparer during that period and was unable to contact them because the office was unoccupied due to the impacts of the pandemic.

Chapter 12, Section 1201 (A) of the Board's rules states that **"staff shall mail, by certified mail, a notice of delinquency within four business days after the due date for any report or statement, of which the staff knows or has reason to know is due by the filer that is due under any law with the Board's jurisdiction which has not been timely filed."** The Board is well aware that Ms. Marcelle did not timely file her November 3, 2020 report but you are also aware that once she was made aware, she caused the report to be filed immediately. Ms. Marcelle asserts that at no time between the four days after the due date and the time she was notified of the $2500.00 fine being assessed did she receive a certified mailing from the Board indicating a delinquency. Had one been received, she would have immediately caused a filing to made of the proper report immediately. Ms. Marcelle never received proper notice from the Board.

For the reasons previously stated, the difficulty with and the complications associated with doing business during the pandemic, and the fact that Ms. Marcelle never received proper notice of any delinquency from the Board, we request reconsideration of your decision and we pray Ms. Marcelle be granted a waiver from the fine assessed in the above-referenced matter.

Sincerely,

Rodney C. Braxton
RB/rb

HAND DELIVERED

543 Spanish Town Road | Baton Rouge, LA 70802 | Telephone: (225) 381-0166 | Fax: (225) 381-0163

Braxton & Cunningham
ATTORNEYS AT LAW

November 17, 2021

Mr. Charles E. Reeves, Jr.
617 North Third Street
LaSalle Building
Suite 10 – 36
Baton Rouge, Louisiana 70802

RE: 180-P Campaign Finance Disclosure Report – November 3, 2020 Election
Docket ID: 2021-462

Dear Mr. Reeves:

This office has been retained to represent Ms. C. Denise Marcelle regarding the above referenced matter recently ruled on by the Louisiana Board of Ethics (the Board). According to your recent correspondence, the Board denied Ms. Marcelle's request for a "good cause" waiver of a $2500.00 late fee assessed against her for failing to timely file the 180-P Campaign Finance Disclosure Report. Please accept this correspondence as an official request for reconsideration of your decision.

As you well know, Ms. Marcelle's initial request was based on the fact that the person responsible for the preparation of her campaign finance reports had closed her office due to the impact of COVID-19 and was unaware of the deadline and only filed the report once she was made aware that it was well past due. Ms. Marcelle as well had no knowledge that the report had not been filed because she was not in contact with her preparer during that period and was unable to contact them because the office was unoccupied.

Chapter 12, Section 1201 (A) of the Board's rules states that **"staff shall mail, by certified mail, a notice of delinquency within four business days after the due date for any report or statement, of which the staff knows or has reason to know is due by the filer that is due under any law with the Board's jurisdiction which has not been timely filed."** The Board is well aware that Ms. Marcelle did not timely file her November 3, 2020 report but you are also aware that once she was made aware, she caused the report to be filed immediately. Ms. Marcelle further asserts that at no time between the four days after the due date and the time she was notified of the $2500.00 fine being assessed did she receive a certified mailing from the Board indicating a delinquency. Had one been received, she would have immediately caused a filing to made of the proper report immediately. Ms. Marcelle never received proper notice from the Board.

For the reasons previously stated, the difficulty with and the complications associated with doing business during the pandemic, and the fact that Ms. Marcelle never received proper notice of any delinquency from the Board, we request reconsideration of your decision and we pray Ms. Marcelle be granted a waiver from the fine assessed in the above-referenced matter.

Sincerely,

Rodney C. Braxton
RB/rb

HAND DELIVERED

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