



**U.S. Department of Justice**

Office of Justice Programs

*Bureau of Justice Assistance*

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Office of the Director

*Washington, D.C. 20531*

October 18, 2011

Ms. Elizabeth Bordowitz  
Chief Executive Officer  
Finance Authority of Maine  
5 Community Drive  
Augusta, ME 04330

Dear Ms. Bordowitz:

On July 16, 2010 and July 16, 2011, the Bureau of Justice Assistance (BJA) received your application for the John R. Justice (JRJ) Grant Program. As attachments to both applications, you included a waiver requests regarding the JRJ Equal Allocation Requirement. Copies have been attached for your reference. In these requests, you assert that: 1) Maine does not have a state public defender office; 2) all defenses of indigent people charged with state crimes are carried out by a relatively small group of private defense lawyers; and 3) Maine's Federal Public Defender, David Beneman, Esq., has confirmed that none of his staff attorneys, a total of three people, have outstanding student loans and therefore no Federal Public Defenders are eligible for the JRJ Program in Maine.

The JRJ solicitation, in accordance with the JRJ Act, states that in order to demonstrate "good cause" a waiver request must, at a minimum, include documentation of the state agency's efforts to comply with the equal distribution requirement and state its reasons for its inability to comply. In the event that a waiver is granted, the equal allocation requirement shall be suspended and a state agency shall be permitted to make a disproportionate funding distribution to prosecutors and public defenders.

Based on the documentation included in both waiver requests, and in accordance with the JRJ solicitation, I find that you have satisfied the "good cause" threshold and have demonstrated an inability to comply with the equal allocation requirement. This means that you are not held to the Equal Allocation Requirement. This waiver pertains to Fiscal Year 2010 and 2011 funding only and shall not be construed as a waiver of any other requirement of the JRJ Program.

I encourage you to access the John R. Justice web page on the BJA web site to keep apprised of program updates and developments. On this page, we will include a new section entitled, "Equal Allocation Requirement Waivers." We intend to list Maine as a state that has requested and been granted a waiver. We also plan to post a copies of your waiver requests on this page for purposes of informing the field and transparency.

If you have any questions, please do not hesitate to contact Jacquelyn Rivers at (202) 305-2642 or by e-mail at [jacquelyn.rivers@usdoj.gov](mailto:jacquelyn.rivers@usdoj.gov).

Sincerely,

A handwritten signature in cursive script that reads "Denise O'Donnell".

Denise O'Donnell  
Director

Enc.

Cc: William Norbert, Esq.

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Application Number: 2011-H5145-ME-RJ

Award Number: 2011-RJ-BX-0049

**Application Information**

**Assigned Grant Manager:** Cory Randolph  
**Manager Start Date:** 09/16/2011  
**Award Number Reference:** 2011-RJ-BX-0049

**Applicant** Original Application Data

**Legal Name:** Finance Authority of Maine  
**Organizational Unit:** Finance Authority of Maine  
**Address:** 5 Community Drive  
 P.O. Box 949  
**City:** Augusta  
**State:** ME  
**ZIP Code:** 04332-0949

**Application Number:** 2011-H5145-ME-RJ  
**Applicant Type:** State  
**Federal EIN:** 01-0392006  
**OJP Vendor Number:** 010392006  
**DUNS Number:** 94-589-3584  
**CCR Claim Status :** Confirmed by OJP

**Point of Contact**

**Name:** William Norbert  
**E-mail:** wnorbert@famemaine.com

**Phone:** (207) 620-3540  
**Fax:** (207) 623-0095

**Authorized Representative**

**Name:** Elizabeth Bordowitz  
**E-mail:** wnorbert@famemaine.com

**Phone:** (207) 620-3540  
**Fax:** (207) 623-0095

**Financial Point of Contact(s)**

**Name:** Ron Farris  
**E-mail:** rfarris@famemaine.com

**Phone:** 207-623-3263 x  
 3501  
**Fax:** 207-623-0095

**Executive Order / Federal Debt**

**EO 12373 Review:** This preapplication/application was made available to the state executive order 12372 process for review on

**EO 12372 Review Date:** 07/14/2010

**Deliq Federal Debt:** No

**Attachments:**

Filename:	User:	Timestamp:	Action:
<a href="#">ABSTRACT (Attachment 1) (FY 11).doc</a>	wsnorbert	07/06/2011 11:37 AM	Delete Attachment
<a href="#">PROGRAM NARRATIVE (Attachment 2) (FY 11).doc</a>	wsnorbert	07/06/2011 11:37 AM	Delete Attachment
<a href="#">Budget and Narrative (Attachment 3) (FY 11).docx</a>	wsnorbert	07/06/2011 11:38 AM	Delete Attachment
<a href="#">Waiver Request (Attachment 4) (FY 11).doc</a>	wsnorbert	07/06/2011 11:38 AM	Delete Attachment
<a href="#">Maine.pdf</a>	randolpc	07/18/2011 08:49 PM	Delete Attachment
<a href="#">CCR Search Results.pdf</a>	thompsonz	07/19/2011 10:56 AM	Delete Attachment

Add Attachment

## ATTACHMENT 4

### WAIVER REQUEST

FAME again respectfully requests a waiver of the equal allocation requirement in the grant. Because of Maine's unique system of private criminal defense, as well as the terms of the JRJ Grant, little if any loan repayment monies can be allocated to Maine's public defenders. First, Maine has few state public defenders eligible under the grant's applicable definitions and terms, and second, although eligible, Maine's small and relatively new Federal Defender's office apparently has no attorneys with any outstanding federal student loans to qualify for repayment.

Maine has no state public defender office and all defenses of indigent people charged with state crimes, be they indigent or not, are carried out by a relatively small group of private defense lawyers. The state historically operated a system of "court appointed" attorneys. The Maine Commission on Indigent Legal Services administers the appointment and reimbursement of criminal defense services through the private bar. Although members of Maine's private criminal defense bar are ineligible for the grant's loan repayment provisions, employees of the Commission satisfy the grant definition of "public defender," especially since they engage in oversight and training of public defenders. There is one current employee of the Commission who has outstanding loans and is interested in applying for the program.

Maine has a small Federal Public Defender's office and it employs three attorneys. Last year FAME consulted with Maine's Federal Public Defender, David Beneman, Esq., about the likelihood of his staff availing themselves of the JRJ Grant. He informed FAME that none of his staff attorneys have outstanding student loans and, therefore, would be unlikely to participate in

the program. This situation may have changed, however, and FAME will monitor all developments and adjust the allocation in the future if necessary.

FAME thus requests that the equal allocation requirement again be suspended for Maine, and that it be permitted to make a disproportionate funding distribution to prosecutors.

Application Number: 2010-H8368-ME-RJ

Award Number: 2010-RJ-BX-0011

**Application Information**

**Assigned Grant Manager:** Cory Randolph  
**Manager Start Date:** 07/13/2011  
**Award Number Reference:** 2010-RJ-BX-0011

**Applicant** Original Application Data

**Legal Name:** Finance Authority of Maine  
**Organizational Unit:** Finance Authority of Maine  
**Address:** 5 Community Drive  
P.O. Box 949  
**City:** Augusta  
**State:** ME  
**ZIP Code:** 04332-0949

**Application Number:** 2010-H8368-ME-RJ  
**Applicant Type:** State  
**Federal EIN:** 01-0392006  
**OJP Vendor Number:** 010392006  
**DUNS Number:** 94-589-3584  
**CCR Claim Status :** Confirmed by OJP

**Point of Contact**

**Name:** William Norbert  
**E-mail:** wnorbert@famemaine.com

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**Fax:** (207) 623-0095

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**Financial Point of Contact(s)**

**Name:** Ron Farris  
**E-mail:** rfarris@famemaine.com

**Phone:** 207-620-3501  
**Fax:**

**Executive Order / Federal Debt**

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**EO 12372 Review Date:** 06/23/2010

**Deliq Federal Debt:** No

**Attachments:**

Filename:	User:	Timestamp:	Action:
PROGRAM NARRATIVE (Attachment 1).doc	wsnorbert	07/16/2010 09:07 AM	Delete Attachment
Budget and Narrative (Attachment 2).docx	wsnorbert	07/16/2010 09:08 AM	Delete Attachment
Governor designation letter (Attachment 3).pdf	wsnorbert	07/16/2010 09:09 AM	Delete Attachment
ABSTRACT (Attachment 4).doc	wsnorbert	07/16/2010 09:09 AM	Delete Attachment
Waiver Request (Attachment 5).doc	wsnorbert	07/16/2010 09:10 AM	Delete Attachment
CCR Search Results.mht	gloria	07/29/2010 02:58 PM	Delete Attachment
10JRJAllocations.pdf	locicera	08/11/2010 09:14 AM	Delete Attachment
AAG Approved John R Justice.pdf	locicera	08/11/2010 09:14 AM	Delete Attachment
2010-RJ-BX-0011ACCEPTANCE.pdf	namashum	10/06/2010 12:12 PM	Delete Attachment

2010-RJ-BX-0011 JRJ Award Compliance .txt	vitalologan	11/08/2010 08:57 AM	Delete Attachment
2010-RJ-BX-0011 Revised Budget.xlsx	postonj	12/01/2010 08:51 AM	Delete Attachment
2010RJ BX0011 OBLIGATING DOCUMENT.pdf	fergusor	12/07/2010 09:22 AM	Delete Attachment
2010RJ BX0011 WITHHOLDING.pdf	backusl	01/14/2011 02:45 PM	Delete Attachment
Add Attachment			
<b>Solicitation-wide Attachments:</b>			
<b>Filename:</b>	<b>User:</b>	<b>Timestamp:</b>	<b>Action:</b>
N/A	N/A	N/A	N/A
Add Attachment			

## ATTACHMENT 5

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Maine has no state public defender office and all defenses of indigent people charged with state crimes, be they indigent or not, are carried out by a relatively small group of private defense lawyers. The state historically operated a system of "court appointed" attorneys. Maine's newly-formed Maine Commission on Indigent Legal Services will now administer the appointment and reimbursement of criminal defense services through the private bar. Although members of Maine's private criminal defense bar are ineligible for the grant's loan repayment provisions, current and future employees of the Commission on Indigent Legal Services appear to satisfy the grant definition of "public defender," especially since they engage in oversight and training of public defenders.

Maine has a relatively new but small Federal Public Defender's office, however, and it employs three attorneys. FAME has consulted with Maine's Federal Public Defender, David Beneman, Esq., about the likelihood of his staff availing themselves of the JRJ Grant. He informed FAME that none of his staff attorneys have outstanding student loans and, therefore,

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