

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

In Re: **Linda Stewart**

Case No.: **FEC 16-860**

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**TO:** Linda Stewart  
4206 Inwood Landing Drive  
Orlando, FL 32812

Division of Elections  
500 S Bronough Street, Room 316  
Tallahassee, FL 32399

**NOTICE OF HEARING (AUTOMATIC FINE)**

A hearing will be held in this case before the Florida Elections Commission on, **May 17, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Augustus B. Turnbull Conference Center, 555 West Pensacola Street, Room 214, Tallahassee, Florida 32301**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

**If you are the Respondent**, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

**If you are the Complainant**, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

**If you are an Appellant**, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

**See further instructions on the reverse side.**

*Amy McKeever Toman*  
Executive Director  
Florida Elections Commission  
May 1, 2017

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However, the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.



Candidate  
Florida State Senate  
District 13

4206 Inwood Landing Drive  
Orlando, Florida 32812

407-222-5109

April 6, 2017

Kristi Reid Bronson, Chief Bureau of Election Records  
Room 316, RA Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Ms. Reid Bronson-

This letter is to provide additional information in reference to the appeal associated with 2016-G3 report for Senator Linda Stewart, CAN65128. The report was due on Friday, October 7<sup>th</sup>. At that time, Orange County, Florida was under a curfew, experiencing extreme weather conditions, and experiencing widespread power outages as a result of Hurricane Matthew.

Hurricane Matthew presented a force majeure which prevented us from compiling and completing the report on time. Due to the extreme situation causing this to occur, we are asking that the complaint be dismissed and no penalties be enforced. Once we were able to file a report, it was done. We have included a copy of the curfew declaration by Orange County Mayor Teresa Jacobs, which should provide as sufficient documentation of what occurred.

Please let us know if there are any additional items which might be needed prior to the complaint hearing. Thank you to your staff for their assistance in addressing our concerns.

Sincerely,

Wesley Hodge, Campaign Treasurer

cc: Linda Stewart, Candidate  
Florida Elections Commission

RECEIVED  
2017 APR 11 A 11:34  
STATE OF FLORIDA  
ELECTIONS COMMISSION

**ORANGE COUNTY, FLORIDA**  
**EMERGENCY EXECUTIVE ORDER NO. 16-04**  
*concerning*

**CURFEW**

**Date:** October 6, 2016

**Time:** 7:00 P.M.

**WHEREAS**, the Board of County Commissioners of Orange County, Florida, pursuant to Chapter 252, Florida Statutes, and constitutional home rule powers, adopted the Comprehensive Emergency Management Ordinance on June 7, 1994, codified at Article IX, Chapter 2, Orange County Code; and

**WHEREAS**, on October 6, 2016, a State of Local Emergency was declared under the provisions of the Comprehensive Emergency Management Ordinance by Emergency Executive Order 16-02 due to the serious threat to life and property within Orange County arising from Hurricane Matthew.

**NOW, THEREFORE**, as Director of Emergency Management of Orange County, Florida, and in consultation with Jerry Demings, Sheriff of Orange County, Florida, I do hereby impose the following temporary emergency restriction, effective immediately, and superseding any previously filed temporary emergency restriction, by the terms of this Emergency Executive Order:

**Section 1.** A curfew is hereby established within the following areas effective immediately.


X All of Orange County

All pedestrian and vehicular movement, standing and parking, except for individuals commuting to and from places of employment, the provision of fire, police, emergency and hospital services, medical patients, utility emergency repairs and emergency calls by physicians within the above curfew areas, are prohibited during curfew hours. Curfew hours during which such movement is prohibited shall be each day from Thursday, October 6, at 10:00 P.M. until 7:00 A.M., Saturday October 8, 2016.

Any and all persons abroad on the streets and sidewalks within any curfew area during the curfew period and not engaged in the provision of the above mentioned services shall be subject to arrest as provided in Section 901.15(1), Florida Statutes.

**Section 2.** Anyone who violates any prohibition, restriction or regulation made herein, unless language to the contrary appears herein, shall upon conviction be punished according to law and shall be subject to a fine not exceeding the sum of Five Hundred Dollars (\$500.00), or imprisonment in the County jail for a period not exceeding sixty (60) days, or by both such fine and imprisonment.

**Section 3.** Any variance or exception to the prohibitions and/or restrictions set forth in Section 1 shall be valid only when stated in writing signed by me or under my authority.

  
Teresa Jacobs, Orange County Mayor,  
as Director of Emergency Management

**FLORIDA ELECTIONS COMMISSION**  
**CASE REPORT**  
Case Number: **FEC-16-860**

**NAME:** LINDA STEWART

**DATE APPEAL RECEIVED:** 11/8/16

**DATE REPORT DUE:** 10/7/16 (2016 G3)

**DATE OF ELECTRONIC RECEIPT:** 10/12/16

**DATE FILING OFFICER RECEIVED REPORT:** 10/12/16

**NUMBER OF DAYS LATE:** 5

**AMOUNT OF FINE:** \$512.50

**FINE BASED ON:** (..) NUMBER OF DAYS    **(X)** 25% OF RECEIPTS    (..) 25% OF EXPENDITURES

**TOTAL RECEIPTS FOR REPORTING PERIOD:** \$2,050.00

**TOTAL EXPENDITURES FOR REPORTING PERIOD:** \$453.70

**DATE OF FIRST NOTIFICATION:** 10/10/16

CANDIDATE <input checked="" type="checkbox"/>	STATE <input checked="" type="checkbox"/>
PC <input type="checkbox"/>	DISTRICT <input type="checkbox"/>
CCE <input type="checkbox"/>	COUNTY <input type="checkbox"/>
POLITICAL PARTY <input type="checkbox"/>	CITY <input type="checkbox"/>

**SUMMARY:** Linda Stewart was a candidate for State Senator, District 13 in the 2016 elections. Wesly Hodge was her treasurer.

Mr. Hodge is appealing the fine claiming that unusual circumstances existed that caused the 2016 G3 Report to be untimely filed. According to Mr. Hodge, "Due to Hurricane Matthew, we had issues filing the report on time. As a result of curfews and power outages, I was unable to gather all of the documents necessary in time. We are appealing the mandatory fines assessed, and asked that they be waived given the unprecedented events this cycle of being under a hurricane warning and order of a curfew".

- The 2016 G3 Report covers the time period from 9/17/16 through 9/30/16.
- The 2016 G3 Queued-Transactions Report reflects that this report was created on 10/12/16 at approximately 8:28 am, before being filed on 10/12/16 at approximately 9:16 am.

**PRIOR CASES:** Respondent has been involved in two prior FEC investigations. #98-141/probable cause found for alleged violations of 106.143(5) and 106.148; \$200.00 fine paid on 3/24/99. #02-230/probable cause found for alleged violations of 106.07(5), 106.19(1)(b), but with no probable cause found for 106.021(3), 106.09(1), 106.11(4), 106.12(3), and 106.19(1)(d); \$1,600.00 fine paid on 5/14/03.

**LINDA  
STEWART**

**Candidate  
Florida State Senate  
District 13**

**4206 Inwood Landing Drive  
Orlando, Florida 32812**

**407-222-5109**

October 29, 2016

Kristi Reid Bronson, Chief  
Bureau of Elections Records  
RA Gray Building, Room 316  
500 S Bronough Street  
Tallahassee, Florida 32399-0250

RECEIVED

2016 NOV - 8 P 12: 04

STATE OF FLORIDA  
ELECTIONS COMMISSION

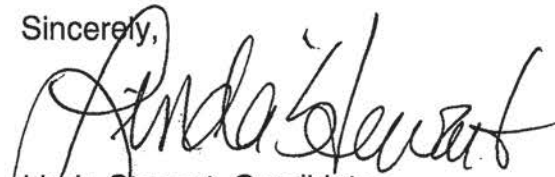
Dear Ms. Reid Bronson-

This is a second notification that we are appealing the statutory fines being assessed for the October 7, 2016 campaign filing report. I am authorizing the campaign Treasurer, Wesley Hodge, to address this matter with the Florida Elections Commission and the Bureau of Elections Records.

This letter is in addition to notice of appeal from Wesley, which should already be on file with your department. Please let us know when a hearing can be scheduled, and he will be able to provide the evidence supporting our appeal.

Thank you in advance for your assistance with this matter. If you need anything additional, please let either myself or Wesley know, and we will be happy to furnish it for you immediately.

Sincerely,



Linda Stewart, Candidate  
Florida State Senate, District 13

cc: Wesley Hodge, Campaign Treasurer  
Florida Elections Commission

**LINDA  
STEWART**

**Candidate  
Florida State Senate  
District 13**



October 12, 2016

Florida Department of State  
Division of Elections  
R.A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

RECEIVED  
DEPARTMENT OF STATE  
2016 OCT 19 AM 8:05  
FLORIDA DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

Re: Campaign 65128

To Whom It May Concern,

I am writing you regarding Campaign Filing G3 which was due October 7, 2016. Due to Hurricane Matthew, we had issues filing the report on time. As a result of curfews and power outages, I was unable to gather all of the documents necessary in time. We are appealing the mandatory fines assessed, and asked that they be waived given the unprecedented events this cycle of being under a hurricane warning and order of a curfew.

Please let us know if there is any additional information needed, and we will be happy to provide it. Thank you in advance for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Wesley Hodge".

Wesley Hodge, Treasurer  
Linda Stewart for State Senate, District 13





FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

October 17, 2016

Linda Stewart  
Candidate for State Senator, District 13  
4206 Inwood Landing Drive  
Orlando, FL 32812-2812

CAN 65128

Dear Representative Stewart:

The campaign treasurer's report that was due on October 7, 2016, was filed on October 12, 2016. By law, you are automatically assessed a late fine of \$512.50.

**You have 20 days from the receipt of this notice to either:**

1. Pay the fine to the Florida Division of Elections (For a candidate only, a fine is not an allowable campaign expenditure and must be paid from personal funds) at:

*Florida Division of Elections  
R.A. Gray Building, Room. 316  
500 South Bronough Street  
Tallahassee, Florida 32399-025011*

2. Appeal the fine to the Florida Elections Commission (See Rules 2B-1.005 and 2B-1.0055, Florida Administrative Code) at:

*Florida Elections Commission  
107 West Gaines Street, Ste. 224  
Tallahassee, Florida 32399-0150*

If you appeal, please send a copy also to the Florida Division of Elections so that you will not receive further notices from the Division about this matter.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristi Reid Bronson".

Kristi Reid Bronson, Chief  
Bureau of Election Records

cc: Wesly Hodge, Treasurer



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

October 10, 2016

Wesly Hodge, Treasurer  
2826 Fitzooth Drive  
Orlando, FL 32792-2792

CAN 65128

Dear Mr. Hodge:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was October 7, 2016.

The law (s. 106.07(8)(b), Fla. Stat.) requires the filing officer to immediately notify you about the missed filing date and the automatic fines that will be assessed for late filing of a report, if a report was due.

- If reportable activity occurred and you have not filed a report, statutory fines are automatically assessed as follows until you file your report:
  - \* \$50 for the first 3 days late
  - \* \$500 per day for each day after the 3rd day late
  - \* If the required report immediately precedes a primary and general election, the automatic fine is \$500 for each late day.

The total fine for the untimely report cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the cover period. Even if you end up filing your report late, we cannot waive the statutory fines. We will notify you of the specific amount of fines owed once you file your report. You have 20 days from the day you receive the notice to pay the fine or to appeal the fine to the Florida Elections Commission.

- If no reportable activity occurred for the report date(s), you are still required to notify us in writing, via the Division's Electronic Filing System, that no reportable activity occurred. No automatic fines are statutorily assessed.

However, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records

cc: Linda Stewart

Candidate for State Senator, District 13

**FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS  
CAMPAIGN TREASURER'S REPORT SUMMARY**

(1) Linda Stewart (2) 65128  
 Candidate, Committee or Party Name I.D. Number

(3) 4206 Inwood Landing Drive Orlando FL 32812  
 Address (number and street) City State Zip Code

Check box if address has changed since last report

(4) Check appropriate box(es):

Candidate (office sought):  
 Political Committee  
 Committee of Continuous Existence  
 Party Executive Committee

Check If PC has DISBANDED  
 Check If CCE has DISBANDED

(5) REPORT IDENTIFIERS

Cover Period: From 09/17/2016 To 09/30/2016 Report Type: G3

Original  Amendment  Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$2,050.00
Loans	\$0.00
<i>Total Monetary</i>	\$2,050.00
In-Kind	\$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$453.70
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$453.70

(8) Other Distributions

Certification

It is a first degree misdemeanor for any person to falsify a public record (ss.839.13, F.S.)

I certify that I have examined this report and it is true, correct and complete

Name of  Treasurer  Deputy Treasurer

X  
Signature

I certify that I have examined this report and it is true, correct and complete

Name of  Candidate  Chairman (PC/PTY Only)

X  
Signature

Name: Linda Stewart

Report: 2016 G3

Period: 09/17/2016 to 09/30/2016

\*\* Records in Filed Report \*\*

Seq #	Full Name (Last, Suffix, First, Middle)	Contributor	Occupation	Amount
Date	Street Address & City, State, Zip	Type	In-Kind Description	Amend
1	KOLBRICH, BRENDA 13675 ERIDANUS RD ORLANDO, FL 32828	I	REAL ESTATE	\$50.00
09/21/2016		CHE		
2	FLORIDA OSTEOPATHIC MEDICAL ASSOCIATION PAC 2544 BLAIRSTONE PINES DR TALLAHASSEE, FL 32301	F	MEDICAL	\$500.00
09/20/2016		CHE		
3	FLORIDA HEALTHCARE PAC 307 WEST PARK AVE TALLAHASSEE, FL 32301	F	MEDICAL PAC	\$1,000.00
09/27/2016		CHE		
4	SUNCOAST POLITICAL ACTION COMMITTEE PO BOX 1438 TAMPA, FL 33601	F	PC	\$500.00
09/29/2016		CHE		

Name: Linda Stewart

Report: 2016 G3

Period: 09/17/2016 to 09/30/2016

\*\* Records in Filed Report \*\*

Seq #	Full Name (Last, Suffix, First, Middle)	Type	Purpose	Amount
Date	Street Address & City, State, Zip			Amend
1	UNITED STATES POST OFFICE 221 DRIGGS DR WINTER PARK, FL 32792	MON	POSTAGE	\$141.00
09/19/2016				
2	UNITED STATES POST OFFICE 221 DRIGGS DR WINTER PARK, FL 32792	MON	POSTAGE	\$110.50
09/20/2016				
3	UNITED STATES POST OFFICE 221 DRIGGS DR WINTER PARK, FL 32792	MON	POSTAGE	\$202.20
09/22/2016				

ID:

CAMPAIGN TREASURER'S REPORT - ITEMIZED DISTRIBUTIONS

Name: Linda Stewart

Report: 2016 G3

Period: 09/17/2016 to 09/30/2016

\*\* Records in Filed Report \*\*

Seq #	Full Name (Last, Suffix, First, Middle)	Recipient	Purpose	Amount
Date	Street Address & City, State, Zip	Type	Related Expenditure	Amend

ID:

**CAMPAIGN TREASURER'S REPORT - ITEMIZED FUND TRANSFERS**

Name: Linda Stewart

Report: 2016 G3

Period: 09/17/2016 to 09/30/2016

**\*\* Records in Filed Report \*\***

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Nature of Account	Amount Amend

**Queued Items for 2016-G3**

Account: 65128

STS 013 Linda Stewart

Rpt Seq: 15

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	65128	10/12/2016 8:28:20 AM	10/12/2016 8:28:20 AM
Review Pending Report	Processing Complete	65128	10/12/2016 8:29:11 AM	10/12/2016 8:29:11 AM
Review Pending Report	Processing Complete	65128	10/12/2016 8:39:46 AM	10/12/2016 8:39:46 AM
Recalc Pending Report Total	Processing Complete	65128	10/12/2016 9:14:12 AM	10/12/2016 9:14:12 AM
Recalc Pending Report Total	Processing Complete	65128	10/12/2016 9:15:12 AM	10/12/2016 9:15:12 AM
Review Pending Report	Processing Complete	65128	10/12/2016 9:15:21 AM	10/12/2016 9:15:21 AM
File Pending Report	Processing Complete	65128	10/12/2016 9:16:17 AM	10/12/2016 9:16:17 AM





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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Linda Stewart

Name:

Account: 65128

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
11/4/2016	G7	11/4/2016						
10/28/2016	G6	10/28/2016						
10/21/2016	G5	10/21/2016						
10/14/2016	G4	10/13/2016						
10/7/2016	G3	10/12/2016	APP	5	\$512.50		\$512.50	\$0.00
9/23/2016	G2	9/23/2016						
9/9/2016	G1	9/9/2016						
8/26/2016	P7	8/26/2016						
8/19/2016	P6	8/19/2016						
8/12/2016	P5	8/12/2016						
8/5/2016	P4	8/11/2016	CLO	6	\$0.00		\$0.00	\$0.00
7/29/2016	P3	7/29/2016						
7/15/2016	P2	7/15/2016						
7/1/2016	P1	7/1/2016						
6/10/2016	M5	6/10/2016						
5/10/2016	M4	5/11/2016	CLO	1	\$50.00		\$50.00	\$50.00
4/11/2016	M3	4/10/2016						
3/10/2016	M2	3/10/2016						
2/10/2016	M1	2/10/2016						