

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Steven A. Rojas Tallon

Case No.: FEC 16-468

TO: Steven A. Rojas Tallon
6400 SW 22nd Street
Miami, FL 33155

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, **February 28, 2017 at 11:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

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
February 13, 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.

FLORIDA ELECTIONS COMMISSION

CASE REPORT

Case Number: FEC-16-468

NAME: **STEVEN A. ROJAS TALLON**

DATE APPEAL RECEIVED: 09/22/16

DATE REPORT DUE: 08/26/16 (2016 P7)

DATE OF ELECTRONIC RECEIPT: 08/27/16

DATE FILING OFFICER RECEIVED REPORT: 08/27/16

NUMBER OF DAYS LATE: 1

AMOUNT OF FINE: **\$184.99**

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$1,400.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$739.97

DATE OF FIRST NOTIFICATION: 08/30/16

SUMMARY: Steven A. Rojas Tallon was a candidate for State Representative, District 118 in the 2016 elections. Mr. Rojas Tallon was his own treasurer.

Steven Rojas Tallon is appealing the fine claiming that he was unable to file the report due to internet connection interruptions on his home computer. According to Mr. Rojas Tallon, he consistently files reports on the due date but was unable to travel to public location with internet access to file the report. He states that the report was delayed by hours.

- The 2016 P7 Original Report covers the period from 08/13/16-08/25/16; it was due on 08/26/16.
- The 2016 P7 Queued Transaction Report shows that it was created on 8/27/16 at approximately 10:43am and filed the same day at approximately 10:46am.
- Steven A. Rojas Tallon reported receiving 2 contributions, while making 2 expenditures.
- The Division of Elections does not have any notes that pertain to Steven Rojas Tallon's 2016 P7 report.

PRIOR CASES: None.

| | |
|---------------------|--------------|
| CANDIDATE [X] | STATE [X] |
| PC [] | DISTRICT [] |
| CCE [] | COUNTY [] |
| POLITICAL PARTY [] | CITY [] |

Steven A. Rojas Tallon
6400 SW 22nd St.
Miami, FL 33155

RECEIVED
2016 SEP 22 P 12: 06
STATE OF FLORIDA
ELECTIONS COMMISSION

Friday, September 16, 2016

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

Dear Florida Elections Commission,

I received an automatic fine for the late submission of my campaign treasurer's report that was due on August 26, 2016, but was filed on August 27, 2016.

I am officially requesting an appeal of the above stated fine. As a personal policy, I consistently filed these reports the day of the deadline in order to ensure they were correct and up-to-date. On the night of August 26th, 2016, as I prepared to access the website and file my report, my internet connection began to experience interruptions. It was late and thus, I was unable to travel to a public location with internet access so that I could submit the report.

Because of this issue, and, because the report was only delayed by hours, I respectfully request that you rescind or overturn the automatic fine that was imposed.

Sincerely,



Steven A. Rojas Tallon
Candidate for State Representative, District 118
6400 SW 22nd St.
Miami, FL 33155-3155

A copy of this letter will also be sent to the Florida Division of Elections for their records.



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

August 30, 2016

Steven A. Rojas Tallon
Candidate for State Representative, District 118
6400 Southwest 22 Street
Miami, FL 33155-3155

CAN 65257

Dear Mr. Rojas Tallon:

The campaign treasurer's report that was due on August 26, 2016, was filed on August 27, 2016. By law, you are automatically assessed a late fine of \$184.99.

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 that reads "Kristi Reid Bronson".

Kristi Reid Bronson, Chief
Bureau of Election Records

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

(1) Steven A. Rojas Tallon (2) 65257
 Candidate, Committee or Party Name I.D. Number

(3) 6400 Southwest 22 Street Miami FL 33155
 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 Check If PC has DISBANDED
 Committee of Continuous Existance Check If CCE has DISBANDED
 Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 08/13/2016 To 08/25/2016 Report Type: P7

Original Amendment Special Election Report

(6) CONTRIBUTIONS THIS REPORT

| | |
|-----------------------|------------|
| Cash & Checks | \$1,400.00 |
| Loans | \$0.00 |
| <i>Total Monetary</i> | \$1,400.00 |
| In-Kind | \$0.00 |

(7) EXPENDITURES THIS REPORT

| | |
|-----------------------------|----------|
| Monetary Expenditures | \$739.97 |
| Transfers to Office Account | \$0.00 |
| <i>Total Monetary</i> | \$739.97 |

(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: Steven A. Rojas Tallon

Report: 2016 P7

Period: 08/13/2016 to 08/25/2016

** Records in Filed Report **

| Seq # Date | Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip | Contributor | Occupation | Amount |
|-----------------|---|-------------|---------------------|-------------------|
| | | Type | In-Kind Description | Amend |
| 1 08/24/2016 | WELLNESS RX, LLC 7640 NW 25 ST. #105 MIAMI, FL 33122 | B CHE | PHARMACY | \$1,000.00 ADD |
| 2 08/24/2016 | HP CIGARS, INC. 185 NW 127 AVE MIAMI, FL 33182 | B CHE | CIGAR COMPANY. | \$400.00 ADD |

Name: Steven A. Rojas Tallon

Report: 2016 P7

Period: 08/13/2016 to 08/25/2016

** Records in Filed Report **

| Seq # Date | Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip | Type | Purpose | Amount Amend |
|-----------------|--|------|-------------------------------|-----------------|
| 1 08/15/2016 | WEBELECT.NET LLC APRIL 1256 VINETREE DR BRANDON, FL 33510 | MON | VOTER DATA. | \$120.00 |
| 2 08/22/2016 | ZIP PRINTING & MAILING INC. 1237 S LINCOLN AVE CLEARWATER, FL 33756 | MON | MAILER PRINTING AND SERVICES. | \$619.97 |

Queued Items for 2016-P7

Account: 65257

STR 118 Steven A. Rojas Tallon

Rpt Seq: 11

| <i>ProcessDescription</i> | <i>Status</i> | <i>Submitter</i> | <i>Created</i> | <i>LastUpdate</i> |
|---------------------------|---------------------|------------------|-----------------------|-----------------------|
| Create Pending Report | Processing Complete | 65257 | 8/27/2016 10:43:25 AM | 8/27/2016 10:43:25 AM |
| Review Pending Report | Processing Complete | 65257 | 8/27/2016 10:45:50 AM | 8/27/2016 10:45:50 AM |
| File Pending Report | Processing Complete | 65257 | 8/27/2016 10:46:21 AM | 8/27/2016 10:46:21 AM |
| Review Filed Report | Processing Complete | 65257 | 8/29/2016 5:03:27 PM | 8/29/2016 5:03:27 PM |
| Amend Filed Report | Processing Complete | 65257 | 8/29/2016 5:03:34 PM | 8/29/2016 5:03:34 PM |
| Review Pending Report | Processing Complete | 65257 | 8/29/2016 5:07:06 PM | 8/29/2016 5:07:06 PM |
| File Pending Report | Processing Complete | 65257 | 8/29/2016 5:07:33 PM | 8/29/2016 5:07:33 PM |



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Steven A. Rojas Tallon

Name:

Account: 65257

Election:

Acct:

Type:

| Date Due | Type | Date Filed | Status | Days Late | Fine Assessed | Appealed | Amount Fined | Amount Paid |
|------------|------|------------|--------|-----------|---------------|----------|--------------|-------------|
| 11/28/2016 | TR | 11/20/2016 | | | | | | |
| 8/26/2016 | P7 | 8/27/2016 | APP | 1 | \$184.99 | | \$184.99 | \$0.00 |
| 8/19/2016 | P6 | 8/19/2016 | | | | | | |
| 8/12/2016 | P5 | 8/12/2016 | | | | | | |
| 8/5/2016 | P4 | 8/5/2016 | | | | | | |
| 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 | 5/10/2016 | | | | | | |
| 4/11/2016 | M3 | 4/11/2016 | | | | | | |
| 3/10/2016 | M2 | 3/9/2016 | | | | | | |