

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**In Re: YOMIN POSTELNIK,
RESPONDENT.**

Case No.: FEC 11-267

NOTICE OF HEARING ON APPEAL OF AUTOMATIC FINE

TO: Yomin Postelnik 234 Richmond E. Deerfield Beach, FL 33442	Kristi Reid Bronson, Chief Division of Elections 500 S. Bronough Street Tallahassee, FL 32399-0250
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PLEASE TAKE NOTICE that on **February 21, 2012**, at **8:30 a.m.** or thereafter as the parties can be heard, the Florida Elections Commission will consider the Respondent's appeal of the automatic fine imposed by the filing officer. The Commission will meet at: **City Hall, City Commission Chambers, 300 S. Adams Street, Tallahassee, Florida.**

Although you did not request a hearing, this notice is to inform you that your case will be discussed at the meeting taking place on the above date and place. All documents you want the Commission to consider must be submitted at least 10 days prior to the hearing.

If you require an accommodation due to a disability, contact Donna Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 48 hours before the hearing.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Dated on January 19, 2012.



Rosanna Catalano
Executive Director

INSTRUCTIONS FOR HEARING ON APPEAL OF AUTOMATIC FINE

Please be advised that other cases have been scheduled for the same time. Therefore, your case may not be called exactly at the time set forth on this notice.

At the automatic fine hearing, the Florida Elections Commission will decide whether Respondent's campaign treasurers report was timely filed or whether there were unusual circumstances that excuse his failure to timely file his report.

Rule 2B-1.0055, *Florida Administrative Code*, defines **unusual circumstances** as "uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act in accordance with the filing requirements. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirement shall be deemed not to constitute unusual circumstances."

The hearing will be conducted pursuant to Section 106.07(8)(c), *Florida Statutes*, if Respondent is a candidate, a political committee, or an electioneering communications organization; Section 106.04(8)(c), *Florida Statutes*, if Respondent is a committee of continuous existence; or Section 106.29(3)(c), *Florida Statutes*, if Respondent is a political party; and Commission Rules 2B-1.005, 1.0052, & 1.0055, *Florida Administrative Code*.

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.

Before making a decision, the Commission will review the written documents submitted by Respondent and staff at least ten days before the hearing and the information presented at the hearing. Rule 2B-1.005, *Florida Administrative Code*, provides that unless good cause is shown, the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the hearing.

When the case is called, the Chair will read a brief statement and may ask the Respondent and his attorney, if one is present, to state their names for the record. Respondent will then have time to present his case to the Commission. Witnesses may be called to testify under oath on Respondent's behalf. If Respondent calls witnesses, the staff attorney may cross-examine those witnesses after Respondent's questioning is finished. After Respondent's presentation, staff will have the same amount of time to present its case. If the staff attorney calls witnesses, Respondent may cross-examine those witnesses after staff's questioning is finished.

At any time during the presentations the Commissioners may ask questions of Respondent, his attorney, the witnesses, and staff. After the presentations are concluded, the Commissioners will discuss the case and decide whether Respondent's report was timely filed or whether there were unusual circumstances that excuse his failure to file timely his report. The Commission will make a decision by a majority vote of those members present and voting.

After the Commission meeting, the Commission will send Respondent a written order reflecting the Commission's decision. If the Commission upholds the fine, Respondent will have 30 days to pay the fine.

If you have any questions about the procedures for the hearing, please contact Donna Malphurs at 107 W. Gaines Street Collins Building, Suite 224 Tallahassee, FL 32399-1050, phone number: (850) 922-4539.

**FLORIDA ELECTIONS COMMISSION
CASE REPORT**

Case Number: FEC-11-267

NAME: YOMIN POSTELNIK

DATE APPEAL RECEIVED: 8/1/11

DATE HEARING REQUEST RECEIVED: n/a

DATE REPORT DUE: 11/22/10 (2010 TR)

DATE OF ELECTRONIC RECEIPT: 7/12/11

DATE FILING OFFICER RECEIVED REPORT: 7/12/11

NUMBER OF DAYS LATE: 232

AMOUNT OF FINE: \$1,942.50

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$0.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$7,770.00

DATE OF FIRST NOTIFICATION: Failure to file letter dated 11/29/11

SUMMARY: Yomin Postelnik was a candidate for State Representative, District 91 in the 2010 elections. Fern Leah Postelnik was his treasurer.

Mr. Postelnik is appealing the fine claiming that he and his wife separated suddenly in November, 2010. According to Mr. Postelnik, his wife was the treasurer and "maintained the office after that period." Mr. Postelnik states he was dealing with "many shocking, false things that come in a custody battle" that led him to "being removed from all other matters." Mr. Postelnik adds that he first learned of the unfiled report at the end of April, 2011.

According to documents from the Division, Mr. Postelnik appointed himself treasurer and requested his PIN and password information on 7/1/11.

PRIOR CASES: Mr. Postelnik has not had any prior cases before the Commission.

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

FEC ACTION:	FINE DUE: \$ _____	DATE : _____
TIMELY FILED: YES _____ NO _____	UNUSUAL CIRCUMSTANCES: YES _____ NO _____	
WAIVER: PARTIAL _____ FULL _____	FINE INCORRECTLY CALCULATED: YES _____ NO _____	
UC REASON: _____		INITIALS: _____

Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

RECEIVED
11 AUG - 11 AM 9:55
STATE OF FLORIDA
ELECTIONS

Re: Yomin Postelnik, Candidate ID # 50577

Jul. 27, 2011

Dear Commission Representative,

I wish to appeal the fine assessed by the Florida Division of Elections due to unusual circumstances. In Nov. of 2010 my wife and I separated suddenly. She was the Treasurer and maintained the office after that period. All previous reports were filed timely and correctly. I was dealing with many shocking, false things that came in a custody battle and pleaded to reconcile as what happened was not logical. This led to me being removed from all other matters.

I first learned of the unfiled report in the end of 04/2011. I asked for credentials and this took a lot of back and forth to arrange. As soon as I received the credentials and the expense reports, I filed the report myself and then amended the technical mistakes.

Please call me for any additional needed information. My phone number is [REDACTED].

Thank you for your consideration,



Yomin Postelnik

CC: Florida Division of Elections



FLORIDA DEPARTMENT OF STATE

Dawn K. Roberts
Interim Secretary of State

DIVISION OF ELECTIONS

Second Notice

December 23, 2010

Mr. Yomin Postelnik
Candidate for State Representative, District 91
4699 North Federal Highway
Suite 208K
Lighthouse Point, FL 33064-3064

Dear Mr. Postelnik:

Your campaign treasurer's report, due November 22, 2010, has not been received.


Section 106.07(8)(b), Florida Statutes, requires that the filing officer immediately notify you of the failure to file said report. The fine for termination reports for candidates, shall be \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

The first notice of the failure to file the above mentioned report was mailed, via regular mail, to the address on file with our office on November 29, 2010. As of this date, we do not show a record of receiving this report.

If the report is not received in our office within 14 days of the date this notice is received, our office will refer this matter to the Florida Elections Commission for further action. Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission, upon finding a willful violation of Chapter 106, Florida Statutes, to impose a civil penalty of up to \$1,000 per count.

If you have any questions, please do not hesitate to contact Erika Bowen at (850) 245-6240.

Sincerely,

 Kristi Reid Bronson, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Dawn K. Roberts
Interim Secretary of State

DIVISION OF ELECTIONS

November 29, 2010

Mr. Yomin Postelnik
Candidate for State Representative, District 91
4699 North Federal Highway
Suite 208K
Lighthouse Point, FL 33064-3064

Dear Mr. Postelnik:

Your campaign treasurer's report, which was due November 22, 2010, has not been received.

Section 106.07(8)(b), Florida Statutes, requires that the filing officer immediately notify you of the failure to file said report. The fine for termination reports for candidates, shall be \$50 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Once your report is filed, this office will notify you of the specific amount of your fine. Fines must be paid to the filing officer within 20 days of receipt of the payment due notice.

Please be advised, however, that failure to file a campaign treasurer's report may constitute a violation of Chapter 106, Florida Statutes, independent of the automatic fine violation referenced above. Therefore, if you fail to file a report, the division will turn the matter over to the Florida Elections Commission.

If you have any questions, please do not hesitate to contact Erika Bowen at (850) 245-6240.

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

cc: Fern Leah Postelnik, Treasurer
4699 N. Federal Hwy, Ste 208K
Lighthouse Point, FL 33064-3064

Florida Division of Elections:

ID# 50577

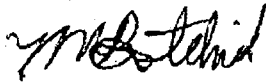
RECEIVED
2011 JUL -1 PM 3:33
FLORIDA STATE
DIVISION OF ELECTIONS

Dear Staff,

Please reset the password on this account. Please also provide me with the Candidate Credentials and Deputy Treasurer Credentials (PINS).

My phone number is [REDACTED]

Thank you,



Yomin Postelnik

Florida Department of State

Room 316, R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250
(850)245-6200

**Division of
Elections**

Candidate Tracking System

2010 General Election

State Representative

District 91

Yomin Postelnik

Republican

Address

225 East Dania Beach Boulevard
Dania Beach, FL 33004

Phone: (954)946-4442

Campaign Treasurer

Fern Leah Postelnik
4699 North Federal Highway
Suite 208K
Lighthouse Point, FL 33064-

Status: Defeated

Date Filed: 06/01/2009

Date Qualified: 06/15/2010

Method: Paid Qualifying Fee

Campaign Finance Activity

Campaign Documents

Filed Reports for Elec ID: 20101102-GEN


Account: 50577 - STR Yomin Postelnik

Report: 2009 Q2 (1)		From: 6/1/2009	Amd: Y	Filed: FIL	7/10/2009 10:49:21 A	
Due: 7/10/2009		To: 6/30/2009	Cmplt: COM	Reviewed: AUD	7/10/2009 12:57:06 P	
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>	<i>Chair PIN</i>
7/10/2009	Fern Leah Postelnik	6/1/2009		Web Data Entry	Web Filed	7/9/2009
7/10/2009	Fern Leah Postelnik	6/1/2009		Web Data Entry	Web Filed	7/10/2009
7/10/2009	Fern Leah Postelnik	6/1/2009		Web Data Entry	Web Filed	7/10/2009
Report: 2009 Q3 (2)		From: 7/1/2009	Amd: N	Filed: FIL	10/13/2009 10:05:50	
Due: 10/13/2009		To: 9/30/2009	Cmplt: COM	Reviewed: AUD	10/13/2009 10:04:12	
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>	<i>Chair PIN</i>
10/13/2009	Fern Leah Postelnik	6/1/2009		Web Data Entry	Web Filed	10/13/2009
Report: 2009 Q4 (4)		From: 10/1/2009	Amd: Y	Filed: FIL	1/11/2010 8:21:24 P	
Due: 1/11/2010		To: 12/31/200	Cmplt: COM	Reviewed: AUD	1/21/2010 9:00:57 A	
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>	<i>Chair PIN</i>
1/11/2010	Fern Leah Postelnik	6/1/2009		Web Data Entry	Web Filed	1/11/2010
1/20/2010	Fern Leah Postelnik	6/1/2009		Web Data Entry	Web Filed	1/20/2010
Report: 2010 Q1 (3)		From: 1/1/2010	Amd: N	Filed: FIL	4/12/2010 10:16:45 P	
Due: 4/12/2010		To: 3/31/2010	Cmplt: COM	Reviewed: AUD	4/12/2010 10:16:11 P	
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>	<i>Chair PIN</i>
4/12/2010	Fern Leah Postelnik	6/1/2009		Web Data Entry	Web Filed	4/12/2010
Report: 2010 F1 (5)		From: 4/1/2010	Amd: N	Filed: FIL	7/23/2010 5:31:24 P	
Due: 7/23/2010		To: 7/16/2010	Cmplt: COM	Reviewed: AUD	7/23/2010 5:30:51 P	
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>	<i>Chair PIN</i>
7/23/2010	Fern Leah Postelnik	6/1/2009		Web Data Entry	Web Filed	7/23/2010
Report: 2010 F2 (6)		From: 7/17/2010	Amd: N	Filed: FIL	8/6/2010 7:46:10 PM	
Due: 8/6/2010		To: 7/30/2010	Cmplt: COM	Reviewed: AUD	8/6/2010 7:45:23 PM	
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>	<i>Chair PIN</i>
8/6/2010	Fern Leah Postelnik	6/1/2009		Web Data Entry	Web Filed	8/6/2010
Report: 2010 F3 (7)		From: 7/31/2010	Amd: Y	Filed: FIL	8/20/2010 7:14:38 P	
Due: 8/20/2010		To: 8/19/2010	Cmplt: COM	Reviewed: AUD	8/22/2010 12:00:34 A	
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>	<i>Chair PIN</i>
8/20/2010	Fern Leah Postelnik	6/1/2009		Web Data Entry	Web Filed	8/20/2010
8/22/2010	Fern Leah Postelnik	6/1/2009		Web Data Entry	Web Filed	8/22/2010

Filed Reports for Elec ID: 20101102-GEN

Account: 50577 -STR **Yomin Postelnik**

Report: 2010 TR (8)	From: 8/20/2010	Amd: Y	Filed: FIL	7/12/2011 10:59:17 A		
Due: 11/22/2010	To: 11/22/201	Cmplt: COM	Reviewed: AUD	7/29/2011 12:30:19 P		
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>	<i>Chair PIN</i>
7/12/2011	Yomin Postelnik	7/1/2011		Web Data Entry	Web Filed	7/12/2011
7/29/2011	Yomin Postelnik	7/1/2011		Web Data Entry	Web Filed	7/29/2011

 **Filed Report Summary**

Home Filings Transactions Print Queue Campaign Account Sign Out Help

Summary of all filings received

Report: 2010 - TR - 8 2010 General Election Covers: 8/20/2010-11/22/2010 Due: 11/22/2010

Amended Last Review: Reviewed:
 Waiver Complete:
 Filed Date: File Status:

Transactions	Contributions	Amount	Expenditures	Amount
4	Cash and Checks:	0.00	Monetary:	7,770.00
	Loans:	0.00	Transfers to Off Acct:	0.00
	Total Monetary:	0.00	Total Monetary:	7,770.00
	In-Kind Contributions:	0.00	Other Distributions:	0.00

Activity this report

Orig Report Submit Date: By:

Contributions	Amount	Expenditures	Amount
Cash and Checks:	0.00	Monetary:	7,770.00
Loans:	0.00	Transfers to Off Acct:	0.00
Total Monetary:	0.00	Total Monetary:	7,770.00
In-Kind Contributions:	0.00	Other Distributions:	0.00

Queued Items for 2010-TR

Account: 50577

STR 091 Yomin Postelnik

Rpt Seq: 8

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	50577	11/10/2010 3:30:57 PM	11/10/2010 3:30:57 PM
Review Pending Report	Processing Complete	50577	7/12/2011 10:58:25 AM	7/12/2011 10:58:25 AM
Recalc Pending Report Total	Processing Complete	50577	7/12/2011 10:58:39 AM	7/12/2011 10:58:39 AM
File Pending Report	Processing Complete	50577	7/12/2011 10:59:17 AM	7/12/2011 10:59:17 AM
Amend Filed Report	Processing Complete	50577	7/12/2011 11:01:09 AM	7/12/2011 11:01:10 AM
Recalc Pending Report Total	Processing Complete	50577	7/12/2011 11:01:51 AM	7/12/2011 11:01:51 AM
Review Pending Report	Processing Complete	50577	7/12/2011 11:02:21 AM	7/12/2011 11:02:21 AM
Review Filed Report	Processing Complete	50577	7/29/2011 12:16:52 PM	7/29/2011 12:16:55 PM
Recalc Filed Report Totals	Processing Complete	50577	7/29/2011 12:25:47 PM	7/29/2011 12:25:47 PM
Review Pending Report	Processing Complete	50577	7/29/2011 12:30:07 PM	7/29/2011 12:30:07 PM
Review Pending Report	Processing Complete	50577	7/29/2011 12:30:19 PM	7/29/2011 12:30:19 PM
File Pending Report	Processing Complete	50577	7/29/2011 12:31:19 PM	7/29/2011 12:31:19 PM



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Yomin Postelnik

Name:

Account: 50577

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
11/22/2010	TR	7/12/2011	APP	232	\$1,942.50		\$1,942.50	\$0.00
8/20/2010	F3	8/20/2010						
8/6/2010	F2	8/6/2010						
7/23/2010	F1	7/23/2010						
4/12/2010	Q1	4/12/2010						
1/11/2010	Q4	1/11/2010						
10/13/2009	Q3	10/13/2009						
7/10/2009	Q2	7/10/2009						

HISTORY NOTES
Yomin Postelnik - 50577

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
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25575

7/28/2011 2:57:00 PM

taholdeen

2010 TR audit:

Sent the following email to treasurer (Fern Postelnik) at trackergroup@gmail.com:

Ms. Postelnik,

Since you are still listed as treasurer on Mr. Postelnik's campaign account, I'm required to notify you that the 2010 TR report has errors that need to be corrected. The Division attempted to send you a copy through the USPS mail, however it was returned to us. I've attached a copy of the letter that was mailed to you.

Please contact the Help Desk at (850) 245-6280 for assistance with amending this report.

Failure to handle this issue will result in referral to the Florida Elections Commission for enforcement. The Florida Elections Commission can impose civil penalties of up to \$1000 per violation.

Thank you in advance for your attention to this matter.

Side Note:

Received this response:

Mr. Postelnik phone # [REDACTED]

Regards,
Leah

25567

7/28/2011 11:36:00 AM

7/28/2011 12:06:06 PM

taholdeen

2010 TR Fine & Audit:

As stated in previous note, notices were returned by USPS, therefore, I'm emailing the notices to Yomik Postelnik at [REDACTED]@gmail.com, and the treasurer Fern Postelnik at trackergroup@gmail.com. In addition, since I do have another address for the candidate, I'm resending these notices to him (he's deputy treasurer now), at: 1830 Keystone Boulevard, North Miami Beach, Florida 33181-2631.

Sent the following email to Mr. Postelnik:

The Division mailed you notices to the 225 East Dania Beach Boulevard address, and the USPS returned them as 'insufficient address'. Therefore, I've attached copies of the letters that were mailed to you. Please contact the Help Desk at (850) 245-6280, for assistance with amending this report.

With regards to the fine letter, you have 20 days from the receipt of this email to pay the fine, or appeal the fine with the Florida Elections Commission. The information on this process is addressed in the attached fine letter. If you decide to appeal the fine, please send us a copy of this appeal letter, so we can update our files.

Please be advised that failure to address these issues will result in referral to the Florida Elections Commission. The Florida Elections Commission can impose civil penalties of up to \$1000 per violation.

Thank you for your prompt attention to this matter.

side note: Sent a copy of the audit letter to treasurer Fern Postelnik at trackergroup@gmail.com

HISTORY NOTES

Yomin Postelnik - 50577

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
25449	7/18/2011 9:55:00 AM	7/28/2011 11:40:53 AM	taholdeen
<p>1st Notice mailed:</p> <p>On the 2010 TR Fine, as well as the 2010 TR Audit Both were mailed to the address Mr. Postelnik provided on his latest DS-DE9 form (to make himself Deputy Treasurer) 225 East Dania Beach Boulevard, Dania Beach, Fl.</p> <p>Side Note: These letters were returned to us by USPS, stating 'insufficient address'. Also, the letters that were sent to his treasurer, Fern Postelnik were returned by USPS as well, as 'not deliverable as addressed'.</p>			
25156	7/5/2011 8:58:00 AM		jmcollins
<p>candidate password and PIN numbers</p> <p>also called candidate at [REDACTED] & left message telling him I had emailed info to him</p>			
25155	7/5/2011 8:53:00 AM		jmcollins
<p>candidate password and PIN numbers</p> <p>per signed faxed request candidate password and PIN number were released to him at [REDACTED]@gmail.com'. Also faxed DS-DE 9 as deputy treasurer was processed (see previous note) and deputy treasurer PIN was released.</p>			
25153	7/5/2011 8:42:00 AM		jmcollins
<p>candidate password and PIN numbers</p> <p>per signed faxed request candidate password and PIN number were released to him at [REDACTED]@gmail.com'. Also faxed DS-DE 9 as deputy treasurer was processed (see previous note) and deputy treasurer PIN was released.</p>			
25083	6/29/2011 2:43:00 PM	6/29/2011 3:12:31 PM	taholdeen
<p>2010 TR FF:</p> <p>Rec'd call from Mr. Postelnik Apparently FEC's contacted him (this has already been referred to FEC). So, now he called in to get his credentials, make himself treasurer, so he can file the TR report. Kristi gave us the ok to allow him to fax in his DS-DE 9 form, making himself 'deputy treasurer', so he can file this report. Along with that DS-DE 9 form, he will also be faxing a letter asking us to 'reset' his password, and release his pin number as candidate, as well as the one for deputy treasurer. I also asked him to include a contact number, so we could call him to give him this information.</p> <p>Emailed everyone concerned (here at the office), so when they get the faxed DS-DE 9 form, they'll know to go ahead & process it.</p> <p>FYI... His cell phone # is [REDACTED]</p>			
23942	4/21/2011 2:53:00 PM	4/21/2011 2:57:13 PM	taholdeen
<p>Received call:</p> <p>From candidate, Yomin Postelnik. Stating that he had received my email with copies of the previous letters we've sent regarding the outstanding report due. (TR). He says this is the first time he's heard of these letters, and never received anything in the mail. He also stated that Leah Postelnik (treasurer), has all the credentials, and all the information to file the report. I told him that according to her, he has all this information, and the bottom line is that they have both been notified now, and these reports need to be filed, or the matter will be turned over to the Florida Elections Commission. He got mad, and started raising his voice to me, talking about how I wasn't helping him, but making threats. I told him that this is the law, and its in the Florida Statutes, that if these reports aren't filed, the FEC can impose fines. He continued to raise his voice, and demanded to speak to my supervisor.</p> <p>Erin was away from her desk, so I asked Kristi to help me out, and she took the call. She told Mr. Postelnik, that he could make himself treasurer, and then we could release all the credentials to him. Kristi told him to fax us a letter making removing Leah Postelnik as treasurer, and making himself treasurer.</p> <p>FYI ... He's going to need the password reset, and the pin numbers as well, in order to complete this report.</p>			

HISTORY NOTES

Yomin Postelnik - 50577

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
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23915	4/21/2011 10:40:00 AM	7/28/2011 11:38:03 AM	taholdeen
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Rec'd call from:

Treasurer (Leah Postelnik). She stated that she was actually 'treasurer' in name only, as Mr. Postelnik always had the credentials, and was filing the efs reports. She also stated that they have either been separated or divorced (I forget which), and that she has had no contact with him for over 7 months, and has a restraining order out against him

I told her that ultimately it was the candidates responsibility to file this TR report, but that if it made her feel better, she could submit a letter of resignation as his treasurer on this campaign account, just to get her name off the account.

She did have some additional contact information for us with regards to Mr. Postelnik, (which she obtained from her lawyer). Mr. Postelnik's cell phone # is [REDACTED] (which I already knew from his loyalty oath). She also had his current home address: 1830 Keystone Boulevard, North Miami Beach, Florida. She didn't have the zip code, but I obtained it from the USPS website: 33181-2631. She's also pretty sure he still gets email at: [REDACTED]@gmail.com.

Side note: The email I sent yesterday, with regards to his outstanding TR report, I forwarded to the email address: ypostelnik@gmail.com.

23832	4/19/2011 2:42:00 PM	4/20/2011 10:02:48 AM	taholdeen
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Address correction?

While I was looking through imaging, for contact information, I also found a different address, under a misc document dated 5/26/2009: 1991 Northeast 32nd Court, Unit 42, Lighthouse Point, Florida 33064. This misc document also states it would be best to mail correspondence to this particular address.

23827	4/19/2011 2:12:00 PM	4/20/2011 10:03:47 AM	taholdeen
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2010 TR FF:

Tried to call the only # we have on file for this candidate (or his treasurer) [REDACTED]. This number has been disconnected. Looked through imaging, found candidate's cell phone # on his loyalty oath [REDACTED]. This # is definitely his, because on his voice mail, he identified himself. I left a message that he still needs to file the TR report, even if there was no activity. Left the Help Desk # on his voice mail, along with my name & my direct # as well, in case he had questions, or needed assistance in filing this report.

Side Note: I also found 2 email addresses (in imaging): [REDACTED]@insidersreview.org, and [REDACTED]@abetterflorida.com. With this information, I emailed Mr. Postelnik copies of the previously sent letters regarding this report.

Mr. Postelnik:

Attached are copies of letters we have previously sent to you regarding your failure to file the termination report that was due November 22, 2010.

If you need assistance, please call the Help Desk at (850) 245-6280, or if you prefer, you can call me at the number listed below.

Failure to resolve this issue will result in referral to the Florida Elections Commission. The Florida Elections Commission can impose a civil penalty up to \$1,000 per violation.

Thank you for your immediate attention to this matter.

Side Note: This candidate is affiliated with a PAC #52013 'A Better Florida'. In imaging, I found another email address for his treasurer: trackergroup@gmail.com, so I forwarded this email to that email address as well.

HISTORY NOTES
Yomin Postelnik - 50577

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
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21426	1/21/2011 8:50:00 AM		ebowen
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RE: 2010 TR FF

8:50 - I called Yomin Postelnik, the phone rang but no voicemail. I was unable to leave a message.

13263	6/2/2009 8:55:00 AM		jmcollins
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re: ds-de 9, ds-de 84

on May 26 Mr. Postelnik (paws-TELL-nick) sent in just a letter stating he wanted to be a candidate for Florida House District 91. I called him May 27 and told him we need a ds-de 9 and ds-de 84 and he said he would send them.



FLORIDA DEPARTMENT OF STATE

Kurt S. Browning
Secretary of State

DIVISION OF ELECTIONS

July 18, 2011

Mr. Yomin Postelnik
Candidate for State Representative, District 91
225 East Dania Beach Boulevard
Dania Beach, FL 33004-3004

Dear Mr. Postelnik:

Your termination report, which was due November 22, 2010, was not filed until July 12, 2011. Accordingly, you are fined in the amount of \$1,942.50. The fine must be paid to the Division of Elections within 20 days of receipt of this notice unless appealed to the Florida Elections Commission. Please note that as a candidate, the fine is not an allowable campaign expenditure and must be paid from personal funds.

If you wish to appeal the fine, you must submit a notice of appeal to the Commission within 20 days of the date of the receipt of this notice. (See Rules 2B-1.005, 2B-1.0052 and 2B-1.0055, Florida Administrative Code.) The Florida Elections Commission's address is 107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-0100.

Please send a copy of your notice of appeal to the Bureau of Election Records at the address listed below. If you have any questions, please contact us at (850) 245-6240.

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records



FLORIDA ELECTIONS COMMISSION
107 W. Gaines Street, Collins Building
Suite 224
Tallahassee, Florida 32399-1050
(850) 922-4539

November 8, 2011

Mr. Yomin Postelnik
234 Richmond E.
Deerfield Beach, FL 33442

RE: Case No.: FEC 11-267; Campaign Treasurer's Report due November 22, 2010

Dear Mr. Postelnik:

The Florida Elections Commission received your letter appealing the fine assessed against you for failing to timely file your campaign treasurer's report. I anticipate that the Commission will hear your case at its next meeting, which is presently scheduled for February 21 & 22, 2012, in Tallahassee. However, please call our office to verify when your case will be heard.

In reaching its decision, the Commission will consider the documents gathered by Commission staff and any documents you submit for the Commission's consideration before its meeting. Unless good cause is shown, the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the meeting. Rules 2B-1.005, 1.0052, and 1.0055, *Florida Administrative Code*, are the Commission's rules on the appeal of automatic fines.

The Commission will uphold the fine imposed by the filing officer unless you provide credible evidence that the report was timely filed or credible evidence that unusual or other circumstances caused the report to be filed late.

If you are a county, municipal, or special district candidate or committee and your report was received by the filing officer without a postmark or with an illegible postmark more than five days after the due date or it was delivered to the filing officer by a mail delivery service other than the United States Postal Service, it will not be found timely filed unless you submit a copy of a proof of mailing or at a hearing before the Commission, presents the oral testimony of the person who timely mailed the report.

The proof of mailing submitted shall reflect that it was obtained from the United States Postal Service or other mail delivery service at the time of mailing and shall reflect that the report was mailed before midnight on the due date. A metered postage mark does not constitute a postmark or a proof of mailing.

If you cannot show that your report was timely filed, the Commission may still grant you relief, but only if you show unusual circumstances. **Unusual circumstances is defined in Rule 2B-1.005(4), Florida Administrative Code, to mean “uncommon, rare, or sudden events over which the actor has no control and which directly result in the failure to act in accordance with the filing requirements.”** Unusual circumstances must occur within a time period that would clearly have prevented you from filing the report in a timely manner. Unusual circumstances shall not include the failure of the United States Postal Service or other mail delivery service to postmark an envelope, legibly postmark an envelope, or timely deliver mail. Further, unusual circumstances shall not include the failure of the sender to affix sufficient postage to a report that is being mailed.

Without credible evidence, the Commission will not find unusual circumstances. The following circumstances may constitute unusual circumstances so long as credible evidence is presented that unusual circumstances caused the report to be filed late.

1. **Natural disaster or other emergency that prevented timely filing.** Evidence submitted must include copies of newspaper reports or other documents from an independent and reliable source that shows the nature, date, and location of the natural disaster or emergency.
2. **Death of the candidate or campaign treasurer or an immediate family member of the candidate or campaign treasurer.** Evidence submitted must include a copy of the death certificate, newspaper obituary, or funeral program, or notice.
3. **Serious illness, disability or non-elective surgery of the candidate or campaign treasurer.** Evidence submitted must include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability, or surgery; a statement regarding the period of time that the patient was incapacitated; and a statement that surgery, if any, was not elective. Copies of hospital records reflecting the dates of hospitalization may also show the period of incapacitation.
4. **Serious illness, disability, or non-elective surgery of the immediate family member of the candidate or campaign treasurer.** Evidence submitted must include evidence of the relationship of the candidate or treasurer to the family member, the location of the family member, and the reason the presence of the candidate or campaign treasurer was required. Evidence submitted must also include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability or surgery; a statement regarding the period of time that the patient was incapacitated; a statement that surgery, if any, was not elective; and a statement that the patient required the care of a family member.
5. **Computer or equipment failure caused by events that could not have been anticipated and that made timely filing of the report impossible.** Power outages or program failure does not constitute unusual circumstances

unless it is established that reasonable precautions to assure the safety of the equipment or the ability of the program to perform as anticipated were taken before the events causing failure of the equipment or program. Evidence must include a written statement made under oath in the presence of a notary or other person authorized to administer oaths indicating the cause and the duration of the power outage and the reasonable precautions taken to assure the safety of the equipment or the ability of the program to perform as anticipated.

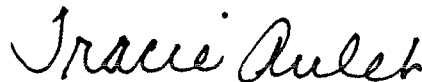
6. **The abrupt and unexpected loss of the campaign treasurer, over which you had no control.** The loss of the campaign treasurer does not constitute unusual circumstances if the appealing party failed to monitor the campaign treasurer's performance before his or her departure or if the appealing party failed to assure prompt preparation of the report after the treasurer's departure. Evidence must include a written statement made under oath in the presence of a notary or other person authorized to administer oaths explaining the departure of your treasurer and the steps taken to monitor the treasurer's performance before his or her departure.

You may, of course, send any additional evidence that you believe supports your position that your report was timely filed or that unusual circumstances cause your report to be filed late. Rule 2B-1.005(3), Florida Administrative Code, provides that if you send additional documentary evidence, the Commission must receive it no later than 20 days from the date of this letter. Remember that the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the meeting, unless good cause is shown. If the documentary evidence is timely received, it will be presented to the Commission when it considers your appeal of the assessed fine.

It is your responsibility to provide the Commission with credible evidence that the report was timely filed or credible evidence that unusual circumstances caused the report to be filed late. If you do not provide the evidence requested in this letter or in the Commission rules, the Commission will uphold the fine assessed by the filing officer.

Please let me know if I may be of further assistance.

Sincerely,



Tracie Aulet
Investigation Specialist



**Florida Department of State
Division of Elections**

**2010 General Election
Yomin Postelnik (REP)
State Representative**

Campaign Finance Activity

Note: The information presented below was obtained from the Committee's/Candidate's Campaign Treasurer's Report filed with the Division of Elections. [About the Campaign Finance Data Base.](#)

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
<input type="radio"/>	06/01/2009 - 06/30/2009	245.00	450.00	1,000.00	0.00	0.00	0.00
<input type="radio"/>	07/01/2009 - 09/30/2009	2,487.00	400.00	1,300.00	1,050.00	0.00	0.00
<input type="radio"/>	10/01/2009 - 12/31/2009	1,487.00	6,500.00	5,020.00	6,480.00	0.00	0.00
<input type="radio"/>	01/01/2010 - 03/31/2010	1,509.00	10,300.00	900.00	5,160.00	0.00	0.00
<input type="radio"/>	04/01/2010 - 07/16/2010	18,670.00	0.00	1,350.00	2,895.82	0.00	0.00
<input type="radio"/>	07/17/2010 - 07/30/2010	1,040.00	0.00	0.00	540.01	0.00	0.00
<input type="radio"/>	07/31/2010 - 08/19/2010	600.00	0.00	0.00	3,622.76	0.00	0.00
<input type="radio"/>	08/20/2010 - 11/22/2010	0.00	0.00	0.00	7,770.00	0.00	0.00
<input checked="" type="radio"/>	All Dates (Totals)	26,038.00	17,650.00	9,570.00	27,518.59	0.00	0.00

Note: (E) indicates that report was filed electronically

X Indicates that detail has not been released

W Indicates that a waiver was filed and L Indicates that a loan report was filed

Select Detail Type

Select Sort Order

Select Output Type

[Submit Query Now](#)

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)

Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

RECEIVED
DEPARTMENT OF STATE

2011 AUG -1 AM 10: 33

DIVISION OF ELECTIONS
TALLAHASSEE, FL

Re: Yomin Postelnik, Candidate ID # 50577

Jul. 27, 2011

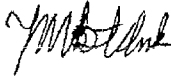
Dear Commission Representative,

I wish to appeal the fine assessed by the Florida Division of Elections due to unusual circumstances. In Nov. of 2010 my wife and I separated suddenly. She was the Treasurer and maintained the office after that period. All previous reports were filed timely and correctly. I was dealing with many shocking, false things that came in a custody battle and pleaded to reconcile as what happened was not logical. This led to me being removed from all other matters.

I first learned of the unfiled report in the end of 04/2011. I asked for credentials and this took a lot of back and forth to arrange. As soon as I received the credentials and the expense reports, I filed the report myself and then amended the technical mistakes.

Please call me for any additional needed information. My phone number is [REDACTED].

Thank you for your consideration,



Yomin Postelnik
CC: Florida Division of Elections