) STATE OF FLORIDA () FLORIDA ELECTIONS COMMISSION

In Re: Sumter County Education Association Advocacy Fund

Case No.: FEC 18-277

TO: Sumter County Education Association Advocacy Fund

> Kathleen Tragesser, Chair 4954 SW 40th Path Bushnell, FL 33513

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, November 14, 2018 at 1:30 pm, 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.

<u>Eric M. Lipman</u> General Counsel for Executive Director Florida Elections Commission October 29, 2018 Please refer to the information bel() for further instructions related to you() rticular 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-18-277

CANDIDATE []

POLITICAL PARTY []

PC [X]

CCE []

ECO[]

STATE [X]

DISTRICT []

COUNTY []

CITY []

NAME: SUMTER COUNTY EDUCATION ASSOCIATION ADVOCACY FUND

DATE APPEAL RECEIVED: 09/17/18

DATE REPORT DUE: 07/27/18 (2018 P3)

DATE OF ELECTRONIC RECEIPT: 08/02/18

NUMBER OF DAYS LATE: 6

AMOUNT OF FINE: \$129.00

Fine Based on: () Number of Days (X) 25% of Receipts () 25% of Expenditures

TOTAL RECEIPTS FOR REPORTING PERIOD: \$516.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$0

DATE OF FIRST NOTIFICATION: 08/22/18

SUMMARY: Sumter County Education Association Advocacy Fund is a political committee (PC) registered with the State of Florida. The PC's chair is Kathleen Tragesser and its treasurer is Chris Altobello.

The PC is appealing the fine claiming that they originally filed a waiver report on July 25th to meet the deadline of July 27th, however, it was discovered after the waiver that there was activity to the account. According to Ms. Tragesser, a deposit made on July 16th needed to be reported so they amended the report to reflect the activity.

- The 2018 P3 Original Report covers the period from 07/14/18-07/20/18; it was due on 07/27/18.
- The 2018 P3 Queued Transaction Report shows that it was created and filed on 07/25/18.¹
- Sumter County Education Association Advocacy Fund reported receiving 1 contribution, while making zero expenditures.
- FEC staff was advised, "The committee filed a notice of no activity (waiver) on 07/25/18. A waiver is not a report. On 08/02/18, the committee filed a report showing \$516.00 of activity. The fine is based on 25% of the activity.
- The Division of Elections does not have any notes that pertain to Sumter County Education Association Advocacy Fund's 2018 P3 report.

PRIOR CASES: None.

¹ The filing discussed in this bullet refers to the waiver that reflected zero activity.



Sumter County Education Association An Affiliate of FTP-NEA SEP '18 AN10:36

September 13, 2018

Florida Elections Commission 107 West Gaines Street Suite 224 Tallahassee, FL 32399-0150

Re: PAC 60743 (fine appeal P3 Report due 7.27.18)

Dear Sir or Madam:

We are in receipt of a late fine notification dated 08.22.18 from the Florida Department of State Division of Elections (enclosed). I contacted the review department and was instructed to file an appeal directly with the Florida Elections Commission.

We originally filed the waiver report on July 25th to meet the deadline of July 27th (enclosed). It was discovered after the waiver report was filed that there was activity to the account, a deposit made on July 16th that needed to be reported. We immediately filed an amended report to reflect such (enclosed).

We respectfully request you to please reconsider the late filing penalty due to this oversight.

Thank you for your consideration.

Sincerely,

Kathleen Tragesser Chairperson

Enclosures cc: Florida Department of State Division of Elections, Attn: Kristi Reid Willis, Chief

> We touch the future—We Teach! 2801 S.W. College Road, Suite 14 • Ocala, Florida 34474



FLORIDA DEPARTMENT OF STATE Ken Detzner

Secretary of State

DIVISION OF ELECTIONS

August 22, 2018

Kathleen Tragesser, Chairperson Sumter County Education Association Advocacy Fund 4954 SW 40th Path Bushnell, FL 33513

PAC 60743

Dear Ms. Tragesser:

The campaign treasurer's report that was due on July 27, 2018, was filed on August 2, 2018. By law, you are automatically assessed a late fine of \$129.00.

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, - t Ried W.IIi

Kristi Reid Willis, Chief Bureau of Election Records

FLORIDA DEPARTMEN CAMPAIGN TRE					IONS	
(1) Sumter County Education Association Advocacy Fund Candidate, Committe or Party Name		(2)	60743 I.D. Numbe	96		
(3) 2801 SW College Road	Ocala			FL	34474	
Address (number and street)	City			State	Zip Code	
(4) Check appropriate box(es):						9
 Candidate (office sought): Political Committee Committee of Continuous Existance Party Executive Committee 			C has DISBAI CE has DISB/			
(5) REPO	RT IDENTIFIE	ERS	a fan en fan de Kenderad Antaña			an a
Cover Period: From 07/14/2018 To 07	7/20/2018		Report	Type:	P3	
Original X Amendment Sp	pecial Election	Repor	t			
(6) CONTRIBUTIONS THIS REPORT	T		(7) EXPEND	TURES 1	THIS REPORT	
Cash & Checks \$516.00	Monetar	у Ехре	nditures			\$0.00
Loans \$0.00	Transfer	s to Of	fice Account			\$0.00
Total Monetary \$516.00	To	otal Mo	netary			\$0.00
In-Kind \$0.00	(8) Othe	r Distri	butions			
			-			
C It is a first degree misdemeanor for any p	ertification person to falsi	fy a pu	blic record (s	s.839.13,	F.S.)	
I certify that I have examined this report and it is true, correct and complete			ave examined id complete	d this repo	ort and it is	
Name of Treasurer Deputy Treasurer	Name of	• [Candidate	X	Chaiman (PC/I	PTY Only
×	x			175		
Signature	Signatu	re				

Reviewed On: 8/2/18 2:49 pm

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

Page 1 of 1

Name: Sumter County Education Association Advocacy Fund

Report: 2018 P3 Period: 07/14/2018

to 07/20/2018

Amount	Occupation	Contributor	Full Name (Last, Suffix, First, Middle	Seq #	
Amend	In-Kind Description	Туре	Street Address & City, State, Zip	Date	
\$516.0	TEACHERS ASSOCIATION	F	SUMTER COUNTY EDUCATION ASSOCIATION ADVOCACY FUND SUMTER COUNTY EDUCATION	1	
UPD	258 MEMBERS X \$2 EACH	CHE	ASSOCIATION ADVOCACY FUND 2801 SW COLLEGE ROAD SUITE 14 OCALA, FL 34474	07/16/2018	
\$516.0	TEACHERS ASSOCIATION	F	SUMTER COUNTY EDUCATION ASSOCIATION ADVOCACY FUND SUMTER COUNTY EDUCATION	1	
ADD History 08/02/18	258 MEMBERS X \$2 EACH	CHE	ASSOCIATION ADVOCACY FUND 2801 SW COLLEGE ROAD SUITE 14 OCALA, FL 34474		

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

Page 1 of 1

Name:	Sumter County Education Association Advocacy	Fund	Report: 2018 P3	Period: 07/14/2018	to 07/20/2018
	**	Records in File	ed Report **		
Seq #	Full Name (Last, Suffix, First, Middle	Туре	Purpose		Amount
Date	Street Address & City, State, Zip	Type	- upose		Amend
	1 T T T T T T T T T T T T T T T T T T T	1	1		

* Incomplete Record

CAMPAIGN TREASURER'S REPORT - ITEMIZED FUND TRANSFERS

Page 1 of 1

Name:	Sumter	County	Education	Association	Advocacy	Fund	
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** Records in Filed Report **

to 07/20/2018

Period: 07/14/2018

Seq # Date	Full Name (Last, Suffix, First, Middle	Three	Nature of Account	Amoun
	Street Address & City, State, Zip	Туре		Amend
1.00				

CAMPAIGN TREASURER'S REPORT - ITEMIZED DISTRIBUTIONS

Page 1 of 1

Name: Sum	ter County	Education /	Association /	Advocacy F	und
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** Records in Filed Report **

Period: 07/14/2018 to

to 07/20/2018

Seq #	Full Name (Last, Suffix, First, Middle	Depleter Dependent		Recipient Purpose	Recipient Purpose	Amou
Date	Street Address & City, State, Zip	Туре	Related Expenditure	Amend		
				T. T		
4						

9/28/2018

Queued Items for 2018-P3

Page 1

Account: 60743 Rpt Seq: 128

Sumter County Education Association Advocacy Fund

ProcessDescription	Status	Submitter	Created	LastUpdate
Create Pending Report	Processing Complete	60743	7/25/2018 11:28:33 AM	7/25/2018 11:28:33 AM
Review Pending Report	Processing Complete	60743	7/25/2018 11:28:35 AM	7/25/2018 11:28:35 AM
File Pending Report	Processing Complete	60743	7/25/2018 11:28:51 AM	7/25/2018 11:28:51 AM
Amend Filed Report	Processing Complete	60743	8/2/2018 2:44:35 PM	8/2/2018 2:44:35 PM
Review Pending Report	Processing Complete	60743	8/2/2018 2:45:43 PM	8/2/2018 2:45:43 PM
File Pending Report	Processing Complete	60743	8/2/2018 2:46:01 PM	8/2/2018 2:46:01 PM
Amend Filed Report	Processing Complete	60743	8/2/2018 2:48:53 PM	8/2/2018 2:48:53 PM
Review Pending Report	Processing Complete	60743	8/2/2018 2:49:14 PM	8/2/2018 2:49:14 PM
File Pending Report	Processing Complete	60743	8/2/2018 2:49:32 PM	8/2/2018 2:49:32 PM
File Pending Report	Processing Complete	60743	8/2/2018 2:49:32 PM	8/2/2018 2:4



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Florida Department of State - Division of Elections

Florida Election System Reports

Candida Name:	ate/Committee Lookup			ame: Sumter ount: 60743	County	Education	on Associat	ion Advoca	icy Fund	
					25	Days	Fine		Amount	Amount
Election:		Date Due	Type	Date Filed	Status	Late	Assessed	Appealed	Fined	Paid
L		9/14/2018	G1A	9/13/2018						
Acct: 6074	43 9	9/7/2018	G1	9/6/2018			5			
Type: Con	nmittee 🔻 8	3/31/2018	P7A	8/30/2018						
		8/24/2018	P7	8/24/2018			•	54 - E		
S	and the second	3/17/2018		8/15/2018						
1		3/10/2018		8/10/2018						
		3/3/2018		8/2/2018						
		7/27/2018		7/25/2018	APP	0	\$129.00		\$129.00	\$0.00
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		7/6/2018		7/2/2018			0).			
		6/29/2018		6/28/2018						
		6/11/2018		6/8/2018						
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		4/10/2018		4/10/2018				32		
		3/12/2018		3/12/2018						22
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		12/11/2017								
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		3/10/2017		8/9/2017						
		7/10/2017		7/10/2017			<i>5</i>			
2	24 C.	7/10/2017		7/10/2017						
		5/12/2017		6/7/2017						
		5/10/2017		5/10/2017						
		\$/10/2017		4/7/2017						
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		2/10/2017		2/9/2017						
		1/10/2017		1/10/2017						
	1	12/12/2016	M11	12/8/2016	¥4					
	Y	11/4/2016	D6	11/3/2016						
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9/23/2016	G2	9/22/2016					
9/16/2016	G1A	9/15/2016					
9/9/2016	G1	9/9/2016					
9/2/2016	P7A	9/1/2016					
8/26/2016		8/26/2016					
8/19/2016	P6	8/19/2016					
8/12/2016	P5	8/12/2016					
8/5/2016	P4						
7/29/2016		7/27/2016					
7/22/2016		7/20/2016				2	
7/15/2016		7/14/2016					
7/8/2016		7/8/2016			10		
7/1/2016		6/27/2016					
6/10/2016		6/10/2016					
5/10/2016		5/10/2016					
4/11/2016		4/11/2016					
3/10/2016		3/10/2016		5	8		
2/10/2016		2/10/2016					
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10/29/2014	D5	10/29/2014					

FEC - Candidate/Co	nmittee Filing History Report
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10/28/2014	D4	10/27/2014						
10/27/2014	D3	10/27/2014				0	33	
10/26/2014	D2	10/27/2014	CLO	1	\$0.00	326	\$0.00	\$0.00
10/25/2014	D1	10/27/2014	CLO	2	\$0.00		\$0.00	\$0.00
10/24/2014	G6	10/22/2014						
10/17/2014	G5	10/13/2014		121				
10/10/2014	G4	10/3/2014						
10/10/2014	SP1	10/27/2014	CLO	17	\$0.00		\$0.00	\$0.00
10/3/2014		9/29/2014						
9/26/2014		9/23/2014		3				
9/19/2014		9/17/2014						
9/12/2014	G1A	9/9/2014			1			
9/5/2014		9/4/2014		*				
8/29/2014	P7A	8/27/2014	240					
8/22/2014	P7	8/22/2014						
8/15/2014	P6	8/11/2014					a	
8/8/2014	P5	8/8/2014						
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6/10/2014		6/3/2014						
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		10/27/2014	CLO	381	\$0.00	÷	\$0.00	\$0.00
10/10/2013		10/8/2013		100	* 0.00		60.00	00.00
9/13/2013	5-1	10/27/2014	CLO	409	\$0.00		\$0.00	\$0.00



FLORIDA DEPARTMENT OF STATE

RICK SCOTT Governor **KEN DETZNER** Secretary of State

August 6, 2013

Kathleen Hairston, Chairperson Sumter County Education Association Advocacy Fund 4954 SE 40th Path Bushnell, Florida 33513

Dear Ms. Hairston:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **Sumter County Education Association Advocacy Fund**, which were placed on file in our office on August 2, 2013. This information appears to comply with the requirements of Section 106.03, Florida Statutes, and the name of this organization has been placed on our active committee list as a political committee that supports candidates.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **October 10, 2013**. The report will cover the period of July 1, 2013 - September 30, 2013. All political committees that file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

Below is the web address to access the EFS and the committee's user identification number. The enclosed sealed envelope contains the committee's initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on. The chairperson, campaign treasurer, and deputy treasurers are responsible for protecting this password from disclosure and are responsible for all filings using these credentials, unless the Division is notified that your credentials have been compromised.

EFS Website Address:https://efs.dos.state.fl.usIdentification Number:60743



Division of Elections R.A. Gray Bldg., Rm. 316 • 500 S Bronough St. • Tallahassee, Florida 32399-0250 Telephone: (850) 245-6240 • Facsimile: (850) 245-6259 elections.myflorida.com Commemorating 500 years of Florida history www.fla500.com



Ms. Kathleen Hairston, Chairperson August 6, 2013 Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update information. The enclosed sealed envelope provides a confidential pin number for the chairperson. By copy of this letter, a confidential pin number to access the EFS was sent to the treasurer.

Each political committee chairperson is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event that the password is forgotten or lost. When you enter the campaign account screen, there will be a drop down box where you pick a question (such as *What is your mother's maiden name?*) and supply an answer. All passwords and answers to questions are stored as encrypted data and cannot be viewed by Division staff and given out over the phone. Please notify the Division if your credentials have been compromised.

Timely Filing

All reports must be completed and filed through the EFS no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight, Eastern Standard Time, of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

Any political committee failing to file a report on the designated due date is subject to a fine of \$50 per day for the first 3 days and, thereafter, \$500 per day for each day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be \$500 per day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Electronic Receipts

The person submitting the report on the EFS will be issued an electronic receipt indicating and verifying the report was filed. Each campaign treasurer's report filed by means of the EFS is considered to be under oath by the chairperson and campaign treasurer and such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

Ms. Kathleen Hairston, Chairperson August 6, 2013 Page Three

Instructions and Assistance

An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports. The Division of Elections will also provide assistance to all users by · contacting the EFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' website at http://elections.myflorida.com. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, 2012 Political Committee Handbook, 2013 Calendar of Reporting Dates, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,

Veri Swaldidg Fawyn Kristi Reid Bronson, Chief

Bureau of Election Records

KRB/ddb

Enclosures

pc: Ms. Sandra Armstrong, Treasurer