

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Artie Leichner**

**Case No.: FEC 16-167**

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**TO:** Artie Leichner  
27221 SW 167 Court  
Homestead, FL 33031

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, **August 16, 2016 at 9:00 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  
August 1, 2016

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-16-167

**NAME:** **ARTIE LEICHNER**

**DATE APPEAL RECEIVED:** 06/21/16

**DATE REPORT DUE:** 05/10/16 (2016 M4)

**DATE OF ELECTRONIC RECEIPT:** 05/17/16

**DATE FILING OFFICER RECEIVED REPORT:** 05/17/16

**NUMBER OF DAYS LATE:** 7

**AMOUNT OF FINE:** \$265.08

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

**TOTAL RECEIPTS FOR REPORTING PERIOD:** \$260.00

**TOTAL EXPENDITURES FOR REPORTING PERIOD:** \$1,060.30

**DATE OF FIRST NOTIFICATION:** 05/11/16

**SUMMARY:** Artie Leichner was a candidate for State Representative, District 120 in the 2016 elections. Susan R. Leichner was his treasurer.

Artie Leichner is appealing the fine claiming that there was a misunderstanding based on the context of the close out letter. According to Mr. Leichner, after withdrawing from the campaign he received a letter from the Division of Elections dated May 4, 2016 telling him he had 90 days to file the Termination Report. He states that he began the process of closing out all obligations. After May 11<sup>th</sup>, he received a letter informing him that he did not file the 2016 M4 report. After contacting the Division of Elections, Mr. Leichner states that he was told to appeal the fine and explain the misunderstanding. He notes that this is his first campaign and that he filed the report the day after speaking to DOE staff.

- The 2016 M4 Original Report covers the period from 04/01/16-04/30/16; it was due on 05/10/16.
- The 2016 M4 Queued Transaction Report shows that it was filed on 05/17/16.
- Artie Leichner reported receiving 3 contributions, while making 3 expenditures.
- The History Notes from the Division show two entries that pertain to the 2016 M4 Report.

**PRIOR CASES:** None.

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"/>

ER

Artie Leichner CAN 65032  
27221 Sw 167 Ct  
Homestead, FL 33031  
786-208-6870

2016 JUN 21 P 12:59

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

To Whom It May Concern:

Unfortunately, I decided to end my campaign for State House Seat 120. I received a letter dated May 4<sup>th</sup> 2016 which said that I had 90 days to file a termination report. I read the letter and began the process of closing out all of my obligations.

After May 11<sup>th</sup> I received another letter that said I hadn't filed a report for the previous month. I filed the report that day after calling your offices, and was told that I would automatically receive a fine letter and that I should appeal it by explaining the misunderstanding. This truly was simply a misunderstanding based on the content of the close out letter. My suggestion would be that a line be inserted in the close out letter that informs the candidate and treasurer that any previous month's filing is still due. Many of us are new to this process. As expected what followed was another letter with a fine.

Please accept my explanation and rescind the fine. My wife and I are both retired and \$265.08 is a lot of money to pay for reasonable confusion.



Artie Leichner



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

June 1, 2016

Artie Leichner  
Candidate for State Representative, District 120  
27221 Southwest 167 Court  
Homestead, FL 33031-3031

CAN 65032

Dear Mr. Leichner:

The campaign treasurer's report that was due on May 10, 2016, was filed on May 17, 2016. By law, you are automatically assessed a late fine of \$265.08.

**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,

Kristi Reid Bronson, Chief  
Bureau of Election Records

cc: Susan R. Leichner, Treasurer



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

May 11, 2016

Susan R. Leichner, Treasurer  
27221 Southwest 167 Court  
Homestead, FL 33031-3031

CAN 65032

Dear Ms. Leichner:

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 May 10, 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: Artie Leichner

Candidate for State Representative, District 120



## FLORIDA DEPARTMENT OF STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 4, 2016

Artie Leichner (65032)  
27221 Southwest 167 Court  
Homestead, Florida 33031

Dear Mr. Leichner:

This will acknowledge receipt of the letter informing us of your withdrawal as a 2016 candidate for the office of State Representative. This information was placed on file in our office on May 3, 2016.

Pursuant to Section 106.141, Florida Statutes, all candidates must, within 90 days of withdrawing their candidacy, dispose of all funds on deposit in the campaign account. You are required to file a 90-day termination report no later than **August 1, 2016**. You are not required to close the campaign prior to the due date; however, you must have written checks disposing of all surplus funds by this date.

You may file your report in the Electronic Filing System (EFS) at any time prior to the deadline once you have disposed of all funds. In order to file your termination report prior to the due date, you will need to change the cover period, which has been defaulted to an ending period of August 1, 2016, in the EFS (see attached example).

If you have any questions, please contact this office at (850) 245-6280.

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records

KRB/ejr

Attachment

### Division of Elections

R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6240 • 850.245.6260 (Fax) [dos.myflorida.com/elections/](http://dos.myflorida.com/elections/)



**If you file your Termination Report PRIOR to August 1, 2016, change the cover period end date in the EFS system to the date you are filing your report.**

Use this form to submit an original report. To submit an amendment to a previously filed report, first select the report from the 'Filed Reports' listing and then choose the 'Amend Report' option from the 'Filings' menu item.

**Coverage Periods**  
Campaign finance reports itemize financial activity occurring during a specific reporting period. The reporting period is declared by first selecting the election cycle then the report type & year. The reporting period and the filing due date of the report are automatically associated with the selected

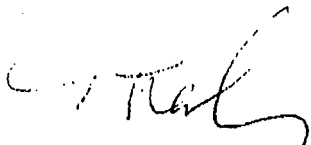
Election Cycle: 2012 General Election  
Report Type & Year: TR 2012  
Coverage Period: 11/2/2012 2/4/2013 Due Date: 02/04/2013  
 Waiver

**CHANGE THE END DATE HERE TO THE DATE YOU ARE FILING YOUR TR REPORT**



Artie Leichner  
27221 SW 167 Ct.  
Homestead, FL 33031  
4/29/16

I am Artie Leichner, Candidate #65032, district 120. I am withdrawing from the race effective today.



RECEIVED  
DEPARTMENT OF STATE  
2016 MAY -3 AM 10:05  
FLORIDA STATE  
DIVISION OF ELECTIONS

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

(1) Artie Leichner (2) 65032  
Candidate, Committee or Party Name I.D. Number

(3) 27221 Southwest 167 Court Homestead FL 33031  
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 Existence  Check If CCE has DISBANDED  
 Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 04/01/2016 To 04/30/2016 Report Type: M4

Original  Amendment  Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$260.00
Loans	\$0.00
<i>Total Monetary</i>	\$260.00
In-Kind	\$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$1,060.30
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$1,060.30

(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  Chaiman (PC/PTY Only)

X  
Signature

Name: Artie Leichner

Report: 2016 M4

Period: 04/01/2016 to 04/30/2016

**\*\* 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	GOLDMAN, STEVEN 18284 MW 21 ST PENBROKE PINES, FL 33029-3707	I	TEACHER	\$25.00
04/12/2016		CHE		
2	LEICHNER, JARED 27221 SW 167 CT HOMESTEAD, FL 33031-2718	I	STUDENT	\$35.00
04/13/2016		CHE		
3	MADRUGA, RAINIER 16851 SW139 PL MIAMI, FL 33177-2026	I	ANALYST	\$200.00
04/14/2016		CHE		

Name: Artie Leichner

Report: 2016 M4

Period: 04/01/2016 to 04/30/2016

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

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip)	Type	Purpose	Amount Amend
1 04/07/2016	COMPDEALINGS 2040 NE 163 ST NORTH MIAMI, FL 33162	MON	PRINTING	\$310.30
* 2 04/01/2016	VAN NGP 1101 15 ST, NW WASHINGTON, DC 20005	MON	FILINGS AND LISTS	\$0.00
3 04/11/2016	DSMS 101 NE 19 ST HOMESTEAD, FL 33030	MON	CONSULT	\$750.00

**Queued Items for 2016-M4**

Account: 65032

STR 120 Artie Leichner

Rpt Seq: 6

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	65032	5/17/2016 1:01:43 PM	5/17/2016 1:01:43 PM
Recalc Pending Report Total	Processing Complete	65032	5/17/2016 1:42:57 PM	5/17/2016 1:42:57 PM
Review Pending Report	Processing Complete	65032	5/17/2016 1:43:59 PM	5/17/2016 1:43:59 PM
File Pending Report	Processing Complete	65032	5/17/2016 1:45:11 PM	5/17/2016 1:45:11 PM



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Artie Leichner

Name:

Account: 65032

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
5/10/2016	M4	5/17/2016	APP	7	\$265.08		\$265.08	\$0.00
4/11/2016	M3	4/8/2016						
3/10/2016	M2	3/10/2016						
2/10/2016	M1	2/5/2016						
1/11/2016	M12	1/9/2016						
12/10/2015	M11	12/8/2015						

**HISTORY NOTES**  
Artie Leichner - 65032

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
47801	5/23/2016 4:21:00 PM		mchellman
<p>Re: pending fine for 2016 M4 yet to be levied. Candidate called stating that prior to the 2016 M4 due date he received a notification related to his termination report being due (after his withdrawal request was received by DOE on 5/03/16.) He said receiving that TR notification made him believe that he did not need to file his 2016 M4 report. He said he filed his 2016 M4 the day he received our FF letter. He stated the TR report notification letter condused him as a first time candidate. We generally discussed the appeal process, the fining formula, and I told him that he should be receiving a fine letter soon that will tell his where to appeal. I stressed the importance of making a timely appeal.</p>			
47741	5/17/2016 12:45:00 PM		dsbrown
<p>RE: M4 and TR reports</p> <p>After speaking with KRB, I contacted Mr. Leichner and advised him that he must file the M4 report since his withdrawal occurred after the report coverage period. I recommended that he file today. He said he would. He will then need to file the TR.</p>			

**FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 16-167**

**Respondent: Artie Leichner**

**Complainant: Division of Elections**

1. **Date and time:** 07/05/16  
**Name:** Artie Leichner  
**Phone #:** Incoming  
**Summary:** Mr. Leichner called to ask about the appeal process. I explained that his appeal would be processed and heard at our next available meeting. I also informed him that I would complete his file and give a courtesy call to ask for any additional information if needed.  
**Memo to File?** No  
**Entered by:** B.Wims
  
2. **Date and time:** 07/14/16 12:13pm  
**Name:** Artie Leichner  
**Phone #:** 786-208-6870  
**Summary:** I spoke with Mr. Leichner and told him that his appeal will be heard at our next meeting (Aug. 16-17, 2016). He did not have any additional information to add. He asked about filing the Termination Report and I referred him to the Division of Elections for further instructions.  
**Memo to File?** No  
**Entered by:** B.Wims
  
3. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File?** No  
**Entered by:**
  
4. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File?** No  
**Entered by:**
  
5. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File?** No  
**Entered by:**