

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: William Wheelen

Case No.: FEC 22-390

TO: William Wheelen
397 Marble Canyon Drive
Wellington, FL 33414

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

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **May 17, 2023 at 8:30**, or as soon thereafter as the parties can be heard, at the following location: Via Webinar Registration URL:

<https://attendee.gotowebinar.com/register/571953185404345941>

Audio participation:
1-877-309-2074

Attendee – muted:
966-952-589

After registering, you will receive a confirmation email containing information about joining the webinar.

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.

Tim Vaccaro

Executive Director
Florida Elections Commission
May 2, 2023

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 22-390

NAME: **WILLIAM WHEELEN**

DATE APPEAL RECEIVED: 09/28/2022

DATE REPORT DUE: 06/24/2022 (2022 P1)

DATE OF ELECTRONIC RECEIPT: 07/22/2022

NUMBER OF DAYS LATE: 28

AMOUNT OF FINE: **\$500.00**

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$2,000.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$1,847.27

DATE OF FIRST NOTIFICATION: 08/18/2022 (Fine Ltr)

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

SUMMARY: William Wheelen was a candidate for State Senator, District 26, in the 2022 elections. William Wheelen was his own treasurer.

William Wheelen is appealing the fine claiming that he amended a waiver that was timely filed. According to Mr. Wheelen, he filed the initial waiver because he thought he did not have anything to report. He notes that, once he realized activity should have been reported, he amended the filing “for the sake of honesty and accuracy.” He claims he did not know “a fine would be attached to doing what was right.” Mr. Wheelen respectfully asks the Commission to waive the fine.

- The 2022 P1 Original Report covers the period from 06/08/22-06/17/22; it was due on 06/24/22.
- The 2022 P1 Queued Transaction Report shows that it was created on 06/22/22 and filed on 06/23/22.¹
- William Wheelen reported receiving 2 contributions while making 2 expenditures.
- FEC staff was advised, “The candidate filed a notice of no activity (waiver) on 06/23/22. A waiver is not a report. On 07/22/22, the candidate filed a report showing \$2,000.00 of activity. The fine is based on 25% of the activity.”
- The Division of Elections provided one note that pertains to William Wheelen’s 2022 P1 report.

PRIOR CASES: None.

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

Br'Axeton Wims

From: Donna Malphurs <Donna.Malphurs@myfloridalegal.com> on behalf of Florida Elections Commission <fec@myfloridalegal.com>
Sent: Wednesday, September 28, 2022 2:53 PM
To: Br'Axeton Wims
Subject: Fw: Appeal Fine for late filing
Attachments: Fine Notice Late File_000003.pdf

This one has the attachment

----- Forwarded by Donna Malphurs/OAG on 09/28/2022 02:52 PM -----

From: "William Wheelen" <bill@billforfloridasenate.com>
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>
Date: 09/28/2022 02:49 PM
Subject: Appeal Fine for late filing

Good Morning,

I received your letter stating I filed my June 2022 report late. It is attached to this email for your convenience. My response outside of the 20 day window is I have been traveling since right after the election. I can provide documentation to show that should you require it.

I don't believe it was filed late. As the filings show I filed an amendment to a waiver filed on time. The receipt for the waiver shows it was filed timely and the report was later amended in July, therefore giving the appearance of a late filing.

I sent a letter to the Florida Elections Division and their response was the fine is levied as a matter of statute but I have the right to appeal, which is what I am doing.

I am attaching a copy of your letter that I only received last week.

I filed the initial waiver because I thought I did not have anything to report. I amended it when I discovered while preparing the July filing the \$2000 I deposited and the payment for my candidate filing should have been in the first filing period I thought it best to amend the original report for the sake of honesty and accuracy. In my estimation a far better solution than changing dates and adding the transactions to a different filing that would have actually been a false report. I never thought a fine would be attached to doing what was right.

As a result, I respectfully ask that you waive the fine for the late filing.

I hope we can rectify this and rescind the fine. I thank you for your time and assistance and look forward to your favorable response.

Respectfully,

Bill Wheelen

Bill For Florida Senate, Candidate



561-289-4052

12161 Ken Adams Way

Suite B110

Wellington, FL 33414 (See attached file: *Fine Notice Late File_000003.pdf*)



FLORIDA DEPARTMENT OF STATE

Cord Byrd
Secretary of State

DIVISION OF ELECTIONS

August 18, 2022

William Wheelen
Candidate for State Senator, District 26
12161 Ken Adams Way
Wellington, FL 33414-3414

CAN 81462

Dear Mr. Wheelen:

The campaign treasurer's report that was due on June 24, 2022, was filed on July 22, 2022. By law, you are automatically assessed a late fine of \$500.00.

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,

Donna S. Brown, Chief
Bureau of Election Records

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

(1) William Wheelen (2) 81462
 Candidate, Committe or Party Name I.D. Number

(3) 12161 Ken Adams Way Wellington FL 33414
 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 06/08/2022 To 06/17/2022 Report Type: P1

Original Amendment Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$0.00
Loans	\$2,000.00
<i>Total Monetary</i>	\$2,000.00
In-Kind	\$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$1,847.27
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$1,847.27

(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: William Wheelen

Report: 2022 P1

Period: 06/08/2022 to 06/17/2022

**** 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		X		\$0.00
		X		DEL
2	WHEELER WILLIAM	S	RETIRED	\$2,000.00
06/16/2022	397 MARBLE CANYON DR WELLINGTON, FL 33414	LOA	FOR FILING FEES	UPD
* 2	WHEELER WILLIAM	S	RETIRED	\$2,000.00
06/16/2022	397 MARBLE CANYON DR WELLINGTON,	LOA	FOR FILING FEES	ADD History 07/23/22

Name: William Wheelen

Report: 2022 P1

Period: 06/08/2022 to 06/17/2022

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

Seq #	Full Name (Last, Suffix, First, Middle)	Type	Purpose	Amount
Date	Street Address & City, State, Zip			Amend
1	TRUIST BANK	MON	PURCHASE CHECKS	\$65.45
06/16/2022	12870 FOREST HILL BLVD WELLINGTON, FL 33414			ADD
2	FLORIDA DIVISION OF ELECTIONS RA GRAY BLDG	MON	QUALIFYING FEES	\$1,781.82
06/17/2022	500 SOUTH BRONOUGH ST TALLAHASSEE, FL 32399			ADD

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED FUND TRANSFERS

Name: William Wheelen

Report: 2022 P1

Period: 06/08/2022 to 06/17/2022

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

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

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED DISTRIBUTIONS

Name: William Wheelen

Report: 2022 P1

Period: 06/08/2022 to 06/17/2022

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

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

Queued Items for 2022-P1

Account: 81462

STS 026 William Wheelen

Rpt Seq: 1

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	81462	6/22/2022 3:52:12 PM	6/22/2022 3:52:12 PM
Recalc Pending Report Total	Processing Complete	81462	6/23/2022 7:49:23 PM	6/23/2022 7:49:23 PM
File Pending Report	Processing Complete	81462	6/23/2022 8:13:54 PM	6/23/2022 8:13:54 PM
Amend Filed Report	Processing Complete	81462	7/7/2022 11:00:54 AM	7/7/2022 11:00:54 AM
Review Pending Report	Processing Complete	81462	7/22/2022 2:37:59 PM	7/22/2022 2:37:59 PM
Review Pending Report	Processing Complete	81462	7/22/2022 2:39:06 PM	7/22/2022 2:39:06 PM
Review Pending Report	Processing Complete	81462	7/22/2022 2:39:37 PM	7/22/2022 2:39:37 PM
File Pending Report	Processing Complete	81462	7/22/2022 2:42:33 PM	7/22/2022 2:42:33 PM
Review Filed Report	Processing Complete	81462	7/22/2022 3:15:09 PM	7/22/2022 3:15:09 PM
Review Filed Report	Processing Complete	81462	7/23/2022 1:38:26 AM	7/23/2022 1:38:26 AM
Amend Filed Report	Processing Complete	81462	7/23/2022 1:39:50 AM	7/23/2022 1:39:50 AM
Review Pending Report	Processing Complete	81462	7/23/2022 1:41:14 AM	7/23/2022 1:41:14 AM
File Pending Report	Processing Complete	81462	7/23/2022 1:43:07 AM	7/23/2022 1:43:07 AM



search | directory | contact us | 411 | subscribe | tour | help

Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: William Wheelen

Name:

Account: [81462](#)

Election:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
8/19/2022	P7	8/19/2022						
8/12/2022	P6	8/12/2022						
8/5/2022	P5	8/4/2022						
7/29/2022	P4	7/29/2022						
7/22/2022	P3	7/22/2022						
7/8/2022	P2	7/7/2022						
6/24/2022	P1	6/23/2022	SNT	0	\$500.00		\$500.00	\$0.00

Acct:

Type:

HISTORY NOTES
William Wheelen - 81462

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
77306	6/24/2022 5:02:00 PM		dlhoward

Re: Confidential Credentials

The 2022 P1 Campaign Treasurers Report has been done. DLH



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

June 8, 2022

William Wheelen
12161 Ken Adams Way
Wellington, FL 33414

Dear Mr. Wheelen:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Senator, which was placed on file in our office on June 8, 2022. Your name has been placed on the 2022 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **June 24, 2022**. The report will cover the period of June 1 -17, 2022 (2022 P1). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

EFS Access

Below is the web address to access the EFS and your user identification number. Enclosed are your confidential, filing credentials.

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number: 81462

Timely Filing

All reports filed 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 of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

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](https://dos.mylorida.com/elections)



William Wheelen
June 8, 2022
Page Two

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first three days late and, thereafter, \$500 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. However, for reports immediately preceding each primary and general election, the fine shall be \$500 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.

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 candidate and campaign treasurer, and such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

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 <https://dos.myflorida.com/elections>. 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: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Donna S. Brown, Chief
Bureau of Election Records

DSB/bct

Enclosures

RECEIVED

2022 JUN -8 AM 10: 14

DIVISION OF ELECTIONS
TALLAHASSEE, FL

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)

William Wheelen

3. Address (include post office box or street, city, state, zip code)

12161 Ken Adams Way
Wellington, Fl. 33414

4. Telephone

(561) 814-7332

5. E-mail address

billwheelen2020@att.net

6. Office sought (include district, circuit, group number)

State Senate District 26

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation Republican Party candidate.

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

William Wheelen

11. Mailing Address

12161 Ken Adams Way

12. Telephone

(561) 814-7332

13. City

Wellington

14. County

Palm Beach

15. State

FL

16. Zip Code

33414

17. E-mail address

billwheelen2020@att.net

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank

Truist

20. Address

12870 Forest Hill Blvd

21. City

Wellington

22. County

Palm Bwach

23. State

FL

24. Zip Code

33414

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

6/7/2022

26. Signature of Candidate



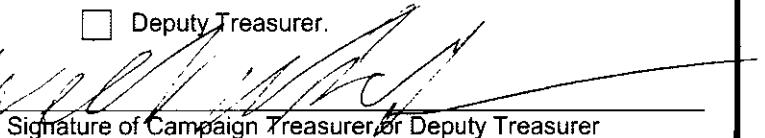
27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, William Wheelen, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer. Deputy Treasurer.

6/7/2022

Date


Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY **RECEIVED**

2022 JUN -8 AM 10:14

DIVISION OF ELECTIONS
TALLAHASSEE, FL

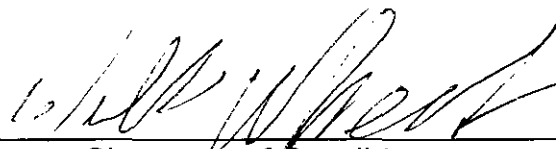
I, William Wheelen,

candidate for the office of State Senator District 26;

have been provided access to read and understand the requirements of

Chapter 106, Florida Statutes.

X



Signature of Candidate

6/7/2022

Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).