STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re: Broward Builders PAC Case No.: FEC 15-322

TO: John D. "Jack" Webb, Esquire

Kelley Kronenberg, PA 1200 Riverplace Blvd, Ste. 201 Jacksonville, FL 32207 Division of Elections 500 S Bronough Street, Room 316 Tallahassee, FL 32399

NOTICE OF HEARING (CONSENT ORDER)

A hearing will be held in this case before the Florida Elections Commission on, **February 17, 2016 at 9:00 am,** or as soon thereafter as the parties can be heard, at the following location: **Florida State Conference Center, 555 West Pensacola Street, Room #108, Tallahassee, Florida 32306.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have 5 minutes to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have 5 *minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman

Executive Director Florida Elections Commission February 2, 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.

STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re:	Broward Builders PAC	Case No.:	FEC 15-322
		F.O. No.:	FOFEC

CONSENT FINAL ORDER

Respondent, Broward Builders PAC, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order:

FINDINGS OF FACT

- On April 13, 2015, the Commission received a referral from the Division of Elections (Division) alleging that Respondent violated Chapter 106, Florida Statutes
- 2. On or about December 4, 2015, the Commission entered an Order of Probable Cause charging Respondent violating Section 106.07(7), Florida Statutes, on five occasions.
- Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement.
 - 4. Respondent and the staff stipulate to the following facts:
 - a. Respondent is a political committee registered with the Division.
 - b. During the 2014 election cycle, Respondent failed to notify the filing officer on the prescribed due dates that no report would be filed because Respondent had not received funds, made contributions, or made any reportable monetary transactions during the 2014 P2, 2014 P5, 2014 D1, 2014 D2, and 2014 D6 reporting periods
 - on July 14, 2014, Respondent filed a Waiver for the 2014 P2 reporting period. On August 11, 2014, Respondent filed a waiver for the 2014 P5 reporting period. On October 27, 2014, Respondent filed a Waiver for the

2014 D1 and D2 reporting periods, and on October 31, 2014, Respondent filed a Waiver for the 2014 D6 reporting period

CONCLUSIONS OF LAW

- 5. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.
- 6. Section 106.25(4)(i)3., Florida Statutes, allows the Commission to approve a consent agreement with a Respondent prior to the Commission finding probable cause that a violation of the election laws occurred. The consent agreement has the same force and effect as a consent agreement reached after the Commission finds probable cause
- 7 The Commission staff and Respondent stipulate that staff can prove the facts in paragraph four above by the required burden of proof and to the Commission's ability to impose a civil penalty against Respondent in this case.

ORDER

- 8. The Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.
- 9. The parties shall each bear its own attorney's fees and costs that are in any way associated with this case.
 - 10. The Commission will consider the Consent Order at its next available meeting.
- The Respondent voluntarily waives the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order
- This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. Respondent expressly waives any venue privileges and agrees that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall be responsible for all fees and costs associated with enforcement.

13. If the Commission does not receive the signed Consent Order and payment of the civil penalty by the close of business on January 25, 2016, the staff withdraws this offer of

settlement and will proceed with the case.

14. Payment of the civil penalty by cashier's check, money order, and good for at

least 120 days, or attorney trust account check is a condition precedent to the Commission's

consideration of the Consent Order

PENALTY

WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent violated Section 106 07(7), Florida Statutes, on five occasions and

imposes a \$3.75 civil penalty for the violations.

Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the

amount of \$375, inclusive of fees and costs. The civil penalty shall be paid by cashier's check,

money order, good for at least 120 days, or attorney trust account check. The civil penalty should

be made payable to the Florida Elections Commission and sent to 107 West Gaines Street,

Collins Building, Suite 224, Tallahassee, Florida, 32399-1050

Respondent hereby agrees and consents to the terms of this Order on

John D. Webb

Kelley Kronenberg, P A

1200 Riverplace Boulevard, Suite 201

Jacksonville, Florida 32207

Broward Builders PAC

Geoffrey D Bunnell, Chairman

2929 NW 62nd Avenue

Fort Lauderdale, Florida 33309

Commission staff hereby agrees	and consents to the terms of this Consent Order on
January 26 , 20	16 .
0	Eund
	Etic M. Lipman
	General Counsel
	Florida Elections Commission
	107 West Gaines Street
	Collins Building, Suite 224
	Tallahassee, FL 32399-1050
on February <u>17-18</u> , 2016, in <u>Tallahass</u>	Commission at its regularly scheduled meeting held
	M. Scott Thomas, Chairman
	Florida Elections Commission
Copies furnished to:	
Eric M Lipman, General Counsel	
Jack D Webb, Attorney for Respondent Division of Elections, Complainant	

John Diewishb

THE JACKSONVILLE BANK 100 NORTH LAURA STREET

JACKSONVILLE, FL 32202 (904) 421-3040

5100039116

CASHIERS CHECK

PAY

DATE Yerwars 25, 2016

THREE HUNDRED SELECTY FIVE COLLARS AND

TO *Florids Slackions Commission* ORDER OF

Brown & Brikers PAC

FAYABLE THROUGH FE /1 322 BOKF, NA EUFAULA OK

#273 00



SERVICE OF DOCUMENTS: FEC CASE NO.: 15-322

Alexis Richey

to:

fec@myfloridalegal.com 12/14/2015 12:13 PM

Cc:

Jack Webb Show Details

History: This message has been replied to.

2 Attachments





image001.gif Notice of Appearance.pdf

Court in which proceeding is	STATE OF FLORIDA, FLORIDA ELECTIONS
pending:	COMMISSION
Case Number:	15-322
Name of initial party on each side:	FLORIDA ELECTIONS COMMISSION V. BROWARD BUILDERS PAC
Title of each document served:	NOTICE OF APPEARANCE
This pleading served on behalf of:	JOHN D. "JACK" WEBB, ESQ.

Alexis Richey

Paralegal

1200 Riverplace Blvd. | Suite 201 Jacksonville | FL 32207

904. 399. 1220 Office 904. 399. 1584 Fax

Website | Email



Important - Kelley Kronenberg utilizes spam and junk email filtration applications in its email information systems. These systems may prevent or delay delivery of certain email communications. If you do not receive a timely response to an email communication, please contact the intended recipient via phone in one of our office locations available here.

The information transmitted, including any attachments, is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited, and all liability arising therefrom is disclaimed. If you received this in error, please contact the sender and delete the material from any computer. Thank you.

STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,

	Petitioner,	
		CASE NO.: FEC 15-322
'.		

BROWARD BUILDERS PAC,

Respondent.	

NOTICE OF APPEARANCE AND DESIGNATION OF ELECTRONIC MAIL ADDRESSES

Notice is hereby given of the appearance of John D. Webb, Esq. and the law firm of Kelley Kronenberg, P.A., as attorneys for Respondent, Broward Builders PAC in this matter and the designation of the following email addresses pursuant to Florida Rule of Judicial Administration 2.516(b)(1)(A):

Primary Electronic Email Addresses: jwebb@kelleykronenberg.com

Secondary Electronic Email Addresses: arichey@kelleykronenberg.com

rharrison@kelleykronenberg.com

Copies of all pleadings, orders, and other papers filed in this action should be directed to the above attorneys.

Respectfully submitted this 14th day of December, 2015.

KELLEY KRONENBERG, P.A.

By:/s/ John Webb

John D. Webb Fla. Bar No.: 0051871 1200 Riverplace Blvd., Ste. 201 Jacksonville, FL 32207 (904) 399-1220 (904) 399-1584 (facsimile)

Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 14, 2015, I electronically filed the foregoing via email to fec@myfloridalegal.com, which will provide a copy of the foregoing to:

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

/s/ John Webb	
Attorney	

FIED

15 DEC -4 AM 11: 40

STATE OF PLORIDA ELECTIONS COMMISSION

STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

Florida Elections Commission, Petitioner,

Case No.: FEC 15-322

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Broward Builders PAC, Respondent.

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on November 17, 2015, in Tallahassee, Florida.

Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

Count 1:

On or about July 11, 2014, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before July 11, 2014, that Respondent would not be filing a 2014 P2 Report on the prescribed due date.

Count 2:

On or about August 8, 2014, Respondent violated Section 106 07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before August 8, 2014, that Respondent would not be filing a 2014 P5 Report on the prescribed due date

Count 3:

On or about October 25, 2014, Respondent violated Section 106 07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 25, 2014, that Respondent would not be filing a 2014 D1 Report on the prescribed due date

Count 4:

On or about October 26, 2014, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 26, 2014, that Respondent would not be filing a 2014 D2 Report on the prescribed due date.

Count 5:

On or about October 30, 2014, Respondent violated Section 106 07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 30, 2014, that Respondent would not be filing a 2014 D6 Report on the prescribed due date

DONE AND ORDERED by the Florida Elections Commission on November 17, 2015.

M. Scott Thomas, Chairman Florida Elections Commission

Copies furnished to: Eric M. Lipman, General Counsel Broward Builders PAC, Respondent Division of Elections, Complainant

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by <u>consent order</u> where you and Commission staff agree to resolve the violation(s)s and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in the Order of Probable Cause.

Second, you may request an <u>informal hearing</u> held before the Commission, if you <u>do not</u> dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary

Third, you may request a <u>formal hearing</u> held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann Malphurs. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re:	Broward Builders PAC	Case No.:	FEC 15-322
		•	

TO: Broward Builders PAC

Geoffrey D. Bunnell, Chair 2929 N.W. 62nd Avenue Ft. Lauderdale, FL 33309 Division of Elections 500 S Bronough Street, Room 316 Tallahassee, FL 32399

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, November 17, 2015 at 10:30 AM, or as soon thereafter as the parties can be heard, at the following location: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 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:

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See further instructions on the reverse side.

Amy McKeever Toman

Executive Director Florida Elections Commission November 2, 2015 Please refer to the information below for further instructions related to your particular hearing:

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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.

STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re: Broward Builders PAC Case No.: FEC 15-

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(7)**, **Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on July 23, 2015, the following facts and law support this staff recommendation

- April 13, 2015, the Florida Elections Commission ("Commission") received a referral from Division of Elections ("Division") alleging that Broward Builders PAC ("Respondent") violated Chapter 106, Florida Statutes
- 2. Respondent is a political committee registered with the Division. On June 21, 2012, the Division received a letter from Respondent stating that Geoffrey D. Bunnell was Respondent's new chairman. Respondent's treasurer was John C. Siegle. (ROI Exhibit 1)¹
- 3 On May 1, 2015, the Executive Director sent Respondent notification that Commission staff would investigate the following section of law:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent failed to notify the filing officer on the prescribed reporting dates that no reports would be filed on those dates because it had not received funds, made contributions, or expended reportable funds during the following reporting periods:

- 2014 P2
- 2014 P5
- 2014 D1
- 2014 D2
- 2014 D6
- By letter dated June 25, 2012 Kristi Bronson, Chief, Bureau of Election Records, sent a letter to Geoffrey D. Bunnell, notifying Respondent that Mr. Bunnell's appointment as Respondent's new chairman had been filed in the Division's office on June 21, 2012. The letter provided Mr. Bunnell with a user identification number and initial password to access to the Division's Electronic Filing System ("EFS"). A copy of the letter was sent to Respondent's treasurer, John C. Siegle. (ROI Exhibit 2)

¹ The Report of Investigation shall be referred to herein as "ROI."

- 5 Ms Bronson's June 25, 2012 letter further advised Respondent that all of the Division's publications and reporting forms were on its website and directed Respondent to print a copy of the 2012 Political Committee Handbook ("Handbook") and the 2012 Calendar of Reporting dates as well as other documents. Id
 - In an April 21, 2015, response to the referral, Respondent's treasurer stated:

While it is true that I was tardy on the above filings, my tardiness in each case was due to not being physically in the office with access to a computer. Unfortunately, the State's system does not allow a waiver to be made until the reporting period is over and reports can only be made starting the day after the reporting period. My inability to file the above reports on time is not a <u>deliberate</u> failure to include information required by Chapter 106, but a case of being out of the office after the report period ended and the report was due. (Emphasis in Original) (ROI Exhibit 6)

- Pages 12, 13, 45, and 46 of the *Political Committee EFS User's Guide* ("Guide") explain the steps a political committee should take to notify the Division in writing on the prescribed reporting date that no report will be filed for the reporting period using the EFS Specifically, at the top of page 13, the Guide instructs the user to click the box next to "Waiver" if there is no financial activity to report. (ROI Exhibit 4)
 - 8. Section 106.07(7), Florida Statutes, provides:

Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate or political committee not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date. (Emphasis added)

9 Additionally, page 29 of the Handbook states that:

When there has been no activity in the campaign account during a reporting period (no funds expended or received) the filing of the report may be waived by notifying the filing office in writing that no activity has occurred. This notification must be made on the prescribed reporting date. (Section 106.07, F.S.)

All waivers filed with the Division of Elections must be filed electronically using the Division's electronic filing system (Section 106 0705, F.S.) (ROI Exhibit 3, pages 1 and 4)

The table below reflects Respondent's untimely written notifications to the Division:

Report	Report Cover Period	Date Notification Due	Date Notification Filed	No. of Days Late
2014 P2	6/28/14 – '7/4/14	7/11/14	7/14/14	3
2014 P5	7/26/14 - 8/1/14	8/8/14	8/11/14	3
2014 D1	10/18/14 - 10/24/14	10/25/14	10/27/14	2
2014 D2	10/25/14	10/26/14	10/27/14	$oldsymbol{1}_{i}$
2014 D6	10/29/14	10/30/14	10/31/14	1

(ROI Exhibit 5, page 1; ROI Paragraph 7)

- 11 In a June 1, 2015 affidavit, Respondent's treasurer stated he read Chapter 106, Florida Statutes, read the Handbook, printed the Calendar of Reporting Dates in 2005, and read or printed the Guide (ROI Exhibit 7)²
- 12. "Probable Cause" is defined as reasonable grounds of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. Schmitt v. State, 590 So.2d 404, 409 (Fla. 1991) Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed Department of Highway Safety and Motor Vehicles v Favino, 667 So 2d 305, 309 (Fla. 1st DCA 1995).
- The above facts show that Respondent is a political committee registered with the Division Respondent failed to notify the filing officer in writing on the prescribed filing dates for the 2014 P2, 2014 P5, 2014 D1, 2014 D2, and 2014 D6 reporting periods that it would not be filing a report for the responding reporting periods

Based on the foregoing, I recommend that the Commission find probable cause to charge Respondent with violating the following provisions of law:

² It appears from the affidavit that the last time Mr. Siegle read Chapter 106, Florida Statutes, was 1996.

Count 1:

On or about July 11, 2014, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before July 11, 2014, that Respondent would not be filing a 2014 P2 Report on the prescribed due date

Count 2:

On or about August 8, 2014, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before August 8, 2014, that Respondent would not be filing a 2014 P5 Report on the prescribed due date.

Count 3:

On or about October 25, 2014, Respondent violated Section 106 07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 25, 2014, that Respondent would not be filing a 2014 D1 Report on the prescribed due date

Count 4:

On or about October 26, 2014, Respondent violated Section 106 07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 26, 2014, that Respondent would not be filing a 2014 D2 Report on the prescribed due date.

Count 5:

On or about October 30, 2014, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before October 30, 2014, that Respondent would not be filing a 2014 D6 Report on the prescribed due date

Respectfully submitted on October <u>T</u>, 2015,

General Counsel

I have reviewed this Staff Recommendation on the 5 H day of October 2015

Amy McKeever 7
Executive Director oman

FLORIDA ELECTIONS COMMISSION

Report of Investigation for Failure to Notify Filing Officer

Case Number FEC 15-322

Section 106 07(7), Florida Statutes, failure of a political committee that did not receive any contributions or make any expenditures during a reporting period to notify timely the filing officer, in writing, that no report is being filed

Respondent: B	Broward	Builders	PAC
Complainant:	Divisio	on of Ele	ctions

Respondent Type:

Candidate

X	Political	Committee
$\mathbf{K}\mathbf{N}$	i Ontiçai	Committee

I. Preliminary Information:

- 1 A letter updating the DOE of this political committee's current appointment of Chairman and Campaign Treasurer was filed on June 21, 2012. (Ex. 1)
- 2. An acknowledgement letter was mailed to the address provided on Respondent's appointment letter on June 25, 2012 advising Respondent that all of the Division's publications and reporting forms are available on their website, including Chapter 106, Florida Statutes, the 2012 Political Committee Handbook, and the Calendar of Reporting Dates. (Ex. 2)
- 3. The acknowledgement letter also states, "Enclosed is security envelope containing your confidential password and pin number to access the Division of Election's electronic filing system (EFS). You will need to advise the treasurer and any deputy treasurers of the new password in order for them to have access to the EFS".
- 4. The 2012 Political Committee Handbook, discusses filing a waiver when there is no activity to disclose on page 29. (Ex. 3)
- 5 Pages 12, 13, 45, and 46 of the *Political Committee EFS User's Guide* discuss how to notify the Division on the prescribed reporting date that no report will be filed using the EFS Specifically, page 13 instructs the user to click the box next to "waiver" if there is no activity to disclose. (Ex 4)
- 6. In a telephone interview on April 2, 2015, Kristi Reid-Bronson clarified that once the waiver box is chosen and a new report is opened as shown on Page 12, the only available option on the report summary screen will be "Go To File Report" as shown on Page 13. Choosing "Go To File Report" will take the user directly to the screens where the chairman/treasurer PINS are entered as shown on Pages 45 and 46.

II. Alleged Violation of Section 106.07(7), Florida Statutes:

7. Respondent's filing history reflects the untimely filed notifications summarized below (Ex 5)

Report	Report Cover Period	Date Notification Due	Date Notification Filed	No. of Days Late
2014 P2	6/28/14 - 7/4/14	7/11/14	7/14/14	3
2014 P5	7/26/14 - 8/1/14	8/8/14	8/11/14	3
2014 D1	10/18/14 - 10/24/14	10/25/14	10/27/14	2
2014 D2	10/25/14	10/26/14	10/27/14	1
2014 D6	10/29/14	10/30/14	10/31/14	1

- 8 Respondent provided a written response to the referral dated April 21, 2015, in which he stated "While it is true that I was tardy on the above filings, my tardiness in each case was due to not being physically in the office with access to a computer. Unfortunately, the State's system does not allow a waiver to be made until the reporting period is over and reports can only be made starting the day after the reporting period. My inability to file the above reports on time is not a deliberate failure to include information required by Chapter 106, but a case of being out of the office after the report period ended and the report was due". (Ex. 6)
- 9 Respondent submitted an affidavit dated June 1, 2015 in which he stated "All contributions are \$100 optional dues with the majority received in May and June with some straglers in July and August There were only 4 expenditures made in 2014: M5 \$1,000 reported 6/2/14; P1A two expenditures of \$1,000 each reported 6/27/14 and G7 \$1,000 reported 10/31/14 Letter of April 21, to Erin Riley explained the waivers being filed the first business day after due date Unfortunately the system does not allow filing until after the reporting period ends and the Committee does not have any activity" (Ex 7)

III. FEC History:

10. Respondent has had 1 prior case before the Commission. FEC 99-190 was an automatic fine appeal that had the fine fully waived due to unusual circumstances.

Conclusion:

11. Respondent stated in his affidavit that he did read Chapter 106, Florida Statutes and/or the *Political Committee Handbook*. (Ex 7)

SIGNATURE OF INVESTIGATOR Date: 7/23/5

FLORIDA ELECTIONS COMMISSION

REPORT OF INVESTIGATION Broward Builders PAC-- FEC 15-322

LIST OF EXHIBITS				
Exhibits #s	Description of Exhibits			
Exhibit 1	Respondent's Appointment of Campaign Treasurer			
Exhibit 2	Acknowledgement Letter			
Exhibit 3	Relevant pages from the 2012 Political Committee Handbook			
Exhibit 4	Relevant pages from the Political Committee EFS User's Guide			
Exhibit 5	Respondent's Filing History			
Exhibit 6	Respondent's Response Letter			
Exhibit 7	Respondent's Questionnaire-Affidavit			

CONSTRUCTION ASSOCIATION

of South Florida

2929 NW 62nd Street Fort Lauderdale, FL 33309

Website: www casf org

12 JUN 21 AM 10: 08 Phone: 954 974 6333

DIVISION OF ELECTIONS SECRETARY OF STATE

R.A. Gray Building, Room 316

SUBJECT: Broward Builders PAC Chairperson

To whom it may concern:

Tuesday, June 19, 2012

Division of Elections

500 S. Bronough Street

Florida Department of State

Tallahassee, Florida 32399-0250

Please be advised that William R. Derrer, Chairperson of the Broward Builders PAC is stepping down as Chair and Geoffrey D. Bunnell will be taking his place. Mr. Bunnell's address remains 2929 N.W. 62nd Avenue, Ft. Lauderdale, FL. 33309.

We appreciate your attention to this matter. Thank you.

Sincerely,

Past Chairman

Ge/ffrey D. Bunnell

Chairman

Treasurer

• Officers

PRESIDENT William Bower Southeast Mechanical Contractors

FIRST VICE-PRESIDENT Doug Wallace Stiles Construction Company

SECOND VICE PRESIDENT Bob Baer Central Florida Equipment SECRETARY/TREASURER Craig Heiser Whiting-Turner Contracting Company

IMMEDIATE PAST PRESIDENT Geoffrey D. Bunnell James A. Cummings, inc

#= Board of Directors

Russell P. Anderson, AlA Moss & Associates

John F. Bennett, Sr. Coastal Construction Group

Sidney W. Blaauw Steel Fabricators. LLC

Mike Fee Lotspeich Co. of Florida, Inc Don Ferguson Cayman National Manufacturing

Frank Frione **GFA** International

Chris L. Long **Balfour Beatty Construction**

Richard W. Schuerger John Moriarty & Associates of FL Jeff Slade Miller Construction Company Mindy Szarowicz

Baker Concrete Construction

John C. Siegle EXECUTIVE VICE PRESIDENT



Governor

KEN DETZNER
Secretary of State

June 25, 2012

Mr. Geoffrey D Bunnell, Chairperson Broward Builders PAC (780) 2929 Northwest 62nd Avenue Fort Lauderdale, Florida 33309

Dear Mr Bunnell:

Your appointment as chairperson for Broward Builders PAC was filed in this office on June 21, 2012. Enclosed is security envelope containing your confidential password and pin number to access the Division of Election's electronic filing system (EFS) You will need to advise the treasurer and any deputy treasurers of the new password in order for them to have access to the EFS.

All of the Division's publications and reporting forms are available on the Division of Elections' web site 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, 2012 Calendar of Reporting Dates, and Rule 1S-2.017, Florida Administrative Code.

If you have questions concerning your campaign account or the electronic filing system you may call (850) 245-6280

Sincerely,

Kristi Reid Bronson, Chief Bureau of Election Records

KRB/lkb

Enclosures

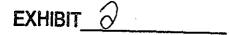
pc: Mr. John C Siegle, Treasurer

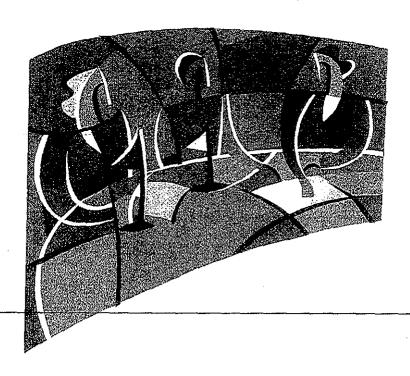


Division of Elections

R.A. Gray Bldg., Rm. 316 • 500 S Bronough St. • Tallahassee, Florida 32399-0250 Telephone: (850) 245-6200 • Facsimile: (850) 245-6217 elections myflorida.com Commemorating 500 years of Florida history www.fla500.com







Political Committee Handbook

January 2012

Florida Department of State
Division of Elections
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250
850.245.6240

http://elections.myflorida.com

EXHIBIT 3 (104 4)

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the filing officer within 5 days after the designated due date that was delivered by the U.S. Postal Service is deemed timely filed unless it has a postmark indicating the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing or a receipt from an established courier company, which bears a date on or before the date on which the report is due, is proof of mailing in a timely manner. Reports filed with the Division of Elections through the Electronic Filing System (EFS) are due no later than midnight, Eastern Time, of the due date. (See Chapter 12, Electronic Filing of Campaign Reports.)

(Sections 106.07, 106.0705 and 106.141, F.S.)

Penalty for Late Filing

Any political committee 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 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports due immediately prior to the primary and general elections, the fine shall be \$500 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

(Section 106.07(8), F.S.)

Waiver of Report

When there has been no activity in the campaign account during a reporting period (no funds expended or received) the filing of the report may be waived by notifying the filing officer in writing that no activity has occurred. This notification must be made on the prescribed reporting date

(Section 106 07, FS)

All waivers filed with the Division of Elections must be filed electronically using the Division's electronic filing system

(Section 106 0705, FS)

Special Election Reports

When a special election is called to fill a vacancy in office, all political committees and committees of continuous existence making contributions or expenditures to influence the results of the special election shall file campaign treasurers' reports with the filing officer on the dates set by the Department of State pursuant to Section 100.111, F.S.

When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on the ballot, all political committees and committees of continuous existence making contributions or expenditures in support of or in opposition to such issue shall file reports on the 18th and 4th days prior to such election.

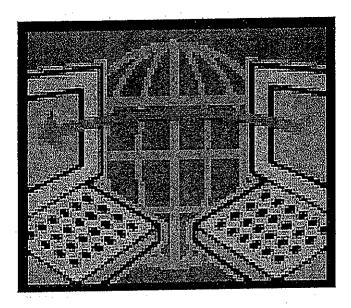
Committees are to include on the special election campaign treasurer's reports only expenditures related to the special election made by the committee during the special election reporting periods. All contributions received and all expenditures made not related to the special election during the current quarter should be filled on the next quarterly report. Once a committee has participated in the special election and has filed a special election campaign report, all other special election reports remaining must also be filled by the committee, even if there is no further special election activity

(Section 106.07(1), F.S.)

EXHIBIT 3 (40f4) 29

Department of State Division of Elections

Political Committee EFS User's Guide



Florida Department of State Division of Elections R.A. Gray Building, Room 316 500 S Bronough Street Tallahassee, FL 32399-0250

EFS HELP LINE: 850-245-6280

January 2011

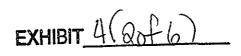
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EXHIBIT 4(10+6)

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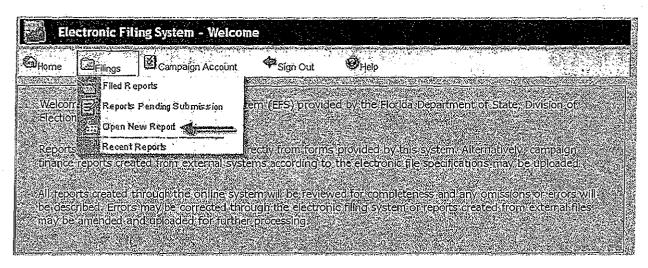
Create a New Report by Data Entry

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Click arrow next to Election Cycle Scroll to the cycle associated with the report you are entering

Click arrow next to Report Type select report type corresponding to the correct cover period and due date.

The Cover Period dates will automatically fill in based on the Calendar of Election and Reporting Dates.

EXHIBIT 4(30\$6)

The Due Date will automatically fill in based on the Calendar of Election and Reporting Dates

If this report is for a special election, click the box next to Special Election Report. (If no special elections are scheduled this option will not be available.)

*****NOTE*****

If this report is a waiver of report (no activity), click the box next to Waiver.

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Click Open Report at the bottom of the screen. A Report Detail screen (view only) will appear. This screen will not indicate any activity until individual detail data is entered, saved and a review is performed.

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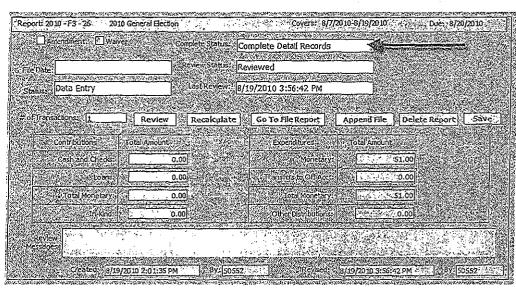
EXHIBIT 4(40f6)

File the Report

If the Review Status is <u>Updated Detail – Needs Review</u> the report has not been reviewed since the last update. (See page 39 for instructions on how to submit the report to the system for review.)

If the status of the report is <u>Complete</u>

<u>Detail Records</u>, you are ready to file the report.



Click on Go To File Report

The chairperson enters his or her PIN, and then selects

Report Approved

NOTE A PIN is the same as your signature attestu	ng to the validity of the report.
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EXHIBIT 4(556)

If there is more than one treasurer, click on the drop down and select the treasurer that is filing the report.

Campaign Treasurer: Tamas Burd.

The treasurer enters his PIN and then clicks

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IMPORTANT NOTE: If changes need to be made <u>after</u> a chairperson PIN is entered, the treasurer must <u>undo</u> the chairperson PIN validation before the system will allow changes. See page 49 for instructions.

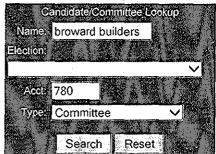
EXHIBIT 4 (6076)



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

Florida Department of State - Division of Elections

Florida Election System Reports



Committee Name: Broward Builders PAC Account: 780

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of South Florida

2929 NW 62nd Street Fort Lauderdale, FL 33309 Phone: 954-974-6333 Fax: 954-974-6633 Website: www.casf.org



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Tuesday, April 21, 2015

Erin Riley, Deputy Agency Clerk Florida Elections Commission 107 W Gaines Street. Suite 224 Collins Building Tallahassee, FL 32399-1050

SUBJECT: Case No., FEC 15-322 Broward Builders PAC

Dear Ms Riley:

I am responding to your certified letter of April 17, sent to the attention of Geoffrey D. Bunnell, Chair which was received by us on Monday, April 20

Report 2014 P2 due Friday, July 11, was filed the following Monday July 14, when I returned from Summer vacation. No contributions received or expenditures made between June 28 thru July 4, 2014.

Report 2014 P5 due Friday August 8, was filed the following Monday August 11 No contributions received or expenditures made between June 26 thru August 1, 2014

Report 2014 D1 due Saturday October 25, was filed the following Monday October 27, when the office was open. No contributions received or expenditures made between October 18 thru October 24, 2014

Report 2014 D2 due Sunday October 26, was filed on the following Monday, October 27 No contributions received or expenditures made on October 25, 2014.

Report 2014 D6 due Thursday October 30, was filed the next day, Friday October 31. No contributions received or expenditures made on October 29, 2014

While it is true that I was tardy on the above filings, my tardiness in each case was due to not being physically in the office with access to a computer Unfortunately, the State's system does not allow a waiver to be made until the reporting period is over and reports can only be made starting the day after the reporting period. My inability to file the above reports on time is not a deliberate failure to include information required by Chapter 106, but a case of being out of the office after the report period ended and the report was due

Sincerely,

J∕ohn ℂ Siegle

Executive Vice President

PAC Treasurer

EXHIBIT

cc: Geoffrey D. Bunnell, Chair

a Officer

PRESIDENT Bob Baer

Central Florida Equipment

FIRST VICE-PRESIDENT Frank Frione **CFA** International

SECOND VICE PRESIDENT Russell P. Anderson, AIA Moss & Associates

SECRETARY/TREASURER Mindy Szarowicz Baker Concrete Construction

IMMEDIATE PAST PRESIDENT Craig Heiser M.C. Velar Construction

PAST PRESIDENT Doug Wallace Stiles Construction Company = Board of Directors

Tim Anderson JWR Construction Svcs Inc.

William Bower Southeast Mechanical Contractors

Randy Farmer Cemex

Mike Fee Lotspeich Co. of Florida, Inc. Chris L. Long Kaufman Lynn Construction

Richard W. Schuerger John Moriarty & Associates of FL

Justin Lord Central Broward Construction

leff Slade Miller Construction Company

Sid Miller Miller Glass & Glazing Michael O'Donoghue

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John C. Siegle EXECUTIVE VICE PRESIDENT

AFFIDAVIT OF BACKGROUND INFORMATION Case Number: FEC 15-322

STATE OF FLORIDA County of Broward

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	John C. Siegle ************************************
	1. This affidavit is made upon my personal knowledge.
	I am of legal age and competent to testify to the matters stated herein. I am currently
	employed by Construction Assn of Fla., Anc. Executive Director
And the second	3. Did you receive the acknowledgement letter containing your Electronic Filing System (EES) PIN and password, and instructing you to print Chapter 106, Florida Statutes, the <i>Political Committee Handbook</i> , and the Calendar of Reporting Dates from the Division of Elections' website?
	X Yes No 1996
	4. Did you read and/or print Chapter 106, Florida Statutes, per the instructions in the acknowledgement letter?
	X Yes No
	5. Did you read and/or print the Political Committee Handbook, per the instructions in the acknowledgement letter?
	X Yes No
	6. Did you print the Calendar of Reporting Dates, per the instructions in the acknowledgement letter?
	Yes No Last in 2005
	7 Did you read and/or print the EFS Guide Book?
	Yes No
	8. Did you read and/or print any other campaign related materials?
	Yes X No
	9. If yes, please list the items below with a brief description of the information you received from these documents:



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Suite 224 Collins Building Tallahassee, Florida 32399-1050 Telephone: (850) 922-4539 Fax: (850) 921-0783

May 1, 2015

Broward Builders PAC Attn: Geoffrey D. Bunnell, Chair 2929 N.W. 62nd Avenue Ft. Lauderdale, FL 33309

RE: Case No.: FEC 15-322; Respondent: Broward Builders PAC - AMENDED

Dear Mr. Bunnell:

On April 13, 2015, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more legally sufficient allegations. The Commission staff will investigate the following alleged violations:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent failed to notify the filing officer on the prescribed reporting dates that no reports would be filed on those dates because it had not received funds, made contributions, or expended reportable funds during the following reporting periods:

- 2014 P2
- 2014 P5
- 2014 D1
- 2014 D2
- 2014 D6

You may respond to the allegations above by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegations. Your response will be included as an attachment to the investigator's report

When we conclude the investigation, a copy of the Report of Investigation will be mailed to you at the above address. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. A copy of the Staff Recommendation will be

mailed to you and you may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapters 104 or 106, Florida Statutes. You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence.

At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

The Report of Investigation, Staff Recommendation, and Notice of Hearing will be mailed to the above address as this letter. Therefore, if your address changes, you must notify this office of your new address. Otherwise, you may not receive these important documents. Failure to receive the documents will not delay the probable cause hearing.

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you unless you waive confidentiality in writing. The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

If you have any questions or need additional information, please contact Cedric Oliver, the investigator assigned to this case

Sincerely,

Amy McKeever Toman Executive Director

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AMT/dam



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Suite 224 Collins Building Tallahassee, Florida 32399-1050 Telephone: (850) 922-4539 Fax: (850) 921-0783

April 29, 2015

Geoffrey D. Bunnell, Chair Broward Builders PAC 2929 N.W. 62nd Avenue Ft. Lauderdale, FL 33309

RE: Case No.: FEC 15-322; Respondent: Broward Builders PAC

Dear Mr. Bunnell:

On April 13, 2015, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more legally sufficient allegations. The Commission staff will investigate the following alleged violations:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent failed to notify the filing officer on the prescribed reporting dates that no reports would be filed on those dates because it had not received funds, made contributions, or expended reportable funds during the following reporting periods:

- 2014 P2
- 2014 P5
- 2014 D1
- 2014 D2
- 2014 D6

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when it failed to file reports on the prescribed reporting dates for the following reporting periods:

- 2014 P2
- 2014 P5
- 2014 D1
- 2014 D2
- 2014 D6

You may respond to the allegations above by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegations. Your response will be included as an attachment to the investigator's report.

When we conclude the investigation, a copy of the Report of Investigation will be mailed to you at the above address. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. A copy of the Staff Recommendation will be mailed to you and you may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapters 104 or 106, Florida Statutes You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence

At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

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If you have any questions or need additional information, please contact Cedric Oliver, the investigator assigned to this case.

Sincerely,

Amy McKeever Toman Executive Director

AMT/enr



Attn: Erin Riley, Deputy Agency Clerk John Siegle to: fec 04/21/2015 09:40 AM

1 Attachment



image001.jpg

Erin Riley, Deputy Agency Clerk Florida Elections Commission 107 W. Gaines Street, Suite 224 Collins Building Tallahassee, FL 32399-1050

Show Details

SUBJECT: Case No.: FEC 15-322 Broward Builders PAC

Dear Ms Riley:

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Report 2014 D2 due Sunday October 26, was filed on the following Monday, October 27 No contributions received or expenditures made on October 25, 2014.

Report 2014 D6 due Thursday October 30, was filed the next day, Friday October 31 No contributions received or expenditures made on October 29, 2014

While it is true that I was tardy on the above filings, my tardiness in each case was due to not being physically in the office with access to a computer. Unfortunately, the State's system does not allow a waiver to be made until the reporting period is over and reports can only be made starting the day after the reporting period. My inability to file the above reports on time is not a <u>deliberate</u> failure to include information required by Chapter 106, but a case of being out of the office after the report period ended and the report was due.

Sincerely,

John C Siegle Broward Builders PAC, Treasurer Bunnell, Chair

cc: Geoffrey D

John C Siegle
Executive Vice President
CONSTRUCTION ASSOCIATION OF S. FLA

2929 N.W. 62nd Street Ft. Lauderdale, FL 33309 P-(954) 974-6333 F-(954) 974-6633 jsiegle@casf.org



of South Florida

2929 NW 62nd Street Fort Lauderdale FL 33309 Phone: 954-974-6333 Fax: 954-974-6633

Website: www.casf.org



REGEVED

2015 APR 28 | A & 46

Tuesday, April 21, 2015

Erin Riley, Deputy Agency Clerk Florida Elections Commission 107 W Gaines Street. Suite 224 Collins Building Tallahassee, FL 32399-1050

SUBJECT: Case No., FEC 15-322 Broward Builders PAC

Dear Ms Riley:

I am responding to your certified letter of April 17, sent to the attention of Geoffrey D Bunnell, Chair which was received by us on Monday, April 20.

Report 2014 P2 due Friday, July 11, was filed the following Monday July 14, when I returned from Summer vacation. No contributions received or expenditures made between June 28 thru July 4, 2014

Report 2014 P5 due Friday August 8, was filed the following Monday August 11 No contributions received or expenditures made between June 26 thru August 1, 2014

Report 2014 D1 due Saturday October 25, was filed the following Monday October 27, when the office was open. No contributions received or expenditures made between October 18 thru October 24, 2014

Report 2014 D2 due Sunday October 26, was filed on the following Monday, October 27 No contributions received or expenditures made on October 25, 2014

Report 2014 D6 due Thursday October 30, was filed the next day, Friday October 31. No contributions received or expenditures made on October 29, 2014.

While it is true that I was tardy on the above filings, my tardiness in each case was due to not being physically in the office with access to a computer. Unfortunately, the State's system does not allow a waiver to be made until the reporting period is over and reports can only be made starting the day after the reporting period. My inability to file the above reports on time is not a deliberate failure to include information required by Chapter 106, but a case of being out of the office after the report period ended and the report was due

Sincerely,

John ¢ Siegle

Executive Vice President

PAC Treasurer

cc: Geoffrey D. Bunnell, Chair

- Officers

PRESIDENT

Bob Baer Central Florida Equipment

FIRST VICE-PRESIDENT Frank Frione **GFA** International

SECOND VICE PRESIDENT Russell P. Anderson AlA Moss & Associates

SECRETARY/TREASURER Mindy Szarowicz

Baker Concrete Construction IMMEDIATE PAST PRESIDENT

Craig Heiser M.C. Velar Construction

PAST PRESIDENT Doug Wallace Stiles Construction Company a Board of Directors

Tim Anderson JWR. Construction Svcs. Inc.

William Rower

Southeast Mechanical Contractors

Randy Farmer Cemex

Lotspeich Co. of Florida Inc.

Chris L. Long

Kaufman Lynn Construction

Justin Lord

Richard W. Schuerger John Moriarty & Associates of FL

Central Broward Construction

leff Slade Miller Construction Company

Sid Miller Miller Glass & Glazing

> Michael O Donoghue Suffolk Construction

≝⊭ John C. Siegle EXECUTIVE VICE PRESIDENT

DIVISION OF ELECTIONS FEC REFERRAL FORM

RECEIVED

2015 APR 13 A 11: 22

To FEC from Division of Elections

Name:

Broward Builders PAC

Account Number: 780

Chairperson: G

Geoffrey D. Bunnell

Treasurer:

John C. Siegle

Registered Agent: John C. Siegle

The Division of Elections refers this issue to the Florida Elections Commission pursuant to Sections 106.22, 106.25, and 106.19(1)(c), Florida Statutes. An apparent violation of Chapter 106, Florida Statutes, has occurred based upon a repeated failure to file information required by the chapter (*i.e.*, notifications to the filing officer in writing that no report was being filed on the prescribed reporting date under s. 106.07(7)). These facts may constitute a deliberate failure to include information required by Chapter 106.086 (see Section 106.19(1)(c)).

2014 P2

2014 P5

2014 D1

2014 D2

2014 D6

Sent By:

Kristi Reid Bronson

Date:

April 10, 2015

LEB

ejr

AFFIDAVIT

STATE OF FLORIDA County of Leon

Kristi Reid Bronson, being duly sworn, says:

- I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
- 2. I am of legal age and competent to testify to the matters stated herein.
- 3. Broward Builders PAC (780) is a Political Committee registered with the Division Geoffrey D. Bunnell is the chairperson as of June 21, 2012. John Siegle has been the treasurer for this committee since January of 1992. (See attached documents).
- 4. The 2014 P2 treasurer's report was due on July 11, 2014. Mr. Siegle filed a waiver for this report on July 14, 2014. (See attached file receipt).
- The 2014 P5 treasurer's report was due on August 8, 2014 Mr. Siegle filed a waiver for this report on August 11, 2014. (See attached file receipt).
- The 2014 D1 treasurer's report was due on October 25, 2014. Mr Siegle filed a waiver for this report on October 27, 2014. (See attached file receipt)
- 7 The 2014 D2 treasurer's report was due on October 26, 2014. Mr Siegle filed a waiver for this report on October 27, 2014. (See attached file receipt).
- 8. The 2014 D6 treasurer's report was due on October 30, 2014. Mr. Siegle filed a waiver for this report on October 31, 2014. (See attached file receipt)

I hereby swear or affirm that the foregoing information is true and correct to the best of my knowledge.

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 10th day of April 2015.

Signature of Notary Public - State of Forida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known

CONSTRUCTION ASSOCIATION

-veined

of South Florida

2929 NW 62nd Street Fort Lauderdale FL 33309

12 JUN 21 AM 10: 08 Phone: 954 974 6333 Website: www casf org



DIVISION OF ELECTIONS SECRETARY OF STATE

SUBJECT: Broward Builders PAC Chairperson

To whom it may concern:

Tuesday, June 19, 2012

500 S. Bronough Street

Division of Elections

Florida Department of State

R.A. Gray Building, Room 316

Tallahassee, Florida 32399-0250

Please be advised that William R. Derrer, Chairperson of the Broward Builders PAC is stepping down as Chair and Geoffrey D. Bunnell will be taking his place Mr. Bunnell's address remains 2929 N.W. 62nd Avenue, Ft. Lauderdale, FL 33309

We appreciate your attention to this matter. Thank you

Sincerely,

William R. Derrer

Past Chairman

Ge/offrey D. Bunnell

John C. Siegle Cliairman Treasurer

- Officers

PRESIDENT William Bower Southeast Mechanical Contractors

FIRST VICE-PRESIDENT Doug Wallace Stiles Construction Company

SECOND VICE PRESIDENT Bob Baer

SECRETARY/TREASURER Craig Heiser Whiting Turner **Contracting Company**

IMMEDIATE PAST PRESIDENT Geoffrey D. Bunnell James A Cummings, Inc

B Board of Directors

Russell P. Anderson, AIA Moss & Associates

John E Bennett, Sr. Coastal Construction Group

Sidney W. Blaauw Steel Fabricators LLC

Mike Fee

Don Ferguson Cayman National Manufacturina

Frank Frione **GFA** International

Balfour Beatty Construction

Richard W. Schuerger

teff Slade Miller Construction Compa

Mindy Szarowicz Baker Concrete Constructi

• John C Siegle

OFFICE USE ONLY

REGISTERED AGENT

ONLY Aation ONLS Registered Agent and Office Information

STATEMENT OF APPOINTMENT

(Section 106.022, FS) (Please Type)

[X] Original Appointment

[] Change of Appointment

Name Telephone

Street Address

City State Zip Code

Mailing Address

City State Zip Code John Siegle 954-565-5900

3550 N.W. 9th Avenue

Ft. Lauderdale Florida 33309

Same as above

I accept this appointment and confirm that I am familiar with and accept the obligations of the position as set forth in Section 106 022, F.S. I also understand that I may resign this appointment by executing a written statement of resignation and filing it with the Division of Elections.

Signature of Registered Agent

Date

Former Registered Agent and Office Information (for changes only)

Name Telephone Street Address City State Zip Code

Committee or Organization Information

Name of Committee or Organization

Street Address Telephone City

State Zip Code Broward Builders PAC #780

3550 N.W. 9th Avenue

954-565-5900 Ft. Lauderdale

Florida 33309

MRDener

Committee or organization is registered with:

Division of Elections County Broward County City Ft. Lauderdale

Signature of Chairperson

Form DS-DE 41 (created 10/05)

Reset

Date

11/15/05





04 MAY 28 AM 10: 35

UNVISION OF ELECTICALS TALLAHASSEE, FLOTAMAS, 2004

James A. Cummings, Ir General Contractors

South Florida Office 3575 Northwest 53rd Street Fort Lauderdale, FL 33309 Phone: (954) 733-4211 Fax: (954) 485-9688

Central Florida Office 1170 Celebration Blvd., Suite 10 Celebration, FL 34747 Phone: (321) 939-0583 Fax: (321) 939-1998

Florida Department of State Division of Elections - PAC 500 South Brune Street, Room 316 R.A. Gray Building Tallahassee, FL 32399

Gentlemen:

Please accept this letter as my resignation as Chairman of the Broward Builders Political Action Committee.

Be advised that William R Derrer will be taking my place as Chairman effective immediately, and accordingly his letter of acceptance will be forthcoming.

Very truly yours,

JAMES A. CUMMINGS, INC.

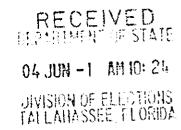
JAC/la

cc: William R Derrer

John Siegle

James A Cymmings
Chief Executive Officer





May 27, 2004

James A. Cummings, Ir General Contractors

South Florida Office 3575 Northwest 53rd Street Fort Lauderdale, FL 33309 Phone: (954) 733-4211 Fax: (954) 485-9688

Central Florida Office 1170 Celebration Blvd., Suite 10 Celebration, FL 34747 Phone: (321) 939-0583 Fax: (321) 939-1998

Florida Department of State Division of Elections - PAC 500 South Brune Street, Room 316 R. A. Gray Building Tallahassee, Florida 32399

Gentlemen:

Please be advised that I am pleased to accept the position as Chairman of the Broward Builders' Political Action Committee.

Should you require additional information, please feel free to contact me.

Sincerely yours,

JAMES A. CUMMINGS, INC.

William R. Derrer

Vice President

WRD/nb

c: James A. Cummings John C. Siegle



ID: 780

Name: Broward Builders PAC

Report: 2014 - P2 - 188

Election: 2014 General Election

Covers: 6/28/2014-7/4/2014

Due: 7/11/2014

Print Date: 1/21/2015 8:26:18 AM

amended Y waiter

Filed: **7/14/2014 7:20:51 AM**

File Status: Filed Report

Reviewed: **7/14/2014**

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

Entry Method: Web Data Entry

Contributions:

Number of Detail Records

Expenditures:

Fund Transfers:

Pending Queued Items: 0

Distributions:



ID: 780 Name: Broward Builders PAC

Report: 2014 - P5 - 192

Election: 2014 General Election

Covers: 7/26/2014-8/1/2014

Due: 8/8/2014

Print Date: 1/21/2015 8:26:57 AM

Amended V Walver

Filed: **8/11/2014 7:44:55 AM**

File Status: Filed Report

Reviewed: **8/11/2014**

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

Number of Detail Records

Entry Method: Web Data Entry

0

Expenditures:

Contributions:

Pending Queued Items: 0

Fund Transfers:

Distributions:

ID: 780 Name: Broward Builders PAC

Report: 2014 - D1 - 205

Print Date: 1/21/2015 8:27:20 AM

Election: 2014 General Election Covers: 10/18/2014-10/24/2014

Due: 10/25/2014

instalet Y Waller

Filed: 10/27/2014 7:39:09 AM

File Status: Filed Report

Reviewed: 10/27/2014

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

Number of Detail Records

Entry Method: Web Data Entry

Contributions: Expenditures:

Fund Transfers:

Pending Queued Items: 0

Distributions:

ID: 780 Name: Broward Builders PAC

Report: 2014 - D2 - 206

Print Date: 1/21/2015 8:27:44 AM

Election: 2014 General Election

Covers: 10/25/2014-10/25/2014

Due: 10/26/2014

Amended Y Waiver

Filed: 10/27/2014 7:40:04 AM

File Status: Filed Report

Reviewed: **10/27/2014**

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

Number of Detail Records

Entry Method: Web Data Entry

Contributions: 0 Expenditures: 0

Pending Queued Items: 0

Fund Transfers:

Distributions: 0

ID: 780

Name: Broward Builders PAC

Report: 2014 - D6 - 210

Print Date: 1/21/2015 8:28:09 AM

Election: 2014 General Election

Covers: 10/29/2014-10/29/2014

Amended Y. Waiver

Due: 10/30/2014

Filed: **10/31/2014 7:42:45 AM**

File Status: Filed Report

Reviewed: 10/31/2014

Review Status: Reviewed

Detail Complete: No Detail Records Found

File Method: Web Filed

Number of Detail Records

Entry Method: Web Data Entry

Contributions: Expenditures: 0

Fund Transfers:

Pending Queued Items: 0 Distributions: 0