

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Abbe Sheila Rifkin

Case No.: FEC 16-859

TO: Abbe Sheila Rifkin
326 71st Street
Miami Beach, FL 33141

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

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **May 17, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Augustus B. Turnbull Conference Center, 555 West Pensacola Street, Room 214, Tallahassee, Florida 32301**

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
May 1, 2017

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However, the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC-16-859

NAME: **ABBE SHEILA RIFKIN**

DATE APPEAL RECEIVED: 11/8/16

DATE REPORT DUE: 10/7/16 (2016 G3)

DATE OF ELECTRONIC RECEIPT: 10/10/16

DATE FILING OFFICER RECEIVED REPORT: 10/10/16

NUMBER OF DAYS LATE: 3

AMOUNT OF FINE: \$150.00

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$700.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$59.40

DATE OF FIRST NOTIFICATION: 10/17/16

SUMMARY: Abbe Sheila Rifkin was a candidate for Circuit Judge, Circuit 17 Group 15 in the 2016 elections. Marc Gidney was her treasurer.

Ms. Rifkin is appealing the fine claiming that unusual circumstances existed that caused the 2016 G3 Report to be untimely filed. According to Ms. Rifkin, "My treasurer's office is located on Miami Beach, which is a part of Miami-Dade County. Miami-Dade County was under a Hurricane Watch due to Hurricane Matthew impending arrival. My treasurer's office was ordered closed due to expected storm surge and high winds on Thursday October 6th, and Friday October 7th and lost power for most of the day on October 7th. When the office reopened on Monday 10th October we immediately filed the report and notified your office of these facts. There was no intent to delay; all of our reports before and after this later filing were filed timely. This situation was beyond our control".

- The 2016 G3 Report covers the time period from 9/17/16 through 9/30/16.
- The 2016 G3 Queued-Transactions Report reflects that this report was created on 10/10/16 at approximately 11:00 am, before being filed on 10/10/16 at approximately 11:01 am.

PRIOR CASES: None.

CANDIDATE <input checked="" type="checkbox"/>	STATE <input checked="" type="checkbox"/>
PC <input type="checkbox"/>	DISTRICT <input type="checkbox"/>
CCE <input type="checkbox"/>	COUNTY <input type="checkbox"/>
POLITICAL PARTY <input type="checkbox"/>	CITY <input type="checkbox"/>

ER

Abbe Rifkin Campaign
326 71st Street
Miami Beach, FL 33141

RECEIVED

2016 NOV -8 P 12:05

STATE OF FLORIDA
ELECTIONS COMMISSION

October 28, 2016

Florida Elections Commissions
107 West Gaines Street, Ste 224
Tallahassee, FL 32399-0150

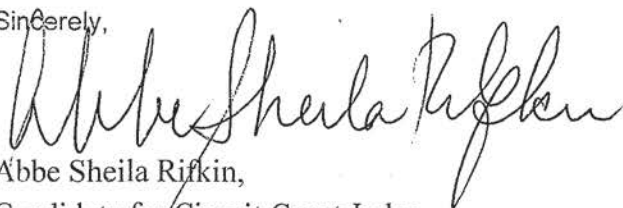
Dear Ms. Reid Bronson:

In response to your notice dated October 17, 2016 relating to the assessed fine for late filing of the campaign treasurer's report that was due on October 7, 2016, this letter serves as an appeal to said fine. As grounds therefore, please be advised of the following:

My treasurer's office is located on Miami Beach, which is a part of Miami-Dade County. Miami-Dade County was under a Hurricane Watch due to Hurricane Matthew impending arrival. My treasurer's office was ordered closed due to expected storm surge and high winds on Thursday October 6th, and Friday October 7th and lost power for most of the day on October 7th. When the office reopened on Monday 10th October we immediately filed the report and notified your office of these facts. There was no intent to delay; all of our reports before and after this late filing were filed timely. This situation was beyond our control.

If you have any questions or need any other information, please feel free to contact me @ (954) 298-3282.

Sincerely,



Abbe Sheila Rifkin,
Candidate for Circuit Court Judge
17th Judicial Circuit
Group 15

Cc: Florida Divisions of Elections
Marc Gidney, Treasurer



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

October 17, 2016

Abbe Sheila Rifkin
Candidate for Circuit Judge, Circuit 17, Group 15

CAN 65618

Dear Ms. Rifkin:

The campaign treasurer's report that was due on October 7, 2016, was filed on October 10, 2016. By law, you are automatically assessed a late fine of \$150.00.

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,

Kristi Reid Bronson, Chief
Bureau of Election Records

cc: Marc Gidney, Treasurer

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

(1) Abbe Sheila Rifkin (2) 65618
Candidate, Committee or Party Name I.D. Number

(3) 1761 Northwest 106 Terrace Pembroke Pines FL 33026
Address (number and street) City State Zip Code
 Check box if address has changed since last report

(4) Check appropriate box(es):
 Candidate (office sought):
 Political Committee Check If PC has DISBANDED
 Committee of Continuous Existence Check If CCE has DISBANDED
 Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 09/17/2016 To 09/30/2016 Report Type: G3
 Original Amendment Special Election Report

(6) CONTRIBUTIONS THIS REPORT		(7) EXPENDITURES THIS REPORT	
Cash & Checks	\$700.00	Monetary Expenditures	\$59.40
Loans	\$0.00	Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$700.00	<i>Total Monetary</i>	\$59.40
In-Kind	\$0.00	(8) Other Distributions	

Certification

It is a first degree misdemeanor for any person to falsify a public record (ss.839.13, F.S.)

<p>I certify that I have examined this report and it is true, correct and complete</p> <p>_____ Name of <input type="checkbox"/> Treasurer <input type="checkbox"/> Deputy Treasurer</p> <p><u>X</u> _____ Signature</p>	<p>I certify that I have examined this report and it is true, correct and complete</p> <p>_____ Name of <input checked="" type="checkbox"/> Candidate <input type="checkbox"/> Chairman (PC/PTY Only)</p> <p><u>X</u> _____ Signature</p>
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Name: Abbe Sheila Rifkin

Report: 2016 G3

Period: 09/17/2016 to 09/30/2016

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip	Contributor	Occupation	Amount
		Type	In-Kind Description	
1 09/20/2016	SOPP, TERESA J. 510 17TH STREET ST. AUGUSTINE, FL 32084	I CHE	ATTORNEY	\$100.00
2 09/27/2016	SACHS, RICHARD 9801 NW 19TH PLACE SUNRISE, FL 33322	I CHE	ATTORNEY	\$100.00
3 09/30/2016	SHUTTS & BOWEN, LLP 200 SOUTH BISCAYNE BLVD., SUITE 4100 MIAMI, FL 33131	B CHE	ATTORNEY	\$500.00

Name: Abbe Sheila Rifkin

Report: 2016 G3

Period: 09/17/2016

to 09/30/2016

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend
1 09/20/2016	PAYPAL P.O. BOX 981064 EL PASO, TX 79998-1064	MON	INTERNET CONTRIBUTION FEE	\$3.20
2 09/30/2016	PAYPAL P.O. BOX 981064 EL PASO, TX 79998-1064	MON	INTERNET TRANSACTION FEE	\$3.20
3 09/30/2016	UNION PRINTING & SIGNS 2321 PEMBROKE RD HOLLYWOOD, FL 33020	MON	ADVERTISING	\$53.00

ID:

CAMPAIGN TREASURER'S REPORT - ITEMIZED DISTRIBUTIONS

Name: Abbe Sheila Rifkin

Report: 2016 G3

Period: 09/17/2016 to 09/30/2016

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

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

ID:

CAMPAIGN TREASURER'S REPORT - ITEMIZED FUND TRANSFERS

Name: Abbe Sheila Rifkin

Report: 2016 G3

Period: 09/17/2016 to 09/30/2016

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

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

Queued Items for 2016-G3

Account: 65618

CTJ 017 Abbe Sheila Rifkin

Rpt Seq: 12

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	65618	10/10/2016 11:00:23 AM	10/10/2016 11:00:23 AM
Process Uploaded File	Processing Complete	65618	10/10/2016 11:00:23 AM	10/10/2016 11:00:23 AM
File Pending Report	Processing Complete	65618	10/10/2016 11:01:23 AM	10/10/2016 11:01:23 AM



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Abbe Sheila Rifkin

Name:

Account: 65618

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
11/4/2016	G7	11/4/2016						
10/28/2016	G6	10/26/2016						
10/21/2016	G5	10/21/2016						
10/14/2016	G4	10/10/2016						
10/7/2016	G3	10/10/2016	APP	3	\$150.00		\$150.00	\$0.00
9/23/2016	G2	9/23/2016						
9/9/2016	G1	9/9/2016						
8/26/2016	P7	8/26/2016						
8/19/2016	P6	8/19/2016						
8/12/2016	P5	8/12/2016						
8/5/2016	P4	8/5/2016						
7/29/2016	P3	7/29/2016						
7/15/2016	P2	7/15/2016						
7/1/2016	P1	7/1/2016						
6/10/2016	M5	6/3/2016						
5/10/2016	M4	5/9/2016						