

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Duysevi "Sevi" Miyar

Case No.: FEC 17-279

TO: Duysevi "Sevi" Miyar
19510 West Oakmont Drive
Hialeah, FL 33015-3015

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

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **November 28, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, Tallahassee, Florida 32399.**

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
November 13, 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-17-279

NAME: DUYSEVI "SEVI" MIYAR

DATE APPEAL RECEIVED: 08/11/17

DATE REPORT DUE: 02/06/17 (2017 TR)

DATE FILING OFFICER RECEIVED REPORT: 06/05/17

NUMBER OF DAYS LATE: 119

AMOUNT OF FINE: \$204.55

FINE BASED ON: (.) NUMBER OF DAYS (.) 25% OF RECEIPTS (X) 25% OF EXPENDITURES¹

TOTAL RECEIPTS FOR REPORTING PERIOD: \$0

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$2,818.18

DATE OF FIRST NOTIFICATION: 02/08/17

SUMMARY: Duysevi "Sevi" Miyar was a candidate for State Representative, District 111 in the 2016 elections. She was her own treasurer.

Sevi Miyar is appealing the fine claiming that she was unable to file the reports on time due to difficult family circumstances.

- The 2017 TR Original Report covers the period from 11/04/16-02/06/17; it was due on 02/06/17.
- The 2017 TR Queued Transaction Report shows that it was created on 06/04/17 and filed on 06/05/17.
- Duysevi "Sevi" Miyar reported receiving 0 contributions, while making 3 expenditures.
- The Division of Elections does not have any notes that pertain to Duysevi Miyar's 2017 TR report.

PRIOR CASES: Duysevi Miyar has prior cases with commission.

¹ The Division did not include the \$2,000 expenditure (refund of loan to self) in the calculation of the fine.

URGENT-- Appeal for Fines that are attached as PDF- Please acknowledge receipt

Duysevi Miyar

to:

fec

08/11/2017 09:42 PM

Hide Details

From: Duysevi Miyar <duysevi@gmail.com>

To: fec@myfloridalegal.com

1 Attachment



election filing fine letters.pdf

ATTN: Erin Riley

I would respectfully like to appeal the two fines attached. The reason I was unable to file my reports on time was due to difficult family circumstances related to my marriage as well as the problems and situation I had with my son that was very distressing, which I will provide further documentation for. I appreciate your understanding of my circumstances. Thank you for your consideration of my appeal.

My address is
Duysevi Miyar
19510 W Oakmont Dr.
Miami FL 33015
305-984-8994

Regards-

Duysevi "SEVI" Miyar
Miami-Dade County FLORIDA
Democratic Executive Committee woman
Precinct 303
(305) 984 8994
duysevi@gmail.com



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING # 9114 9014 9645 0849 2360 05
& CUSTOMER RECEIPT For Tracking or Inquiries go to USPS.com
or call 1-800-222-1811.

July 19, 2017

Sevi Miyar

Candidate for State Representative, District 111
19510 West Oakmont Drive
Hialeah, FL 33015-3015

CAN 68321

Dear Ms. Miyar:

The campaign treasurer's report that was due on February 6, 2017, was filed on June 5, 2017. By law, you are automatically assessed a late fine of \$204.55.

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 Willis
Kristi Reid Willis, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

February 8, 2017

Sevi Miyar
Candidate for State Representative, District 111
19510 West Oakmont Drive
Hialeah, FL 33015-3015

CAN 68321

Dear Ms. Miyar:

Our records indicate that you have not filed either your termination report or notification that no reportable activity occurred, whichever is applicable. The filing date was February 6, 2017.

The law (s. 106.07(8)(b), Fla. Stat.) requires the filing officer to immediately notify you about the missed filing date and the automatic fines that will be assessed for late filing of a report, if a report was due.

- If reportable activity occurred and you have not filed a report, statutory fines are automatically assessed as \$50 per day until you file your report. The total fine for the untimely report cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the cover period. Even if you end up filing your report late, we cannot waive the statutory fines. We will notify you of the specific amount of fines owed once you file your report. You have 20 days from the day you receive the notice to pay the fine or to appeal the fine to the Florida Elections Commission.
- If no reportable activity occurred for the report date(s), you are still required to notify us in writing, via the Division's Electronic Filing System, that no reportable activity occurred. No automatic fines are statutorily assessed.

However, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristi Reid Bronson".

Kristi Reid Bronson, Chief
Bureau of Election Records

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

(1) Sevi Miyar (2) 68321
Candidate, Committee or Party Name I.D. Number

(3) 19510 West Oakmont Drive Hialeah FL 33015
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 11/04/2016 To 02/06/2017 Report Type: TR

Original Amendment Special Election Report

(6) CONTRIBUTIONS THIS REPORT

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

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$2,818.18
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$2,818.18

(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

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

Name: Sevi Miyar

Report: 2017 TR

Period: 11/04/2016 to 02/06/2017

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

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Contributor	Occupation	Amount Amend
		Type	In-Kind Description	

Name: Sevi Miyar

Report: 2017 TR

Period: 11/04/2016 to 02/06/2017

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend
* 1 06/05/2017	MIYAR DUYSEVI 19501 W OAKMONT DR MIAMI, FL	REF	SELF LOAN	\$2,000.00
* 2 06/05/2017	MIYAR DUYSEVI 19510 W OAKMONT DR MIAMI, FL 33015	RMB	POLITICAL RALLY EXPENSES	\$600.00
* 3 06/05/2017	MIYAR DUYSEVI 19510 W OAKMONT DR MIAMI, FL 33015	RMB	OFFICE SUPPLIES AND GAS EXPENSES	\$218.18

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED DISTRIBUTIONS

Name: Sevi Miyar

Report: 2017 TR

Period: 11/04/2016

to 02/06/2017

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

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

Name: Sevi Miyar Report: 2017 TR Period: 11/04/2016 to 02/06/2017

**** 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 2017-TR

Account: 68321

STR 111 Sevi Miyar

Rpt Seq: 15

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	68321	6/4/2017 9:49:47 PM	6/4/2017 9:49:47 PM
Review Pending Report	Processing Complete	68321	6/5/2017 11:39:16 PM	6/5/2017 11:39:16 PM
File Pending Report	Processing Complete	68321	6/5/2017 11:40:02 PM	6/5/2017 11:40:02 PM



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Sevi Miyar

Name:

Account: 68321

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
2/6/2017	TR	6/5/2017	APP	119	\$204.55		\$204.55	\$0.00
11/4/2016	G7	11/8/2016	APP	0	\$625.00		\$625.00	\$0.00
10/28/2016	G6	11/8/2016	FOI	11	\$0.00		\$0.00	\$0.00
10/21/2016	G5	11/8/2016	FOI	18	\$0.00		\$0.00	\$0.00
10/14/2016	G4	11/8/2016	FOI	25	\$0.00		\$0.00	\$0.00
10/7/2016	G3	11/8/2016	FOI	32	\$0.00		\$0.00	\$0.00
9/23/2016	G2	9/28/2016	FOI	5	\$0.00		\$0.00	\$0.00
9/9/2016	G1	9/28/2016	FOI	19	\$0.00		\$0.00	\$0.00
8/26/2016	P7	9/28/2016	FOI	33	\$0.00		\$0.00	\$0.00
8/19/2016	P6	9/28/2016	CLO	40	\$0.00		\$0.00	\$0.00
8/12/2016	P5	8/7/2016						
8/5/2016	P4	8/7/2016	FOI	2	\$0.00		\$0.00	\$0.00
7/29/2016	P3	8/3/2016	FOI	5	\$0.00		\$0.00	\$0.00
7/15/2016	P2	7/15/2016						
7/1/2016	P1	7/1/2016						