STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re: Committee of Automotive Retailers Political Action Committee of Florida

Case No.: FEC 17-288

TO: Committee of Automotive Retailers Political Action Committee of Florida Compton Cramer, Chair 400 North Meridian Street Tallahassee, FL 32301

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.

<u>Amy McKeever Toman</u>

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-17-288

CANDIDATE []

POLITICAL PARTY []

PC [X]

CCE []

ECO []

NAME:

COMMITTEE OF AUTOMOTIVE RETAILERS POLITICAL ACTION COMMITTEE OF FLORIDA

DATE APPEAL RECEIVED: 08/17/17

DATE REPORT DUE: 07/21/17 (2017 SP2)

DATE OF ELECTRONIC RECEIPT: 08/04/17

DATE FILING OFFICER RECEIVED REPORT: 08/04/17

NUMBER OF DAYS LATE: 14

AMOUNT OF FINE: \$250.00

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

(X) 25% OF EXPENDITURES

STATE [X]

DISTRICT []

COUNTY []

CITY []

TOTAL RECEIPTS FOR REPORTING PERIOD: \$0

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$1,000.00

DATE FIRST NOTIFICATION WAS SENT: 07/28/17

SUMMARY: Committee of Automotive Retailers Political Action Committee of Florida is a political committee (PC) registered with the State of Florida. The PC's chair is Compton Cramer and its treasurer is Larry Morgan.

The PC is appealing the fine claiming that unusual circumstances existed that caused the 2017 SP2 Report to be untimely filed. According to Mr. Compton Cramer, "This particular expenditure was filed on time, however, it was mistakenly filed in the monthly campaign report on July 6, 2017. After receiving the July 28th notification of failure to file, we refiled the expenditure on a special election report. At the time of the initial filing, we believed the expenditure had been filed correctly since there was no mention of special reports on the 2017 calendar of reporting dates. In addition, we saw no obvious guidelines or reminders on Campaign Finance Online prompting a special report filing. Please pardon our error and waive the \$250 fine."

- The 2017 SP2 Report covers the time period from 06/09/17 through 07/20/17.
- The 2017 SP2 Queued-Transactions Report reflects that this report was created on 08/04/17 at approximately 10:22 am, before being filed on 08/04/17 at approximately 10:31 am.
- In an e-mail dated 09/05/17, Ms. Kristi Willis advised commission staff that when a special election has been called, the Division sends out a memo to PCs via the e-mail system, advising that a special election has been called and providing dates and information for filing special election reports. The information is also posted on the Division's website. In addition, the Division also sends out a report reminder to all PCs regarding special election reports, if the PC has provided an e-mail address in order to receive the reminder.
- The committee provided the Division with its e-mail address.
- The 2017 M6 Report reflects an amendment of an expenditure for the Senate District 40 Special Election. The 2017 M6 Report was filed 07/06/17 at approximately 2:32 pm, and was amended to remove the special election expenditure on 09/15/17 at approximately 9:39 am.

Prior Cases: This PC has been involved in one prior automatic-fine. In the matter of FEC 14-213, the fine of \$250.00 was paid after appeal but before hearing.

Committee Automotive Retailers Political Automotive Retailers Political Automotive Committee 400 North Meridian Street Tallahassee, FL 32301

August 15, 2017

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

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RE: PAC 60519 - Special Election Report SD40

Regarding the August 10, 2017 notice of a late filing for the campaign treasurer report due on July 21st, this letter is to respectfully request appeal of the \$250 fine.

This particular expenditure was filed on time however, it was mistakenly filed in the monthly campaign report on 07/06/17. After receiving the July 28th notification of failure to file, we refiled the expenditure on a special election report. At the time of the initial filing, we believed the expenditure had been filed correctly since there was no mention of special reports on the 2017 calendar of reporting dates. In addition, we saw no obvious guidelines or reminders on Campaign Finance Online prompting a special report filing.

Please pardon our error and waive the \$250 fine.

Sincerely,

Larry Morgan, Treasurer Compton Cramer, Chairperson

CC: Florida Division of Elections



FLORIDA DEPARTMENT OF STATE Ken Detzner Secretary of State

DIVISION OF ELECTIONS

August 10, 2017

Larry Morgan, Treasurer Committee of Automotive Retailers Political Action Committee 400 North Meridian Street Tallahassee, FL 32301

PAC 60519

pecial Election Report

Dear Mr. Morgan:

The campaign treasurer's report that was due on July 21, 2017, was filed on August 4, 2017. By law, you are automatically assessed a late fine of \$250.00.

You have 20 days from the receipt of this notice to either:

 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. ma S. Bron

Kristi Reid Willis, Chief
 Bureau of Election Records

cc: Compton Cramer, Chairperson



FLORIDA DEPARTMENT OF STATE Ken Detzner Secretary of State

DIVISION OF ELECTIONS

July 28, 2017

Larry Morgan, Treasurer Committee of Automotive Retailers Political Action Committee of Florida 400 North Meridian Street Tallahassee, FL 32301

Dear Mr. Morgan:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was July 21, 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 follows until you file your report:
 - \$50 per day for the first 3 days late
 - \$500 per day for each day after the 3rd day late
 - If the required report immediately precedes a primary and general election, the automatic fine is \$500 for each late day.

The total fine for the untimely report cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the cover period. Even if you end up filing your report late, we cannot waive the statutory fines. We will notify you of the specific amount of fines owed once you file your report. You have 20 days from the day you receive the notice to pay the fine or to appeal the fine to the Florida Elections Commission.

• If no reportable activity occurred for the report date(s), you are still required to notify us in writing, via the Division's Electronic Filing System, that no reportable activity occurred. No automatic fines are statutorily assessed.

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

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

Sincerely, en Willis

Krist Reid Willis, Chief Bureau of Election Records

cc: Compton Cramer, Chairperson

Special Election Report senate 40

The R A Gray Building-Room 316 • 500 South Bronough Street • Tallahassee FL 32399-0250 • (850) 245-6240 • WWW Address: http://dos.myflorida.com/ele • E-Mail: ElecRecords@dos.myflorida.c

PAC 60519

CO	
	T OF STATE, DIVISION OF ELECTIONS ASURER'S REPORT SUMMARY
 (1) Committee of Automotive Retailers Political Action Committee Candidate, Committe or Party Name (3) 400 North Meridian Street Address (number and street) Check box if address has changed since last report Check appropriate box(es): Candidate (office sought): X Political Committee Committee of Continuous Existance	ee of Florida (2) <u>60519</u> I.D. Number
(5) REPOR Cover Period: From 06/09/2017 To 07/	RT IDENTIFIERS /20/2017 Report Type: SP2 ecial 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 \$1,000.00 Transfers to Office Account \$0.00 <i>Total Monetary</i> \$1,000.00 (8) Other Distributions
	rtification erson 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	I certify that I have examined this report and it is true, correct and complete Name of Candidate Chaiman (PC/PTY Only
X Signature	X Signature

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Committee of Automotive Retailers Political Action Committee

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UTIONS _ Period: 06/09/2017

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to 07/20/2017

** Records in Filed Report **

Report: 2017 SP2

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Date	Street Address & City, State, Zip	Туре	In-Kind Description	Amend
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Name:	Committee of	Automotive Retailers Political Action Comr	mittee Report: 2017 SP2	Period:	06/09/2017	to	07/20/2017
		** Record	in Filed Report **				······································
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1	JOSE FELIX DIAZ CAMPAIGN FUND, (Office: STS	CAN	SD 40 SPECIAL ELECTION	\$1,000.00
06/12/2017	040) 8567 CORAL WAY #374	0, 11		
	MIAMI, FL 33155			

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Committee of Automotive Retailers Political Action Committee

UTIONS Period: 06/09/2017

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Page 1 of 1

to 07/20/2017

n Committee Report: <u>2017</u> <u>SP2</u>

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Page 1 of 1

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9/15/2017

Account: **60519** Rpt Seq: 105

Queued Items for 2017-SP2

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Committee of Automotive Retailers Political Action Committee of Florida

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ProcessDescription	Status	Submitter	Created	LastUpdate
Create Pending Report	Processing Complete	60519 ·	8/4/2017 10:22:09 AM	8/4/2017 10:22:09 AM
Review Pending Report	Processing Complete	60519	8/4/2017 10:27:54 AM	8/4/2017 10:27:54 AM
File Pending Report	Processing Complete	60519	8/4/2017 10:31:18 AM	8/4/2017 10:31:18 AM
File Pending Report	Processing Complete	60519	8/4/2017 10:31:18 AM	8/4/2017 10:

Page 1

FEC - Candidate/Committee Filing History Report

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Florida Department of State - Division of Elections

Florida Election System Reports

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ection:	L			Acco	ount: 60519						
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			8/26/2016	P7	8/25/2016						
			8/19/2016	P6	8/16/2016						
			8/12/2016	P5	8/9/2016						
			8/5/2016	P4	8/1/2016						
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FEC - Candidate/Committee Filing History Report



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9/20/2017

Filed Camaign Treasurer's Report

Page 1

Committee of Automotive Retailers Political Action CoElect ID: 20181106-GEN60519 - PACReport: 2017 M6 (100)

Report: 2017 M6 (100) To: 6/30/2017 Cmplt: COM Original Report

From: 6/1/2017

Submitted: 7/6/2017 2:32:33 PM

Filed: FIL 7/6/2017 2:32:33 PM

Reviewed: AUD 9/15/2017 9:38:27 A

Seq Date	Name	Address		Contributor Type	Occupation Inkind Description	Errors Amd	Amouni
i	STADIUM AUTO GROUP	5088 N DALE MABRY HW	Υ	В	AUTOMOBILE DEALERSHIP	0	\$1,000.00
5/13/2017		TAMPA FL	33614	CHE			
2	HYUNDAI OF ST AUGUSTINE	2898 US I S		В	AUTOMOBILE DEALERSHIP	0	\$2,500.00
6/13/2017		SAINT AUGUSTI FL	32086	CHE			
3	KRAFT NISSAN	3277 MAHAN DR		В	AUTOMOBILE DEALERSHIP	0	\$1,000.00
6/13/2017		TALLAHASSEE FL	32308	CHE			
4	RED HOAGLAND HYUNDAI	6375 CYPRESS GARDENS	BLVD	В	AUTOMOBILE DEALERSHIP	0	\$1,000.00
6/13/2017		WINTER HAVEN FL	33884	CHE			

Seq						Office	Errors	
Date	Name	Address			Type	Purpose	Amd	Amount
1	FLORIDA LEADERSHIP COMMITTE	610 SOUTH BLVI	0		MON		0	\$5,000.00
6/12/2017		ТАМРА	FL	33606		FUNDRAISER		
2	JOSE FELIX DIAZ CAMPAIGN FUN	8567 CORAL WAY #374			CAN	STS 040	0	\$1,000.00
6/12/2017		MIAMI	FL	33155		SD 40 SPECIAL ELECTION	,	

9/20/2017 Page 2 Filed Camaign Treasurer's Report Committee of Automotive Retailers Political Action Co Elect 1D: 20181106-GEN Filed: FIL 7/6/2017 2:32:33 PM From: 6/1/2017 Amd: Y Wvr: N Reviewed: AUD 9/15/2017 9:38:27 A 60519 - PAC To: 6/30/2017 Cmplt: COM Report: 2017 M6 (100) Submitted: 9/15/2017 9:39:10 A Amended Report **EXPENDITURES** Seq Date Office Purpose Errors Name Address Type Amd Amount JOSE FELIX DIAZ CAMPAIGN FUN 8567 CORAL WAY #374 CAN STS 040 \$1,000.00 2 0 6/12/2017 MIAMI FL 33155 SD 40 SPECIAL ELECTION DEL