

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Charles C. Messina

Case No.: FEC 16-225

TO: Charles C. Messina
4975 Curlew Drive
St. James, FL 33956

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 16, 2016 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, 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 1, 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.

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC-16-225

NAME: **CHARLES MESSINA**

DATE APPEAL RECEIVED: 07/16/16

DATE REPORT DUE: 07/01/16 (2016 P1)

DATE OF ELECTRONIC RECEIPT: 07/05/16

DATE FILING OFFICER RECEIVED REPORT: 07/05/16

NUMBER OF DAYS LATE: 4

AMOUNT OF FINE: \$303.85

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$995.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$1,215.40

DATE OF FIRST NOTIFICATION: 07/05/16

SUMMARY: Charles Messina was a candidate for State Representative, District 76 in the 2016 elections. Joseph Beausoleil was his treasurer.

Charles Messina is appealing the fine claiming that he was unaware that his treasurer missed a filing date. According to Mr. Messina, Mr. Beausoleil, the treasurer, had a family emergency and had to fly to California for family business. During this time, he inadvertently missed the filing deadline and notified Mr. Messina once he realized.

- The 2016 P1 Original Report covers the period from 06/01/16-06/24/16; it was due on 07/01/16.
- The 2016 P1 Queued Transaction Report shows that it was filed on 07/05/16.
- Charles Messina reported receiving 9 contributions, while making 2 expenditures.
- The History Notes from the Division show two entries that pertain to the 2016 P1 Report.

PRIOR CASES: None.

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



ATTN: Erin Riley, CAN 66263 Appeal

Charles Messina

to:

FEC@MyFloridaLegal.com, Joseph W. Beausoleil

07/13/2016 06:25 AM

Hide Details

From: Charles Messina <charlesmessina@yahoo.com>

To: "FEC@MyFloridaLegal.com" <FEC@MyFloridaLegal.com>, "Joseph W. Beausoleil" <jbeausolei@aol.com>

Please respond to Charles Messina <charlesmessina@yahoo.com>

History: This message has been replied to.

Ms. Riley:

It was good to speak with you on the phone yesterday.

Please consider this e-mail my Appeal for the Fine of \$303.85 automatically assessed to me for the late filing of the Treasurer's report of July 1, 2016, filed on July 5, 2016.

It was unknown to me, that my Treasurer Mr. Joseph Beausoleil missed a filing date. I am sure this was inadvertent in nature and I find it understandable. I respectfully request that the Election Commission forgive the fine in total. This is the first instance of such an occurrence and I have spoken to Mr. Beausoleil and he has assured me that this inadvertent error will not happen again. Mr. Beausoleil had a family emergency. There is a serious illness in his family of the kind that will lead with the passing of his sister in-law. He recently had to Fly to California with his wife for that family business. Naturally, when he realized the missed filling, he was a bit hesitant to make me aware and he was a little preoccupied. When he realized and notified me, we made the filling ASAP and we both deeply regret the late filling. I hope the Florida Election Commission will be understanding of this. I thank you and hope you see clear to forgive this infraction and fine.

Thank you again.

Respectfully and Sincerely,

Charles C. Messina, NPA Candidate for Florida House District 76
239.282.8882 cell

If this e-mail is intercepted or received by anyone other than the intended recipient, any use of its contents may be unlawful. If you receive this e-mail by mistake and it is not intended for you, please report it to its sender and promptly delete it. All emails from this sender are considered to be free of any Malware, Trojan Horses and or viruses of any nature and the recipient opens all emails at their own risk.



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

July 6, 2016

Charles C. Messina
Candidate for State Representative, District 76
4975 Curlew Drive
Saint James, FL 33956-2826

CAN 66263

Dear Mr. Messina:

The campaign treasurer's report that was due on July 1, 2016, was filed on July 5, 2016. By law, you are automatically assessed a late fine of \$303.85.

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,

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

Kristi Reid Bronson, Chief
Bureau of Election Records

cc: Joseph Beausoleil, Treasurer



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

July 5, 2016

Joseph Beausoleil, Treasurer
9007 Springview Loop
Estero, FL 33928-3928

CAN 66263

Dear Mr. Beausoleil:

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 1, 2016.

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 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,

Kristi Reid Bronson, Chief
Bureau of Election Records

cc: Charles C. Messina

Candidate for State Representative, District 76

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

(1) Charles C. Messina (2) 66263
Candidate, Committee or Party Name I.D. Number

(3) 4975 Curlew Drive Saint James City FL 33956-2826
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 06/01/2016 To 06/24/2016 Report Type: P1
☐ Original ☒ Amendment ☐ Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$695.00
Loans	\$300.00
<i>Total Monetary</i>	\$995.00
In-Kind	\$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$1,215.40
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$1,215.40

(8) Other Distributions

Certification

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

I certify that I have examined this report and it is true, correct and complete

Name of ☐ Treasurer ☐ Deputy Treasurer

X
Signature

I certify that I have examined this report and it is true, correct and complete

Name of ☒ Candidate ☐ Chairman (PC/PTY Only)

X
Signature

Name: Charles C. Messina

Report: 2016 P1

Period: 06/01/2016 to 06/24/2016

** Records in Filed Report **

Seq #	Full Name (Last, Suffix, First, Middle)	Contributor	Occupation	Amount
Date	Street Address & City, State, Zip	Type	In-Kind Description	Amend
1	CUNNINGHAM, EDITH	I		\$25.00
06/02/2016	1319SW 28TH TER. CAPE CORAL, FL 33914	CHE		
2	DIERS, GLENN	I		\$50.00
06/02/2016	4628 LAKE HEATHER CIR. ST. JAMES CITY, FL 33956	CHE		
3	PATTERSON, MARVIN	I		\$20.00
06/02/2016	261 DESTINY CIR. CAPE CORAL, FL	CHE		
4	KLEIN, JOHN	I		\$100.00
06/02/2016	3512 SW 7TH TER. CAPE CORAL, FL 33991	CHE		
5	WARMBLER, DANIEL	I	RETIRED	\$250.00
06/02/2016	17133 LAKESIDE RD. THREE OAKS, MI 49128	CHE		
6	MICELI, JOSEPH	I	ADJUNCT PROFESSOR	\$50.00
06/11/2016	20271 ROOKERY DRIVE ESTERO, FL	CHE		
7	BEAUSOLEIL, JOSEPH	I	RETIRED	\$100.00
06/17/2016	9007 SPRINGVIEW LOOP ESTERO, FL	CHE		
8	BEAUSOLEIL, PATRICIA	I	RETIRED	\$100.00
06/17/2016	9007 SPRINGVIEW LOOP ESTERO, FL	CHE		
9	WARMBLER, DANIEL	I	RETIRED	\$300.00
06/20/2016	17133 LAKESIDE RD. THREE OAKS, MI	LOA		

Name: Charles C. Messina

Report: 2016 P1

Period: 06/01/2016 to 06/24/2016

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

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend
1 06/17/2016	SECRETARY OF STATE, DIVISION OF ELECTIONS 500 SOUTH BRONOUGH ST. TALLAHASSEE, FL 32399-0250	MON	QUALIFYING FEE	\$1,187.88 UPD
* 1 06/17/2016	SECRETARY OF STATE, DIVISION OF ELECTIONS TALLAHASSEE,	X	FILING FEE	\$1,187.88 History 08/03/16
2 06/17/2016	FEDEX 11621 S. CLEVELAND AVE. FORT MYERS, FL 33907	MON	MAILING FILING TO TALLAHASSEE	\$27.52 UPD
* 2 06/17/2016	FEDEX ST. JAMES CITY, FL 33956	MON	MAILING FILING TO TALLAHASSEE	\$27.52 History 08/03/16

Queued Items for 2016-P1

Account: 66263

STR 076 Charles C. Messina

Rpt Seq: 2

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	66263	7/5/2016 11:29:33 AM	7/5/2016 11:29:33 AM
Review Pending Report	Processing Complete	66263	7/5/2016 12:02:19 PM	7/5/2016 12:02:19 PM
File Pending Report	Processing Complete	66263	7/5/2016 12:44:27 PM	7/5/2016 12:44:27 PM
Amend Filed Report	Processing Complete	66263	8/3/2016 1:44:54 PM	8/3/2016 1:44:54 PM
Review Filed Report	Processing Complete	66263	8/3/2016 1:50:12 PM	8/3/2016 1:50:13 PM
File Pending Report	Processing Complete	66263	8/3/2016 1:53:08 PM	8/3/2016 1:53:08 PM

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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Name:

Candidate Name: Charles C. Messina

Account: 66263

Election:

Acct: Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
7/29/2016	P3	7/27/2016						
7/15/2016	P2	7/13/2016						
7/1/2016	P1	7/5/2016	APP	4	\$303.85		\$303.85	\$0.00
6/10/2016	M5	6/6/2016						

HISTORY NOTES
Charles C. Messina - 66263

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
48587	7/11/2016 2:34:00 PM		slbagley
RE: Depository Issues			
I received phone call from Mr. Messina. He said his bank, SunTrust, was denying him the ability to have checks or a debit card and they also will not allow access to his account. I explained we do not have any authority over what the banks do, but that if he was unhappy with his depository he could change to a new bank and notify us of the change.			
He said he also received a late fine letter and wanted to know how to appeal the fine. I explained that the letter goes over how to appeal the fine with the Florida Elections Commission and also gave him their phone number.			
Sib			
48221	6/28/2016 4:48:00 PM		STBaker
RE: EFS Deputy Treasurer's Pin			
Called and left a message for Mr. Charles Messina, Candidate and Deputy Treasurer. Advised him to contact the Division if he did not receive his pin as the newly appointed deputy treasurer.			

PHONE LOG

Case No.: 16-225

Respondent: Charles Messina

1. **Date and time:** 7/28/16 2:39pm

Name: Charles Messina

Phone #: 239-282-8882

Summary: I spoke with Mr. Messina and he explained that his treasurer had a family emergency and was unable to timely file the report. Mr. Messina explained that the treasurer was elderly and that his sister in law has cancer. I explained the appeal process to Mr. Messina and told him that the commission would decide on the matter at our next available meeting. Mr. Messina stated that he would send a hand written letter addressing the commission in addition to his appeal.

Entered by: B.Wims

2. **Date and time:**

Name:

Phone #:

Summary:

Entered by:

3. **Date and time:**

Name:

Phone #:

Summary:

Entered by:

4. **Date and time:**

Name:

Phone #:

Summary:

Entered by:

5. **Date and time:**

Name:

Phone #:

Summary:

Entered by:

6. **Date and time:**

Name:

Phone #:

Summary:

Entered by:

7. **Date and time:**

Name: