

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: James McLynas

Case No.: FEC 16-867

TO: James McLynas
735 182nd Avenue East
Redington Shores, FL 33708

Deborah Clark, Pinellas County SOE
13001 Starkey Road
Largo, FL 33773

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **August 16, 2017 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
August 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-16-867

NAME: **JAMES MCLYNAS**

DATE APPEAL RECEIVED: 4/3/17

DATE REPORT DUE: 10/28/16 (2016 G6)

DATE OF ELECTRONIC RECEIPT: 10/29/16

DATE FILING OFFICER RECEIVED REPORT: 10/29/16

NUMBER OF DAYS LATE: 1

AMOUNT OF FINE: \$50.00

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$200.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$250.04

DATE FIRST NOTIFICATION SENT: 10/29/16

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

SUMMARY: James McLynas was a candidate for Sheriff in the 2016 elections. Mr. McLynas served as his own campaign treasurer.

Mr. McLynas is appealing the fine claiming that unusual circumstances existed that caused the 2016 G6 Report to be untimely filed. According to Mr. McLynas, "On the evening of October 28, 2016 I had filed out and filed my finance report that was due that evening. The website used by the Pinellas County Supervisor of Elections is difficult to use and at times does not work or function as it is required to do. I tried multiple times to enter the information between 11:30 pm and Midnight on October 28, 2016 and it would not accept the report. I had been told that there might be times it would malfunction like this. I had also had issues with amending a complaint within this system and went through about two weeks of aggravation merely trying to add a street address to a report. First thing the following morning, I again attempted to enter the report and the website accepted the information at 8:30 am that next day. There was no malice or ill intent to file the reports and my campaign finances have been minimal throughout the entire campaign".

- The 2016 G6 Report covers the time period from 10/15/16 through 10/21/16.
- Appellant reported receiving his only contribution on 10/18/16, while making his only expenditure on 10/19/16 for this reporting period.
- Appellant was sent reminder emails prior to the 2016 G6 filing date, reminding him to file the 2016 G6 Report. Emails were sent on 10/27/16, and on 10/28/16.
- The Filing Officer advised FEC staff, "At no time were we informed/notified by our website vendor (VR Systems) that our system was inoperable at any time on October 28, 2016"
- The Filing Officer also advised FEC staff, "At no time were we informed/notified by Mr. McLynas that our system was inoperable at any time on October 28, 2016"
- The Filing Officer also provided a report submitted by another candidate that has a date/time stamp as being electronically reviewed by their system on October 28, 2016, at 11:34 pm
- The Filing Officer contradicts Appellant story of them telling him that the system has a history of malfunctioning.
- The Filing Officer also provided a copy of the system log activity for Appellant. "Please note, there was no activity logged from October 22 through and including October 28, and Mr. McLynas had the same login/password credentials during his 2016 campaign for Pinellas County Sheriff"

PRIOR CASES: None.



Fw: Appeal of Fine
Florida Elections Commission to: Erin Riley
Sent by: Donna Malphurs

11/22/2016 11:11 AM

process please

----- Forwarded by Donna Malphurs/OAG on 11/22/2016 11:11 AM -----

From: J Mclynn <karguy12@yahoo.com>
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>
Date: 11/22/2016 10:56 AM
Subject: Appeal of Fine

Candidate: James Mclynas
Office Sought: Pinellas County Sheriff

James Mclynas
735-182nd Ave East
Redington Shores, FL 33708

Finance Reporting Period: Due on October 28, 2016

Dear Florida Elections Commission,

On the evening of October 28, 2016 I had filed out and filed my finance report that was due that evening. The website used by the Pinellas County Supervisor of Elections is difficult to use and at times does not work or function as it is required to do. I tried multiple times to enter the information between 11:30pm and Midnight on October 28, 2016 and it would not accept the report. I had been told that there might be times it would malfunction like this. I had also had issues with amending a complaint within this system and went through about two weeks of aggravation merely trying to add a street address to a report.

First thing the following morning, I again attempted to enter the report and the website accepted the information at 8:30am that next day. There was no malice or ill intent to file the reports and my campaign finances have been minimal throughout the entire campaign. I have also been signed up as a candidate since 2013 and have filed all of my other reports for over three years.

I ask that the Florida Election Commission please take this into consideration and waive the \$50 late fee.

Thank you for your consideration
James Mclynas



Pinellas County Supervisor of Elections Response - Case No. FEC 16-867 - Mr. James McLynas

Marcus, Julie

to:

fec@myfloridalegal.com

04/03/2017 12:31 PM

Cc:

"Clark, Deborah", "Grimes, Wendy", "Latimer, Jason", "Marcus, Julie", "White, Jewel"

Hide Details

From: "Marcus, Julie" <jmarcus@votepinellas.com> Sort List...

To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>

Cc: "Clark, Deborah" <DClark@votepinellas.com>, "Grimes, Wendy"

<WGrimes@votepinellas.com>, "Latimer, Jason" <jlatimer@votepinellas.com>, "Marcus, Julie" <jmarcus@votepinellas.com>, "White, Jewel" <jwhite@co.pinellas.fl.us>

History: This message has been replied to.

4 Attachments



James McLynas - FEC Case Docs Received 3-31-17 - Late G6-16 Campaign Treasurer Report.pdf



Casey Cane - G6-16 CFinance Report.pdf



JMcLynas - Acknowledgement of Electronic Filing.pdf



scan.pdf

This email has been sent on behalf of Deborah Clark, Pinellas County Supervisor of Elections

Ms. Malphurs –

We received a copy of your attached letter concerning Case No.: FEC 16-867; Campaign Treasurer's Report Due 10/28/16 – G6.

As the filing officer, we wanted to provide the following information concerning Mr. James McLynas' email to the FEC stating that our electronic filing system was inoperable between 11:30 p.m. and Midnight, October 28, 2016.

- At no time were we informed/notified by our website vendor (VR Systems) that our system was inoperable at any time on October 28, 2016.
- At no time were we informed/notified by Mr. McLynas that our system was inoperable at any time on October 28, 2016.
- Attached is a G6-2016 campaign finance report by submitted by another candidate that has a date time stamp as being electronically received by our system on October 28, 2016, at 11:34:14 p.m.
- Mr. McLynas' signed the attached "Acknowledgement of Electronic Filing" document, which provided the "Alternative Procedure for Inoperable Electronic Filing System." At no other time was Mr. McLynas' told by elections staff that there might be times our system would malfunction, as stated in his email to the FEC.
- Attached is the G6-2016 campaign finance report [1133565] submitted by Mr. McLynas on October 29, 2016, at 8:30:39 a.m. In addition, we attached the system log that provides the date and time stamp of each step Mr. McLynas took to submit his report on October 29, 2016, beginning at 8:22 a.m. (login failure "bad password," followed by login success, status update, report created, PIN number assignments, report generated and report submitted). Please note, there was no activity logged from October 22 through and including October 28, and Mr. McLynas had the same login/password

credentials during his 2016 campaign for Pinellas County Sheriff (November 1, 2013 – February 6, 2017).

If you have any questions, please contact Julie Marcus, Deputy Supervisor of Elections at (727) 464-5710.

Sincerely,

Deborah Clark, CERA

Supervisor of Elections

Pinellas County, Florida

13001 Starkey Rd, Largo FL 33773

727-464-4987

dclark@votepinellas.com

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Florida Statute 668.6076

/jm

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

ONLINE SUBMISSION

Id: 893 [1133538]

Submitted on:

10/28/2016 23:34:41 (eastern)

OFFICE USE ONLY

Casey Cane

Palm Harbor Spec. Fire Cont. & Res. Dist.

Seat 1

Name

Office Sought

34921 US Hwy. 19 N
Ste 415

Palm Harbor, FL 34684

Address

City

State

Zip Code

Candidate

Political Committee

Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(8), F.S.).

Check here if address has changed since last report.

Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

MONTHLY REPORT

PRIMARY ELECTION

GENERAL ELECTION

OTHER REPORT TYPE

Indicate report #

M _____

Indicate report #

P _____

Indicate report #

G 6

Indicate report type and #
as applicable:

TERMINATION REPORT

SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

10/15/2016 THROUGH 10/21/2016

X

Signature

Date

X

Signature

Date

REQUIRED SIGNATURES FOR:

Candidates:

Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:

Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:

Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

Pinellas County Supervisor of Elections Acknowledgement of Electronic Filing Information

Pursuant to Resolution No. 13-32, approved by the Board of County Commissioners on April 9, 2013, the Pinellas County Supervisor of Elections is implementing the requirement for county candidates, political committees and county executive committees to file campaign treasurer reports electronically starting with the 2013 Q3 reporting period.

1. Sign-in Credentials

- Candidates, chairmen and treasurers will be issued log-in names and passwords to access the C-Finance module on the Supervisor of Elections' web site.

2. PIN

- Candidates, chairmen and treasurers will each receive a personal identification number (PIN) that will be used as a legal signature for submitting reports.
- Each candidate, chairman and treasurer is responsible for safeguarding their PIN and for notifying the Supervisor of Elections should their PIN be lost or become compromised.

3. Filing Reports

- Reports shall be completed and filed electronically through the Supervisor of Elections' web site using the C-Finance module **no later than Midnight (Eastern Time) of the reporting due date.**
- A report shall be deemed filed and timely upon the issuance of an electronic filing receipt confirming that the report was filed no later than Midnight (Eastern Time) of the reporting due date.
- When the report is electronically filed, the "Filing Submitted Page" may be printed and retained for your records as the "Electronic Filing Receipt."

4. Alternative Procedure for Inoperable Electronic Filing System

- In the event that the electronic filing system is inoperable on the date a report is due, the report will be accepted as timely filed if filed no later than Midnight (Eastern Time) of the first business day the electronic filing system becomes operable again. No fine will be levied during the period the electronic filing system was inoperable.

5. **Reports Not Filed Timely**

- The relevant penalties in Chapter 106, Florida Statutes shall apply if a required report is not filed by Midnight (Eastern Time) of the due date of a reporting period, unless the electronic filing system was inoperable.
- All reports filed through this system are considered to be under oath by the candidate and campaign treasurer or chairman and treasurer of a political committee or executive committee and are subject to the relevant penalties in Chapter 106, Florida Statutes.

I acknowledge that I understand the following:

- Campaign Treasurer Reports must be electronically filed **no later than Midnight (Eastern Time)** of the reporting due date as required by law or they are deemed filed late and are subject to the applicable penalties, unless the electronic filing system was inoperable.
- Any reports that I file through the electronic filing system are considered to be certified as to correctness within the meaning of Sections 106.07(5), Florida Statutes. Persons filing reports are subject to penalties as prescribed in Chapter 106, Florida Statutes.

I acknowledge that I am responsible for protecting my sign-in credentials from disclosure and am solely responsible for all filings on the electronic filing system using these credentials. Furthermore, I acknowledge that I will notify the Supervisor of Elections immediately if I lose these credentials or if they become compromised.

Signature

Print Name

Signature of the above is the:

- Candidate or Campaign Treasurer
- Political Committee Chair or Political Committee Treasurer
- Executive Committee Chair or Executive Committee Treasurer

By signing above as the "Political or Executive Committee Chair or Political or Executive Committee Treasurer"

I am representing the following Committee:

MCLYNAS FOR SHORLIFF

Insert the Committee's name above

Date: 11-1, 2013



James McLynas - Late Campaign Finance Report Fee/Appeal Letter

Grimes, Wendy to: Florida Elections Commission
(fec@myfloridalegal.com)

01/19/2017 04:46 PM

Cc: "Clark, Deborah", "Marcus, Julie", "Latimer, Jason", "Grimes, Wendy"

From: "Grimes, Wendy" <WGrimes@votepinellas.com>
To: "Florida Elections Commission (fec@myfloridalegal.com)" <fec@myfloridalegal.com>
Cc: "Clark, Deborah" <DCClark@votepinellas.com>, "Marcus, Julie" <jmarcus@votepinellas.com>, "Latimer, Jason" <jlatimer@votepinellas.com>, "Grimes, Wendy" <WGrimes@votepinellas.com>

1 attachment



James McLynas Late Fee Letter - Mailed October 31, 2016.pdf

Good afternoon,

Per my phone conversation with Ms. Erin Riley, Deputy Agency Clerk, attached is a copy of the letter that was sent by certified mail to Mr. James McLynas on October 31, 2016, in regard to his late G6-16 Campaign Finance Report.

Mr. McLynas' G6-16 Campaign Finance Report was received on October 29, 2016 at 8:30 a.m. The reporting deadline was Midnight, October 28, 2016, as candidates are required to file their reports electronically. The certified letter was refused on November 2, 2016 at 12:26 p.m. Therefore, the fine payment/appeal deadline was established as November 22, 2016.

In addition, below are the additional means by which Mr. McLynas was provided information and reminders of the G6-16 Campaign Finance Reporting deadline:

- 2016 Candidate Handbook – provided to each candidate and is posted to our website (2016 Candidate Handbook – page 33)
- 2016 Reporting Schedule – provided to each candidate and is posted to our website (2016 Reporting Schedule)
- Email reminders sent on October 27 and October 28, 2016 (attached)
- Spoke to Mr. McLynas by phone on October 27 and October 28, 2016

Also, attached is the email we sent Mr. McLynas on October 29 informing him that his G6-16 Campaign Finance Report was late prior to our sending Mr. McLynas the attached certified letter on October 31, 2016.

On November 18, 2016, I spoke to Mr. McLynas regarding the November 22 fine payment/appeal deadline and emailed him confirming our conversation. Mr. McLynas confirmed receipt of this email on November 19, 2016 (attached).

Please contact me if you have any questions.

Sincerely,

Wendy

*Wendy Grimes, Executive Assistant/Elections Administrator
Representing Deborah Clark, Supervisor of Elections
13001 Starkey Road, Largo, Florida 33773
P:727-464-4987/F:727-464-6239
wgrimes@votepinellas.com*

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. -- F.S. 688.6076

 **please consider the environment before printing this e-mail**

----- Message from "Grimes, Wendy" <WGrimes@votepinellas.com> on Fri, 28 Oct 2016 22:27:00 +0000

To: "Grimes, Wendy" <WGrimes@votepinellas.com>

Subject: G6-16 Treasurer's Report Reminder - Due TODAY, October 28, 2016

Good afternoon,

Your treasurer's report for the period ending **October 21, 2016** is due to be filed online and signed with your Personal Identification Number (PIN) no later than **Midnight tonight, October 28, 2016**. **The report code is 2016 – G6**. Today, I spoke to you or left you a voicemail, reminding you of this deadline.

Candidate C-Finance Login Page:

<http://www.votepinellas.com/Candidates-Committees/Candidates/Candidate-Finance-Login>

If you've had no contributions or expenditures during this reporting period, F.S. 106.07(7) permits the filing of a Waiver of Report (DS-DE 87). A Waiver of Report is due to be filed online and signed with your Personal Identification Number (PIN) no later than **midnight tonight, October 28, 2016**.

Please contact me at 727-710-5308 if you have any questions.

Sincerely,

Wendy

*Wendy Grimes, Executive Assistant/Elections Administrator
Representing Deborah Clark, Supervisor of Elections
13001 Starkey Road, Largo, Florida 33773
P:727-464-4987/F:727-464-6239*

wgrimes@votepinellas.com

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. -- F.S. 688.6076



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----- Message from "Grimes, Wendy" <WGrimes@votepinellas.com> on Thu, 27 Oct 2016 23:54:02 +0000

To: "Grimes, Wendy" <WGrimes@votepinellas.com>

Subject: G6-16 Treasurer's Report Reminder - Due TOMORROW, October 28, 2016

Good afternoon,

Your treasurer's report for the period ending **October 21, 2016** is due to be filed online and signed with your Personal Identification Number (PIN) no later than **Midnight tomorrow, October 28, 2016**. The report code is **2016 – G6**.

Candidate C-Finance Login Page:

<http://www.votepinellas.com/Candidates-Committees/Candidates/Candidate-Finance-Login>

If you've had no contributions or expenditures during this reporting period, F.S. 106.07(7) permits the filing of a Waiver of Report (DS-DE 87). A Waiver of Report is due to be filed online and signed with your Personal Identification Number (PIN) no later than **midnight tomorrow, October 28, 2016**.

If you have any questions, please contact me.

Sincerely,

Wendy

Wendy Grimes, Executive Assistant/Elections Administrator

Representing Deborah Clark, Supervisor of Elections

13001 Starkey Road, Largo, Florida 33773

P:727-464-4987/F:727-464-6239

wgrimes@votepinellas.com

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please consider the environment before printing this e-mail

----- Message from "Grimes, Wendy" <WGrimes@votepinellas.com> on Sat, 29 Oct 2016 20:23:10 +0000

To: "James McLynas (Candidate for Sheriff 2016)" <karguy12@yahoo.com>

cc: "Clark, Deborah" <DClark@votepinellas.com>, "Marcus, Julie" <jmarcus@votepinellas.com>, "L"

Subject: OFFICIAL NOTICE - Late G6 Campaign Finance Report - Please confirm receipt of this email
PLEASE CONFIRM RECEIPT OF THIS EMAIL - OFFICIAL NOTICE

Dear Mr. McLynas:

Your G6 Campaign Finance Report was received on October 29, 2016 at 8:30 a.m., which was after the reporting deadline of Midnight (Eastern Time), October 28, 2016.

Pursuant to Florida Statute 106.0702(7)(a), a reporting individual who fails to file a report on the designated due date is subject to a fine, paid only by personal funds. The fine shall be \$50.00 per day for the first 3 days late and, thereafter, \$500.00 per day for each late day, not to exceed 25% of the total receipts (contributions) or expenditures, whichever is greater, for the period covered by the late report. **Being your total contributions for the G6 reporting period was \$200.00 (\$250.04 in total expenditures), you are required to pay a fine of \$50.00.**

Pursuant to Florida Statute 106.0702(7)(b), the fine shall be paid to the Supervisor of Elections within twenty days after receipt of notice of payment due, unless an appeal is made to the Florida elections Commission.

Pursuant to Florida law, you may:

- Pay the \$50.00 fine by 5:00 p.m., November 18, from personal funds to the Supervisor of Elections (made payable to Deborah Clark – Supervisor of Elections) **OR**
- Appeal the fine to the Florida Elections Commission and notify the Supervisor of Elections in writing of your appeal by 5:00 p.m., November 18. (Florida Elections Commission Website: <http://www.fec.state.fl.us/>)

Below are the means by which you were made aware of the campaign finance reporting requirements and deadlines pursuant to Florida Statute 106.07.

- 2016 Calendar of Reporting Dates provided to you when you announced as a candidate
- Phone conversation with you on October 27, 2016
- Phone conversation with you on October 28, 2016
- Email reminders sent to you on October 26, October 27 and October 28, 2016

Please confirm receipt of this email. I also left you a voicemail this morning regarding this information.

Sincerely,

Wendy Grimes, Executive Assistant/Elections Administrator

Representing Deborah Clark, Supervisor of Elections

13001 Starkey Road, Largo, Florida 33773

P:727-464-4987/F:727-464-6239

wgrimes@votepinellas.com

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. – F.S. 688.6076

 please consider the environment before printing this e-mail

----- Message from "Grimes, Wendy" <WGrimes@votepinellas.com> on Tue, 17 Jan 2017 17:29:50 +0000

To: "Grimes, Wendy" <WGrimes@votepinellas.com>

Subject: RE: Late G6 Report - Fee/Appeal Information Requested (Due 5:00 p.m., November 22, 2016)

From: J Mclynn [mailto:karguy12@yahoo.com]

Sent: Saturday, November 19, 2016 8:34 AM

To: Grimes, Wendy <WGrimes@votepinellas.com>

Subject: Re: Late G6 Report - Fee/Appeal Information Requested (Due 5:00 p.m., November 22, 2016)

Received

On Friday, November 18, 2016 6:42 PM, "Grimes, Wendy" <WGrimes@votepinellas.com> wrote:

Good afternoon,

As discussed on the phone today, pursuant to Florida law, you may:

- Pay the \$50.00 fine by 5:00 p.m., November 22, from personal funds to the Supervisor of Elections (made payable to Deborah Clark - Supervisor of Elections) OR
- Appeal the fine to the Florida Elections Commission by email at fec@myfloridalegal.com and notify the Supervisor of Elections in writing of your appeal by 5:00 p.m., November 22. (Florida Elections Commission website: <http://www.fec.state.fl.us/>)

As requested, below are directions from the Florida Elections Commission's website (<http://www.fec.state.fl.us/>) on how to appeal the fine:

To appeal a fine imposed pursuant to Section 106.07(8), 106.0703(7)(c) or 106.29(2)(c), Florida Statutes, the candidate, chairman of a political committee, or treasurer of an electioneering communications organization shall file a notice of appeal. The notice of appeal shall be filed with the Agency Clerk, and a copy filed with the filing officer, within 20 days of the appealing party's receipt of notice that a fine is being imposed. The notice of appeal shall contain:

- The name, address, and telephone number of the appealing party;
- A copy of the notice of imposition of fine issued by the filing officer; and
- A request for hearing if a personal appearance before the Commission is desired.
- If no hearing request is made, the appeal shall be decided solely on the documents submitted by the appealing party and Commission staff.

Failure to timely file a notice of appeal shall result in waiver of the right to appeal the fine and a final order upholding the fine shall be entered by the Chairman of the Commission without further notice. Unless good cause is shown, the Commission will not consider at the hearing any written document unless the party offering the document has filed it with the Agency Clerk at least 10 days before the hearing.

In addition, attached are the FEC rules regarding late filed reports and a copy of the final email I sent you containing the late fee due date. Please be sure to include the attached email if you choose to appeal the fine to the Florida Elections Commission.

Sincerely,

Wendy

Wendy Grimes, Executive Assistant/Elections Administrator
Representing Deborah Clark, Supervisor of Elections
13001 Starkey Road, Largo, Florida 33773
P:727-464-4987/F:727-464-6239
wgrimes@votepinellas.com

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. -- F.S. 668.6076



please consider the environment before printing this e-mail



DEBORAH CLARK
SUPERVISOR OF ELECTIONS
PINELLAS COUNTY

October 31, 2016

Mr. James McLynas
Candidate for Pinellas County Sheriff
736 182nd Avenue
Redington Shores, FL 33708

Dear Mr. McLynas:

Your G6 Campaign Finance Report was received on October 29, 2016 at 8:30 a.m., which was after the reporting deadline of Midnight (Eastern Time), October 28, 2016.

Pursuant to Florida Statute 106.07, any candidate who fails to file a report by the designated due date is subject to a fine, paid only by personal funds. The fine shall be \$50.00 per day for the first 3 days late and, thereafter, \$500.00 per day for each late day, not to exceed 25% of the total receipts (contributions) or expenditures, whichever is greater, for the period covered by the late report. **Being your total contributions for the G6 reporting period was \$200.00 (\$250.04 in total expenditures), you are required to pay a fine of \$50.00.**

The fine must be paid within 20 days after receipt of this notice, unless an appeal is made to the Florida Elections Commission pursuant to F.S. 106.07. For more information on the appeal process you may visit the Commission's website at <http://www.fec.state.fl.us>.

You can remit your payment to any Pinellas County Supervisor of Elections office by cash, check or money order made payable to: Deborah Clark, Pinellas County Supervisor of Elections.

If you have questions, please call me at (727) 464-4987.

Sincerely,

Wendy Grimes
Elections Administrator
Pinellas County Supervisor of Elections

○ Courthouse

315 Court Street, Room 117
Clearwater, FL 33756-5190
T: (727) 464-VOTE (8683)
F: (727) 464-4158

○ Election Service Center

13001 Starkey Road
Largo, FL 33773-1416
T: (727) 464-VOTE (8683)
F: (727) 464-6239

○ St. Petersburg Office

501 First Avenue North
St. Petersburg, FL 33701-3726
T: (727) 464-VOTE (8683)
F: (727) 582-7798

ELECTION@VOTEPINELLAS.COM • VOTEPINELLAS.COM

PINELLASCOUNTYSOE

@VOTEPINELLAS

@VOTEPINELLAS

AFFIDAVIT OF FILING OFFICER

Case Number: FEC 16-867

RECEIVED

STATE OF FLORIDA

County of Pinellas

2017 APR 13 A 10: 51

STATE OF FLORIDA
ELECTIONS COMMISSION

Deborah Clark, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by Pinellas County Supervisor of Elections as Supervisor of Elections.
3. Please provide copies of the listed items from the following candidate's campaign file: James McLynas.

Check	ITEM
X	The Statement of Candidate form for 2016.
X	Appointments of Treasurers and Designation of Campaign Depository form for 2016.
X	Campaign treasurer's reports, waivers, and amendments for the 2016 campaign.
X	Addendum requests and proof of compliance for the 2016 campaign.
X	Any and all checks issued by the candidate's campaign to your office (qualifying fee, etc.)

4. Please check each item provided to the candidate or his staff, and list the date that the item was provided.

Check	ITEM	DATE
X	Chapter 106, <i>Florida Statutes</i>	11/1/13, 6/22/16
X	<i>Candidate and Campaign Treasurer Handbook</i> Please indicate <u>Year</u> . 2016 Pinellas County Candidate Handbook	6/22/16
X	Other: ¹ 2016 C-Finance Handbook, 2016 Reporting Schedule	6/22/16

5. Relative to Chapter 106, *Florida Statutes* and the *Candidate and Campaign Treasurer Handbook*, how are these publications provided to the candidate and/or his staff?

A hard copy of the 2016 Pinellas County Candidate Handbook was given to Mr. McLynas on 6/22/16.

¹ Any local publications relative to the Election laws that may have been provided in lieu of the Candidate and Campaign Treasurer Handbook published by the Division of Elections. If your office published the item(s), please send a copy of the item(s) with the affidavit.

- Publications are given directly to the candidate and/or his staff.
- Publications are available in the office, candidate and/or his staff are advised to pick-up the publications for themselves.
- Candidate and/or his staff are advised to download copies of the publications from our website or the Division of Elections' website.
- Other, please explain. _____

6. Did your office offer any candidate workshops or training seminars prior to the <Date of Election> election? Yes or No. If yes, please list all workshops/training seminars that were attended by the candidate and/or his staff, along with the date of attendance. If a staff member attended for the candidate, list his/her name and position. If available, please attach a copy of any attendance sheets from the workshops/training seminars and if available, please provide a copy of the syllabus and outline for the workshops/seminars.

Mr. McLynas did not attend the Pinellas County Candidate Workshop on June 29, 2016. Please see the attached sign-in sheet and agenda outline.

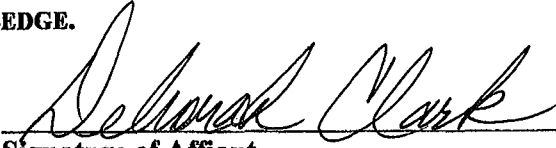
7. Does your office have any record of James McLynas having sought elective office within your jurisdiction prior to the 2016 election? Yes or No. If yes, please list the previous office(s) he ran for, the date(s) of the election(s), and the result(s) of the election(s).

8. Does your office have any record of James McLynas having been named as a chairperson or campaign treasurer of a political committee or electioneering communication organization within your jurisdiction? Yes or No. If yes, please list the name(s) of the committees.

9. Did you or any member from your staff have any conversations with James McLynas concerning a provision of Chapter 106, Florida Statutes, at any time during his 2016 campaign? Yes or No. If yes, please indicate whether the conversation was in person, in writing, or by telephone and the subject matter of the conversation. If applicable, please provide copies documenting the discussion.

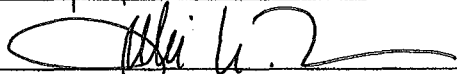
- 6/22/16 - In person: Discussed reporting deadlines and campaign finance requirements. Also, gave Mr. McLynas a hard copy of the 2016 Candidate Handbook and 2016 Reporting Deadlines (both posted on Supervisor of Elections' website).
- 10/27/16 - Emailed G6-16 campaign finance report reminder to Mr. McLynas.
- 10/27/16 - Spoke on the phone to Mr. McLynas regarding G6-16 campaign finance report deadline.
- 10/28/16 - Emailed G6-16 campaign finance report reminder to Mr. McLynas.
- 10/28/16 - Spoke on the phone to Mr. McLynas again regarding G6-16 campaign finance report deadline.
- 10/29/16 - Emailed Mr. McLynas informing him that his G6-16 campaign finance report was late.
- 10/31/16 - Mailed via certified mail an official notice to Mr. McLynas regarding late G6-16 report.
- 11/18/16 - Spoke on the phone to Mr. McLynas regarding the November 22 fine payment/appeal deadline and emailed Mr. McLynas confirming our conversation. Mr. McLynas confirmed receipt of this email on November 19, 2016.

I SWEAR OR AFFIRM THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 11 day of April, 2017



Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known or Produced Identification _____

Type of Identification Produced: _____

Case investigator: CKO

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) James McLynas

Name

(2) 19501 Gulf Blvd.

Address (number and street)

Indian Shores, FL 33785

City, State, Zip Code

Check here if address has changed

OFFICE USE ONLY
ONLINE SUBMISSION
 [1133565]

Submitted on:
 10/29/2016 08:30:39 (eastern)

(3) ID Number: 792

(4) Check appropriate box(es):

Candidate Office Sought: Sheriff

Political Committee (PC)

Electioneering Communications Org. (ECO)

Party Executive Committee (PTY)

Independent Expenditure (IE) (also covers an individual making electioneering communications)

Check here if PC or ECO has disbanded

Check here if PTY has disbanded

Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 10 / 15 / 2016 To 10 / 21 / 2016 Report Type: G6

Original

Amendment

Special Election Report

(6) Contributions This Report

Cash & Checks \$, , 0 . 00

Loans \$, , 200 . 00

Total Monetary \$, , 200 . 00

In-Kind \$, , 0 . 00

(7) Expenditures This Report

Monetary Expenditures \$, , 250 . 04

Transfers to Office Account \$, , 0 . 00

Total Monetary \$, , 250 . 04

(8) Other Distributions

\$, , 0 . 00

(9) TOTAL Monetary Contributions To Date

\$, 7 , 215 . 62

(10) TOTAL Monetary Expenditures To Date

\$, 6 , 986 . 64

(11) 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:

(Type name)

Individual (only for IE or electioneering comm.) Treasurer Deputy Treasurer

X

Signature

(Type name)

Candidate Chairperson (only for PC and PTY)

X

Signature

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name James McLynas (2) I.D. Number 792

10/15/2016 through 10/21/2016

(3) Cover Period / / through / / (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
10/18/2016 / /	McLynas, James 736 182nd Ave East Redington Shores , fl 33708	I	self employed	LO			\$200.00
1							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name James McLynas

(2) I.D. Number 792

10/15/2016 through 10/21/2016

(3) Cover Period / / through / /

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
10/19/2016 //	Facebook , 1 Hacker Way Menlo Park, Ca 94025	ad	MO		\$250.04
1					
//					
//					
//					
//					
//					
//					
//					
//					

10-07-2016 7:30 PM (Eastern)	LogIn	Success
10-07-2016 7:38 PM (Eastern)	Stat(upd)	09/17/2016-09/30/2016
10-07-2016 7:38 PM (Eastern)	RPTCreate	09/17/2016-09/30/2016 - #1129573
10-07-2016 7:39 PM (Eastern)	PINassn	#1129573 Report PINed('CAND' 'TRES')
10-07-2016 7:39 PM (Eastern)	PDFGen	Report (#1129573) begin generation
10-07-2016 7:39 PM (Eastern)	RptSub	Report (#1129573) submitted
10-14-2016 10:46 PM (Eastern)	LogIn	Success
10-14-2016 10:58 PM (Eastern)	Stat(upd)	10/01/2016-10/07/2016
10-14-2016 10:58 PM (Eastern)	RPTCreate	10/01/2016-10/07/2016 - #1130969
10-14-2016 10:59 PM (Eastern)	PINassn	#1130969 Report PINed('CAND' 'TRES')
10-14-2016 10:59 PM (Eastern)	PDFGen	Report (#1130969) begin generation
10-14-2016 10:59 PM (Eastern)	RptSub	Report (#1130969) submitted
10-21-2016 10:27 PM (Eastern)	LogIn	Success
10-21-2016 11:23 PM (Eastern)	Stat(upd)	10/08/2016-10/14/2016
10-21-2016 11:23 PM (Eastern)	RPTCreate	10/08/2016-10/14/2016 - #1132252
10-21-2016 11:24 PM (Eastern)	PINassn	#1132252 Report PINed('CAND' 'TRES')
10-21-2016 11:24 PM (Eastern)	PDFGen	Report (#1132252) begin generation
10-21-2016 11:24 PM (Eastern)	RptSub	Report (#1132252) submitted
10-29-2016 8:22 AM (Eastern)	LogIn	Failed-Bad Password
10-29-2016 8:22 AM (Eastern)	LogIn	Success

Administrator Log (last 2 years)...

[Click for Helpful Hint!](#)

jmarcus	2015-04-03 14:53:26	Logged In	
jmarcus	2015-04-03 14:58:28	Rejected	DHC: 9035 #1086648 candidate: 502 Libertarian Party County
jmarcus	2015-04-06 08:34:30	Received	DHC: 9035 #1086648 candidate: 502 Libertarian Party County
wgrimes	2015-04-07 14:36:56	Logged In	
wgrimes	2015-04-08 08:49:02	Logged In	
wgrimes	2015-04-08 08:49:24	Received	DHC: 9041 #1086806 candidate: 792 McLynas, James
wgrimes	2015-04-08 16:26:48	UdtCand	Candidate Update Party of Pinellas
jmarcus	2015-04-09 14:17:47	Logged In	
jmarcus	2015-04-09 14:18:31	AddCand	Candidate Added
jmarcus	2015-04-09 15:06:09	UdtCand	Candidate Update
jmarcus	2015-04-09 15:12:36	UdtCand	Candidate Update



10-29-2016 8:29 AM (Eastern)	Stat(upd)	10/15/2016-10/21/2016
10-29-2016 8:29 AM (Eastern)	RPTCreate	10/15/2016-10/21/2016 - #1133565
10-29-2016 8:30 AM (Eastern)	PINassn	#1133565 Report PINed('CAND' 'TRES')
10-29-2016 8:30 AM (Eastern)	PDFGen	Report (#1133565) begin generation
10-29-2016 8:30 AM (Eastern)	RptSub	Report (#1133565) submitted
10-29-2016 8:41 AM (Eastern)	Stat(upd)	10/08/2016-10/14/2016
10-29-2016 8:41 AM (Eastern)	RPTCreate	10/08/2016-10/14/2016 - #1133566
10-29-2016 8:41 AM (Eastern)	PINassn	#1133566 Report PINed('CAND' 'TRES')
10-29-2016 8:41 AM (Eastern)	PDFGen	Report (#1133566) begin generation
10-29-2016 8:41 AM (Eastern)	RptSub	Report (#1133566) submitted
11-04-2016 11:32 PM (Eastern)	LogIn	Success
11-04-2016 11:53 PM (Eastern)	Stat(upd)	10/22/2016-11/03/2016
11-04-2016 11:53 PM (Eastern)	RPTCreate	10/22/2016-11/03/2016 - #1135120
11-04-2016 11:56 PM (Eastern)	PINassn	#1135120 Report PINed('CAND' 'TRES')
11-04-2016 11:56 PM (Eastern)	PDFGen	Report (#1135120) begin generation
11-04-2016 11:56 PM (Eastern)	RptSub	Report (#1135120) submitted
11-08-2016 9:01 PM (Eastern)	LogIn	Success
11-08-2016 9:24 PM (Eastern)	Stat(upd)	10/08/2016-10/14/2016
11-08-2016 9:24 PM (Eastern)	RPTCreate	10/08/2016-10/14/2016 - #1135379
11-08-2016 9:25 PM (Eastern)	PINassn	#1135379 Report PINed('CAND' 'TRES')

Administrator Log (last 2 years)...

[Click for Helpful Hint!](#)

jmarcus	2015-04-03 14:53:26	Logged In	
jmarcus	2015-04-03 14:58:28	Rejected	DHC: 9035 #1086648 candidate: 502 Libertarian Party County
jmarcus	2015-04-06 08:34:30	Received	DHC: 9035 #1086648 candidate: 502 Libertarian Party County
wgrimes	2015-04-07 14:36:56	Logged In	
wgrimes	2015-04-08 08:49:02	Logged In	
wgrimes	2015-04-08 08:49:24	Received	DHC: 9041 #1086806 candidate: 792 McLynas, James
wgrimes	2015-04-08 16:26:48	UdtCand	Candidate Update Party of Pinellas
jmarcus	2015-04-09 14:17:47	Logged In	
jmarcus	2015-04-09 14:18:31	AddCand	Candidate Added
jmarcus	2015-04-09 15:06:09	UdtCand	Candidate Update
jmarcus	2015-04-09 15:12:36	UdtCand	Candidate Update



FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 16-867

Respondent: James McLynas

Complainant: Pinellas County SOE

1. **Date and time:** April 6, 2017 @ 9:13 am
Name: Deborah Clark/Wendy—FO
Phone #: (727) 464-8683
Summary: I attempted telephone contact to determine the best method to send FO affidavit. I left a message to return my call with Wendy.
Memo to File? No
Entered by: CKO

2. **Date and time:** April 6, 2017 @ 10:45 am
Name: Julie—FO assistant
Phone #: (727) 469-8811
Summary: I had telephone contact in response to message left on their behalf. I was instructed to email a copy of the FO affidavit to: jmarcus@votepinellas.com. I thanked her for her assistance with this matter.
Memo to File? No
Entered by: CKO

3. **Date and time:** April 12, 2017 @ 2:40 pm
Name: Wendy Grimes—FO assistant
Phone #: (727) 464-4987
Summary: I had telephone contact in response to message left on my behalf. Ms. Grimes verified mailing address and advised me that the FO affidavit had been sent to my attention via UPS 2-day arrival. I thanked her for her assistance with this matter.
Memo to File? No
Entered by: CKO