

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Giulio Margalli

Case No.: FEC 16-188

TO: Giulio Margalli
1306 Virginia Street
Key West, FL 33040

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

NOTICE OF HEARING (INFORMAL HEARING)

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.

FILED

17 MAY 31 AM 11:27

STATE OF FLORIDA
ELECTIONS COMMISSION

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

Florida Elections Commission,
Petitioner,

Case No.: FEC 16-188

v.

Jiulio Margalli,
Respondent.

_____ /

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on May 17, 2017, in Tallahassee, Florida.


On March 10, 2017, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

Count 1:

On or about April 11, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before April 11, 2016, that Respondent would not be filing his 2016 M3 Report on the prescribed due date.

The Commission further finds there is no probable cause to charge Respondent with violating Section 106.19(1)(c), Florida Statutes.

DONE AND ORDERED by the Florida Elections Commission on May 17, 2017.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:

Eric M. Lipman, General Counsel

Jiulio Margalli, Respondent

Division of Elections, Complainant

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violation(s) and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

Third, you may request a formal hearing held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or

informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann Malphurs. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Giulio Margalli

Case No.: FEC 16-188

TO: Giulio Margalli
1306 Virginia Street
Key West, FL 33040

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

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **May 17, 2017 at 10:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Augustus B. Turnbull Conference Center, 555 West Pensacola Street, Room 214, Tallahassee, Florida 32301**

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

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See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
May 1, 2017

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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.

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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.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Giulio Margalli

Case No.: FEC 16-188

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**, and **no probable cause** to charge Respondent with violating **Section 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on February 20, 2017, the following facts and law support this staff recommendation.

1. On June 30, 2016, the Florida Elections Commission (“Commission”) received a referral from the Division of Elections (“Division”) alleging that Giulio Margalli (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a candidate for State Attorney, 16th Judicial Circuit, in the 2016 election. Respondent’s Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form (“DS-DE 9”) was filed with the Division on February 12, 2016. A second DS-DE 9 was filed with the Division on August 1, 2016. (ROI Exhibit 1 and Attachment A)¹

3. On October 4, 2016, the Executive Director sent Respondent notification that Commission staff would investigate the following alleged violations:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2016 M3

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when he failed to file a report on the prescribed reporting date for the following reporting period:

- 2016 M3²

¹ The Report of Investigation shall be referred to herein as “ROI.”

² When the Commission received the referral in this case on June 30, 2016, Respondent had not filed a 2016 M3

4. By letter dated February 16, 2016, Kristi Bronson, Chief, Bureau of Election Records, sent a letter notifying Respondent that his name had been placed on the 2016 active candidate list. The letter advised Respondent that all candidates who file reports with the Division are required to use the electronic filing system (“EFS”) and provided Respondent with a user identification number and initial password to access the EFS. (ROI Exhibit 2, page 1)

5. Ms. Bronson’s February 16, 2016 letter further advised Respondent that all of the Division’s publications and reporting forms were on its website and directed Respondent to print a copy of the *Candidate and Campaign Treasurer Handbook* (“Handbook”) and the *Calendar of Reporting Dates* as well as other documents. (ROI Exhibit 2, page 3)

6. Page 47 of the Handbook states:

In any reporting period during which a candidate has not received funds or made any expenditures, the filing of the required report for that period is waived. **However, the candidate must notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date.** (A notice of no activity filed with the Division must be filed electronically using the EFS.) The next report filed must specify that the report covers the entire period between the last submitted report and the report being filed. (Emphasis in original)

(Section 106.07, F.S.)

(ROI Exhibit 3, pages 1 and 5)

7. Pages 12, 13, 44, and 45 of the *Candidate EFS User’s Guide* (“Guide”) explain the steps a candidate should take to notify the Division in writing on the prescribed reporting date that no report will be filed for the reporting period using the EFS. Specifically, at the top of page 13, the Guide instructs the user to click the box next to “Waiver” if there is no financial activity to report. (ROI Exhibit 4)

8. Section 106.07(7), Florida Statutes, provides:

Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report

Report or provided notice to the filing officer that he would not be filing a 2016 M3 Report because he had not received funds, made contributions, or expended any reportable funds during the 2016 M3 reporting period. On August 8, 2016, before the investigation was completed, Respondent filed a waiver for 2016 M3 reporting period. Therefore, Respondent was not required to file a 2016 M3 Report and Commission staff did not investigate whether Respondent violated §106.19(1)(c), Fla. Stat. However, on the prescribed reporting date for the 2016 M3 Report, Respondent was required to notify the filing officer in writing that he had not received funds, made contributions, or expended any reportable funds during the 2016 M3 reporting period and he would not be filing a 2016 M3 Report, which he failed to do. (ROI Exhibit 5 and Attachment B)

covers the entire period between the last submitted report and the report being filed, and any candidate or political committee not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter **shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.** (Emphasis added)

9. The table below reflects Respondent's untimely written notification to the Division:

Report	Report Cover Period	Date Notification Due	Date Notification Filed	No. of Days Late
2016 M3	03/01/16 – 03/31/16	04/11/16	08/08/16	119

(ROI Exhibit 5; ROI Paragraph 7; and Attachment C)

10. On January 4, 2017, and January 25, 2017, Investigator Smith attempted to contact Respondent by telephone. On both occasions, Investigator Smith left a message requesting Respondent to return the call at his earliest convenience which Respondent failed to do. (ROI Exhibit 7, Phone Log Entries 3 and 4)

11. Based on the above information, it appears Respondent was not required to file a 2016 M3 Report. It also appears Respondent may have failed to notify the filing officer on the prescribed reporting date for the 2016 M3 reporting period that Respondent would not be filing a 2016 M3 Report.

12. "Probable Cause" is defined as a reasonable ground of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v. State*, 590 So.2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Department of Highway Safety and Motor Vehicles v. Favino*, 667 So.2d 305, 309 (Fla. 1st DCA 1995).

13. The above facts show that Respondent was a candidate for State Attorney, 16th Judicial Circuit, in the 2016 election. Respondent filed a waiver for the 2016 M3 reporting period on August 8, 2016. Therefore, Respondent was not required to file a 2016 M3 Report. However, because Respondent did receive funds, make contributions, or expend any reportable funds during the 2016 M3 reporting period, Respondent was required to notify the filing officer in writing on the prescribed reporting date for the 2016 M3 Report that he would not be filing a report for the 2016 M3 reporting period, which he failed to do.

Based on the foregoing, I recommend that the Commission find probable cause to charge Respondent with violating the following:

Count 1:

On or about April 11, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the Division of Elections in writing on or before April 11, 2016, that Respondent would not be filing his 2016 M3 Report on the prescribed due date.

I further recommend the Commission find no probable cause that Respondent violated Section 106.19(1)(c), Florida Statutes.

Respectfully submitted on March 10, 2017,



Eric M. Lipman
General Counsel

I have reviewed this Staff Recommendation on the 10th day of March 2017.



Amy McKeever Toman
Executive Director

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

RECEIVED

16 FEB 12 PM 1:09

DIVISION OF ELECTIONS SECRETARY OF STATE

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Par

2. Name of Candidate (in this order: First, Middle, Last)

Giulio Margalli

3. Address (include post office box or street, city, state, zip code)

1306 Virginia Street Key West, Florida 33040

4. Telephone

(305) 509-0059

5. E-mail address

margalli@keywestlawyer.com

6. Office sought (include district, circuit, group number)

State Attorney Monroe County Florida, 16 Circuit

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation Republican Party Party candidate.

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

Samantha Figueroa

11. Mailing Address

1605 Bahama Dr.

12. Telephone

(305) 906-0199

13. City

Key West

14. County

Monroe

15. State

FL

16. Zip Code

33040

17. E-mail address

Samantha.gaby14@hotmail.com

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank

First State Bank

20. Address

1201 Simonton Street

21. City

Key West

22. County

Monroe

23. State

Florida

24. Zip Code

33040

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

2/11/16

26. Signature of Candidate

X [Signature]

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Samantha Figueroa

(Please Print or Type Name)

, do hereby accept the appointment

designated above as:

Campaign Treasurer Deputy Treasurer

ATTACHMENT

A

02/11/16

X Samantha Figueroa



Florida Department of State Division of Elections

2016 General Election Giulio Margalli (REP) State Attorney

Campaign Finance Activity

Note: The information presented below was obtained from the Committee's/Candidate's Campaign Treasurer's Report filed with the Division of Elections. [About the Campaign Finance Data Base.](#)

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
W	02/12/2016 - 02/29/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	03/01/2016 - 03/31/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	04/01/2016 - 04/30/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	05/01/2016 - 08/04/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input checked="" type="radio"/>	All Dates (Totals)	0.00	0.00	0.00	0.00	0.00	0.00

Note: (E) indicates that report was filed electronically

X Indicates that detail has not been released

W Indicates that a waiver was filed and **L** Indicates that a loan report was filed

Select Detail Type

Contributions ▼

Select Sort Order

Date(Ascending) ▼

Select Output Type

Display On Screen ▼

[Submit Query Now](#)

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)

ATTACHMENT *B*

Calendar of Reporting Dates

for 2016 Candidates registered with the Division of Elections

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
12/01/15 - 12/31/15	2015 M12	01/11/16
01/01/16 - 01/31/16	2016 M1	02/10/16
02/01/16 - 02/29/16	2016 M2	03/10/16
03/01/16 - 03/31/16	2016 M3	04/11/16
04/01/16 - 04/30/16	2016 M4	05/10/16
05/01/16 - 05/31/16	2016 M5	06/10/16

06/01/16 - 06/24/16	2016 P1	07/01/16
06/25/16 - 07/08/16	2016 P2	07/15/16
07/09/16 - 07/22/16	2016 P3	07/29/16
07/23/16 - 07/29/16	2016 P4	08/05/16
07/30/16 - 08/05/16	2016 P5	08/12/16
08/06/16 - 08/12/16	2016 P6	08/19/16
08/13/16 - 08/25/16	2016 P7	08/26/16

08/26/16 - 09/02/16	2016 G1	09/09/16
09/03/16 - 09/16/16	2016 G2	09/23/16
09/17/16 - 09/30/16	2016 G3	10/07/16
10/01/16 - 10/07/16	2016 G4	10/14/16
10/08/16 - 10/14/16	2016 G5	10/21/16
10/15/16 - 10/21/16	2016 G6	10/28/16
10/22/16 - 11/03/16	2016 G7	11/04/16

Termination Reports

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
After May Qualifying	TR	08/04/16
After June Qualifying	TR	09/22/16
Primary Election	TR	11/28/16
General Election	TR	02/06/17

ATTACHMENT C

FLORIDA ELECTIONS COMMISSION

Report of Investigation for Failure to Notify Filing Officer

Case Number: FEC 16-188

Respondent: Giulio Margalli

Section 106.07(7), Florida Statutes, failure of a candidate who did not receive any contributions or make any expenditures during a reporting period to notify timely the filing officer, in writing, that no report is being filed

Complainant: Division of Elections

Respondent Type:

- Candidate
 Political Committee

I. Preliminary Information:

1. An appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) was filed on August 1, 2016¹. (Ex. 1)

2. An acknowledgement letter was mailed to the address provided on Respondent's DS-DE 9 on February 16, 2016 advising Respondent that all of the Division's publications and reporting forms are available on their website, including Chapter 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook*, and the Calendar of Reporting Dates. (Ex. 2)

3. The acknowledgement letter also states, "An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports" and provides the telephone number for the Division's EFS Help Desk.

4. The *Candidate and Campaign Treasurer Handbook* discusses filing a Notice of No Activity on page 47. (Ex. 3)

5. Pages 12, 13, 44, and 45 of the *Candidate EFS User's Guide* discuss how to notify the Division on the prescribed reporting date that no report will be filed using the EFS. Specifically, page 13 instructs the user to click the box next to "waiver" if there is no activity to disclose. (Ex. 4)

6. In a telephone interview on April 2, 2014, Kristi Reid-Bronson clarified that once the waiver box is chosen and a new report is opened as shown on page 12, the only available option on the report summary screen will be "Go To File Report" as shown on page 13. Choosing "Go To File Report" will take the user directly to the screens where the candidate/treasurer PINS are entered as shown on pages 44 and 45.

II. Alleged Violation of Section 106.07(7), Florida Statutes:

7. Respondent's filing history reflects the untimely filed notifications summarized below. (Ex. 5)

Report	Report Cover Period	Date Notification Due	Date Notification Filed	No. of Days Late
2016 M3	03/01/16 – 03/31/16	04/11/16	08/08/16	119

8. Respondent did not provide a written response to the referral.

¹ Initially, a DS-DE 9 form was filed with the Division on February 12, 2016. Samantha Figueroa was named as campaign treasurer.

III. FEC History:

9. Respondent has not had any prior cases before the Commission.

Conclusion:

10. I attempted to contact Respondent on two occasions to give him an opportunity to discuss the allegations in the referral. Additionally, an affidavit relative to the 2016 M3 report was mailed to Respondent on January 6, 2017. As of the date of this report, Respondent has not returned my calls, nor has he returned an affidavit.

11. Because Respondent has not contacted the Commission or returned an affidavit, I am unable to ascertain whether Respondent has read Chapter 106, Florida Statutes and/or the *Candidate and Campaign Treasurer Handbook*. Respondent signed his Statement of Candidate form on February 10, 2016. (Ex. 6)

12. The Investigative Phone Log is included with this report. (Ex. 7)

SIGNATURE OF INVESTIGATOR:

Keith Smith

Date:

02/20/17

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Julio Margalli -- FEC 16-188

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	DS-DE 9
Exhibit 2	Acknowledgement letter
Exhibit 3	Pg. 47 – Candidate and Campaign Treasurer Handbook
Exhibit 4	Pgs from Candidate EFS User’s Guide
Exhibit 5	Respondent’s filing history
Exhibit 6	Statement of Candidate
Exhibit 7	Ph Log

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

RECEIVED
DEPARTMENT OF
2016 AUG -1 AM 10:41
FLORIDA STATE
DIVISION OF ELECTIONS

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)

Giulio F. Margalli

3. Address (include post office box or street, city, state, zip code)

1010 Kennedy Drive, Suite 307
Key West, Florida 33040

4. Telephone

(305) 295-9382

5. E-mail address

margalli@keywestlawyer.com

6. Office sought (include district, circuit, group number)

State Attorney, Circuit 16

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation Republican Party candidate.

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

Giulio F. Margalli

11. Mailing Address

1010 Kennedy Drive, Suite 307

12. Telephone

(305) 295-9382

13. City

Key West

14. County

Monroe

15. State

FL

16. Zip Code

33040

17. E-mail address

Margalli@keywestlawyer.com

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank

First State Bank of the Florida Keys

20. Address

2778 N. Roosevelt Blvd.

21. City

Key West

22. County

Monroe

23. State

Florida

24. Zip Code

33040

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

July 12, 2016

26. Signature of Candidate

X

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Giulio F. Margalli, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

July 12, 2016

Date

EXHIBIT 1
X

Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 16, 2016

Giulio Margalli
1306 Virginia Street
Key West, Florida 33040

Dear Mr. Margalli:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Attorney, which was placed on file in our office on February 12, 2016. Your name has been placed on the 2016 active candidate list. **The enclosed Statement of Candidate must be filed within 10 days of filing the Appointment of Campaign Treasurer form.**

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **March 10, 2016**. The report will cover the period of February 1-29, 2016 (M2). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

Below is the web address to access the EFS and your user identification number. The enclosed sealed envelope contains your initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on. You, your campaign treasurer, and deputy treasurers are responsible for protecting this password from disclosure and are responsible for all filings using these credentials, unless the Division is notified that your credentials have been compromised.

EFS Website Address: <https://efs.dos.state.fl.us>

Identification Number: 65250

EXHIBIT 2 (1 of 3)
Division of Elections

R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) dos.myflorida.com/elections/

FLORIDA
DIVISION OF
ELECTIONS

Giulio Margalli
February 16, 2016
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains confidential pin numbers for you. By copy of this letter, a confidential pin number to access the EFS was sent to your treasurer.

Each candidate is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event this password is forgotten or lost. When you enter the campaign account screen, there will be a drop down box where you pick a question (such as *What is your mother's maiden name?*) and supply an answer. All passwords and answers to questions are stored as encrypted data and cannot be viewed by Division staff and given out over the phone. Please notify the Division if your credentials have been compromised.

Timely Filing

All reports filed must be completed and filed through the EFS not later than midnight of the due date. Reports not filed by midnight of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding each primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Electronic Receipts

The person submitting the report on the EFS will be issued an electronic receipt indicating and verifying the report was filed. Each campaign treasurer's report filed by means of the EFS is considered to be under oath by the candidate and campaign treasurer and such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

EXHIBIT 2 (2 of 3)

Giulio Margalli
February 16, 2016
Page Three

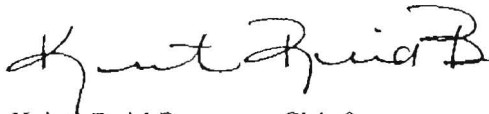
Instructions and Assistance

An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports. The Division of Elections will also provide assistance to all users by contacting the EFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://dos.myflorida.com/elections/>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/jq

Enclosures

pc: Samantha Figueroa

EXHIBIT 2 (343)

2016 Candidate & Campaign Treasurer Handbook

Florida Department of State
Division of Elections
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250
850.245.6240

(Rev. 01/22/16)

3 (105)

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Chapter 16: Filing Campaign Reports

Each campaign treasurer designated by a candidate shall file regular reports of all contributions received and all expenditures made by or on behalf of such candidate.

The candidate and his or her campaign treasurer shall certify as to the correctness of each report. Each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer or candidate who willfully certifies the correctness of any report while knowing that such report is incorrect, false or incomplete commits a misdemeanor of the first degree.

(Section 106.07, F.S.)

Where to File

A campaign treasurer is required to file campaign treasurer's reports with the officer with whom the candidate registers.

Candidates filing reports with the Division are required to file by means of the Electronic Filing System. If the candidate's filing officer is other than the Division, contact the appropriate filing officer to find out the requirements.

The web address for filing online with the Division is: <https://efs.dos.state.fl.us/>

(Section 106.07(2), F.S.)

When to File

Reports must be filed on the 10th day following the end of each calendar month from the time the candidate registers, except that if the 10th day occurs on a Saturday, Sunday or legal holiday, the report shall be filed on the next business day that is not a Saturday, Sunday or legal holiday.

A statewide candidate must file reports:

1. On the 60th day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4th day immediately preceding the general election.
2. On the 10th day immediately preceding the general election, and each day thereafter, with the last daily report being filed the 5th day immediately preceding the general election.

All other candidates must file reports on the 60th day immediately preceding the primary election and bi-weekly on each Friday thereafter through and including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before the primary election and the general election.

For candidates that file with the Division, see the "Reporting Dates Calendar" at:

<http://dos.myflorida.com/elections/forms-publications/publications/>

An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure must file a single report of all contributions and expenditures on the 4th day immediately preceding the primary election. (*See Chapter 18, Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee.*)

Unless the electronic filing requirements of Section 106.0705, Florida Statutes, apply, reports shall be filed no later than 5 p.m. of the day designated. A report postmarked by the U.S. Postal Service no later than midnight of the day designated is deemed timely filed. A report received by the filing officer within 5 days after the designated due date that was delivered by the U.S. Postal Service is deemed timely filed unless it has a postmark indicating the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing or a receipt from an established courier company, which bears a date on or before the date on which the report is due, is proof of mailing in a timely manner. Reports filed with the Division through the Electronic Filing System (EFS) are due no later than midnight, Eastern Time, of the due date.

(Sections 106.07, 106.0705 and 106.141, F.S.)

Penalty for Late Filing

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first three days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is

greater, for the period covered by the late report. However, for the reports immediately preceding the primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For a candidate's termination report, the fine shall be \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater for the period covered by the late report. All fines must be paid from the candidate's **personal funds** – not campaign funds.

(Section 106.07(2) and (8), F.S.)

Notice of No Activity

In any reporting period during which a candidate has not received funds or made any expenditures, the filing of the required report for that period is waived. **However, the candidate must notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date.** (A notice of no activity filed with the Division must be filed electronically using the EFS.) The next report filed must specify that the report covers the entire period between the last submitted report and the report being filed.

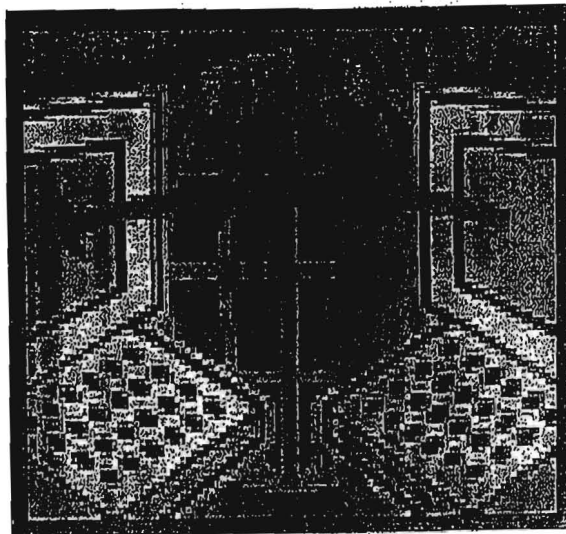
(Section 106.07, F.S.)

Incomplete Reports

If a campaign treasurer files a report that is deemed incomplete, it shall be accepted on a conditional basis. The campaign treasurer will be notified by the filing officer as to why the report is incomplete. The campaign

Department of State
Division of Elections

Candidate EFS User's Guide



Florida Department of State
Division of Elections
R.A. Gray Building, Room 316
500 S Bronough Street
Tallahassee, FL 32399-0250

EFS HELP LINE: 850-245-6280

January 2011

Rule 1S-2.017, F.A.C.

DS-DE 110A (eff. 01/11)

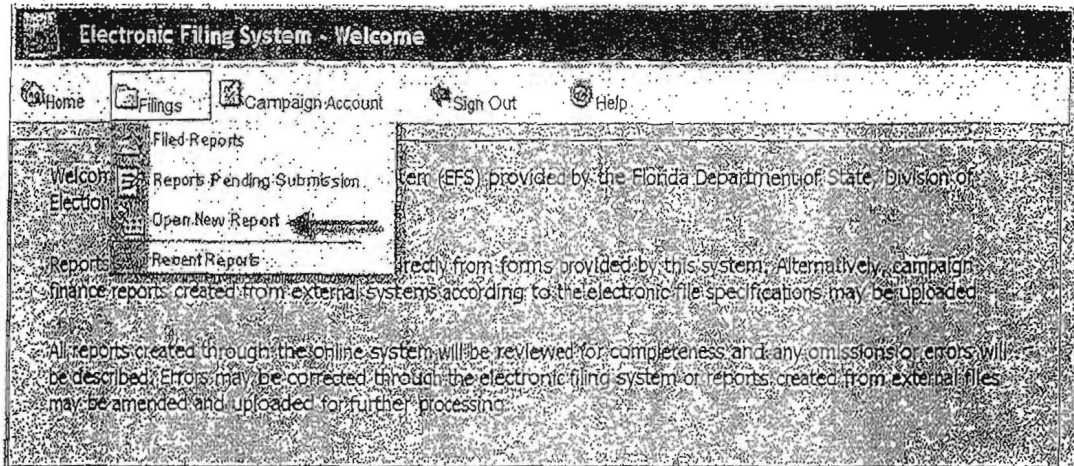
EXHIBIT 4 (1 of 6)

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Create a New Report by Data Entry

From the Welcome Screen, click  Filings and then  Open New Report



Use this form to submit an original report. To submit an amendment to a previously filed report, first select the report from the Filed Reports list and then choose the Amend Report option from the Edit menu item.

Coverage Period:
Campaign finance reports itemize financial activity occurring during a specific reporting period. The reporting period is declared by first selecting the reporting year, and then the report type. The beginning and ending coverage dates and the filing due date of the report are automatically associated with the Reporting Year and Report Type.

Election Cycle: 2010 General Election
Report Type: F2 2010
Coverage Period: 7/17/2010 7/30/2010 Due Date: 08/06/2010


General Election Report Waiver

Uploading a Campaign Finance Report
A Campaign Finance report file meeting the department's specifications may be uploaded at the time a report is opened. Use the Browse button to locate and select the report text or zip file to be uploaded. You may upload the report file in a compressed zip. The zip file must contain only one report file.

Browse

Open Report

Click  arrow next to Election Cycle. Scroll to the cycle associated with the report you are entering.

Click  arrow next to Report Type and select the report type that corresponds to the appropriate cover period and due date.

The Cover Period dates will automatically fill in based on the Calendar of Election and Reporting Dates. The end date can be changed for candidate termination reports.

The Due Date will automatically fill in based on the Calendar of Election and Reporting Dates.

****NOTE****

If this report is a waiver of report (no activity), click the box next to Waiver.

Election Cycle: 2010 General Election
Report Type: F2 2010
Coverage Period: 7/17/2010 - 7/20/2010
Due Date: 08/06/2010
 Waiver

Click at the bottom of the screen. A **Report Detail** screen (view only) will appear. This screen will not indicate any activity until individual detail data is entered, saved and a review is performed.

Report: 2010 - 64 - 27 2010 General Election Covers: 10/16/2010-10/28/2010 Due: 10/29/2010

Incomplete Waiver Complete Status: Incomplete Detail Records

File Date: Review Status: Not Reviewed

Status: Date Ent: Last Review:

of Transactions: 0 Review Recalculate Go To File Report Append File Delete Report Save

Contributions		Total Amount	Expenditures		Total Amount
Cash and Checks:		0.00	Monetary:		0.00
Loans:		0.00	Transfers to Off Acct:		0.00
Total Monetary:		0.00	Total Monetary:		0.00
In-Kind:		0.00	Other Distributions:		0.00

Review Messages:

Created: 10/26/2010 11:41:25 AM By: 50552 Revised: 10/26/2010 11:41:25 AM By: 50552

EXHIBIT 4 (A&G)

File the Report

If the **Review Status** is Updated Detail – Needs Review the report has not been reviewed since the last update. (See page 38 for instructions on how to submit the report to the system for review.)

If the status of the report is Complete Detail Records, you are ready to file the report.

Report: 2010 - F3 - 26 2010 General Election Coverage: 8/7/2010-8/19/2010 Due: 8/20/2010

Complete Wave Complete Status: Complete Detail Records

File Date: Review Status: Reviewed

Status: Data Entry Date/Time: 8/19/2010 3:56:42 PM

of Transactions: Review Recalculate Go To File Report Append File Delete Report Save

Contributions		Total Amount	Expenditures		Total Amount
Cash and Checks	<input type="text"/>	0.00	Inventory	<input type="text"/>	151.00
Loans	<input type="text"/>	0.00	Transfers to Off. Acc.	<input type="text"/>	0.00
Total Money In	<input type="text"/>	0.00	Total Money Out	<input type="text"/>	151.00
In-Kind	<input type="text"/>	0.00	Other Debitations	<input type="text"/>	0.00

Created: 8/19/2010 2:01:35 PM By: 50552 Revised: 8/19/2010 3:56:42 PM By: 50552

Click on

The candidate enters his or her PIN, and then selects

NOTE: A PIN is the same as your signature attesting to the validity of the report.

Step 1: Enter the candidate/Chairperson PIN.

Step 2: Select the 'Report Approved' button.

Report: 2010 - F3 - 26 Coverage Period: 8/7/2010-8/19/2010 Due: 8/20/2010

Review Status: Original Attended

Wave

PIN for Candidate/Chairperson:

EXHIBIT 4 (5 & 6)

If there is more than one treasurer, click on the drop down and select the treasurer that is filing the report.

Campaign Treasurer:

The treasurer enters his or her PIN and then clicks

Report: 2010 F3-26 Coverage Period: 8/7/2010-8/19/2010 Due: 8/20/2010

Review Status: Final Amended

Campaign Treasurer: Edit

PIN for specified Treasurer:

To Edit Report Again Select Cancel:

IMPORTANT NOTE: If changes need to be made after a candidate enters his PIN, the treasurer must undo the candidate's PIN validation before the system will allow changes. See page 48 for instructions.

EXHIBIT 4 (6 of 6)



search | history | contact us | 411 | subscribe | tour |

Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Giulio Margalli

Name:

Account: 65250

Election:

2016 Election ▼

Acct: 65250

Type: Candidate ▼

Search Reset

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
8/4/2016	TR	8/8/2016	FEC	4	\$0.00		\$0.00	\$0.00
5/10/2016	M4	8/8/2016	FEC	90	\$0.00		\$0.00	\$0.00
4/11/2016	M3	8/8/2016	FEC	119	\$0.00		\$0.00	\$0.00
3/10/2016	M2	8/8/2016	FEC	151	\$0.00		\$0.00	\$0.00

EXHIBIT 5

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

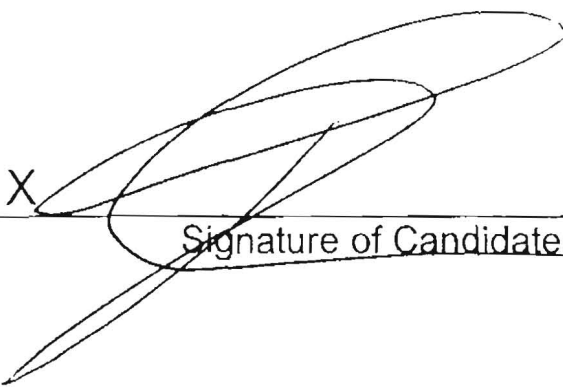
RECEIVED
DEPARTMENT OF STATE

2016 FEB 11 AM 10:22

DIVISION OF ELECTIONS
TALLAHASSEE, FL

I, Giulio Margalli,
candidate for the office of State Attorney;

have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X 
Signature of Candidate

2/10/16
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

EXHIBIT 6

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 16-188**

Respondent: Jiulio Margalli

Complainant: Division of Elections

1. **Date and time:** October 13, 2016 @ 9:45 a.m.
Name: Respondent
Phone #: 305-295-1372
Summary: I called R to talk about C/O. [REDACTED]
[REDACTED]
[REDACTED]
2. **Date and time:** December 29, 2016 @ 8:45 am and 11:34 am
Name: Respondent
Phone #: (305) 295-9382 and (305) 295-1372 (called both each time)
Summary: I called R to follow up on PPC CO [REDACTED]
[REDACTED]
[REDACTED]
3. **Date and time:** 01/04/17 @ 2:28 p.m.
Name: Respondent
Phone #: 305-295-9382
Summary: I tried calling Respondent to discuss the possibility of a consent order in this case since it appeared he may have been interested in doing so earlier on. I left a message on the voice-mail of 305-295-9382, which appeared to be his law office, asking that he return my call at his earliest convenience.
Memo to File? No
Entered by: KS
4. **Date and time:** 01/25/17 @ 1:44 p.m.
Name: Respondent
Phone #: 305-295-9382
Summary: I tried calling Respondent for the purpose of determining whether or not he planned to complete and return the questionnaire-affidavit that was due on January 24, 2017. I left a message on his voice-mail asking that he return my call at his earliest convenience.
Memo to File? No
Entered by: KS



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street,
Suite 224 Collins Building
Tallahassee, Florida 32399-1050
Telephone: (850) 922-4539
Fax: (850) 921-0783

October 4, 2016

Jiulio Margalli
1306 Virginia Street
Key West, FL 33040

RE: Case No.: FEC 16-188; Respondent: Jiulio Margalli

Dear Mr. Margalli:

On July 6, 2016, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more legally sufficient allegations. The Commission staff will investigate the following alleged violations:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2016 M3

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when it failed to file a report on the prescribed reporting date for the following reporting period:

- 2016 M3

You may respond to the allegations above by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegations. Your response will be included as an attachment to the investigator's report.

When we conclude the investigation, a copy of the Report of Investigation will be mailed to you at the above address. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have

violated Chapter 104 or 106, Florida Statutes. A copy of the Staff Recommendation will be mailed to you and you may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause.

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapters 104 or 106, Florida Statutes. You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence.

At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

The Report of Investigation, Staff Recommendation, and Notice of Hearing will be mailed to the above address as this letter. Therefore, if your address changes, you must notify this office of your new address. Otherwise, you may not receive these important documents. Failure to receive the documents will not delay the probable cause hearing.

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you unless you waive confidentiality in writing. The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

If you have any questions or need additional information, please contact **Eric Lipman**, the attorney assigned to this case.

Sincerely,



Amy McKeever Tomar
Executive Director

AMT/enr

16-188



Re: FEC 16-271

Giulio Margalli

to:

Florida Elections Commission

08/10/2016 01:57 PM

Hide Details

From: Giulio Margalli <margalli@keywestlawyer.com>

To: Florida Elections Commission <fec@myfloridalegal.com>

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

History: This message has been replied to.

Dear Donna,

Please e-mail me the complaint when possible. We would like to enter into negotiations to settle each and every complaint filed by the FEC.

Do I need to send another e-mail to the FEC in addition to this e-mail? Please advise when you have a chance.

Thank you again so much for all of your help yesterday and with this situation.

Regards,
Giulio Margalli

The Margalli Law Office P.A.

Giulio Margalli

Board Certified Criminal Trial Advocate

The National Board of Trial Advocacy

1010 Kennedy Drive Suite 307

The BB&T Bank Building

Key West, Florida 33040

305-295-9382

305-295-1372(Emergency Number)

marqalli@keywestlawyer.comwww.keywestlawyer.com

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BOARD CERTIFIED CRIMINAL TRIAL ADVOCATE**THE NATIONAL BOARD OF TRIAL ADVOCACY**

On Tue, Aug 9, 2016 at 3:25 PM, Florida Elections Commission <fec@myfloridalegal.com> wrote:

Mr. Margalli,

After we spoke this morning, I became aware that we received another referral from Division of Elections on August 8, 2016. A copy of this referral (with case number FEC 16-271) has just been mailed to you. With your permission, I'd be happy to email you a copy of this referral for your review and inclusion in your response/request for settlement.

To clarify , we have the following cases:

FEC 16-181

FEC 16-188

and

FEC 16-271.

Please advise. Thanks,

Donna Ann Malphurs
Agency Clerk



FEC 16-188 RESPONDENT : JIULIO MARGALLI

Jiulio Margalli

to:

fec

08/09/2016 12:20 PM

Hide Details

From: Jiulio Margalli <margalli@keywestlawyer.com>

To: fec@myfloridalegal.com

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

I would to enter into a pre-probable cause settlement in my case. Thank you for your time and consideration.

Sincerely,
Jiulio Margalli

The Margalli Law Office P.A.
Jiulio Margalli
Board Certified Criminal Trial Advocate
The National Board of Trial Advocacy
1010 Kennedy Drive Suite 307
The BB&T Bank Building
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BOARD CERTIFIED CRIMINAL TRIAL ADVOCATE
THE NATIONAL BOARD OF TRIAL ADVOCACY

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

2016 JUN 30 P 1:58

To FEC from Division of Elections

Name: Julio Margalli
Account Number: 65250
Treasurer: Samantha Figueroa

The Division of Elections hereby provides this notice to the Florida Elections Commission pursuant to Sections 106.07(8)(d), 106.22(7) and 106.25, Florida Statutes. An apparent violation of Chapter 106, F.S., has occurred based upon the candidate's alleged failure to file a report after notice as required by section 106.07(8)(d), Florida Statutes, or failure to notify the filing officer on the prescribed reporting date that no report was to be filed as required by Section 106.07(7), Florida Statutes.

The following report or notice is outstanding after notification:

2016 M3

Sent By: Kristi Reid Bronson
Date: June 17, 2016

KRB

ejr

AFFIDAVIT

STATE OF FLORIDA


County of Leon

Kristi Reid Bronson, being duly sworn, says:

1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. Julio Margalli (65250) is a 2016 candidate for the office of State Attorney.
5. On February 12, 2016, Mr. Margalli filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. He appointed Samantha Figueroa as treasurer. (See attached documents and acknowledgment letter.)
6. The 2016 M3 campaign treasurer's report was due on April 11, 2016. On April 13, 2016, the Division mailed Ms. Figueroa notification that the 2016 M3 treasurer's report had not been filed. A copy of the letter was also sent to Mr. Margalli. (See attached letter.)
7. On May 11, 2016, the Division mailed Ms. Figueroa notification that the 2016 M3 treasurer's report had not been filed. A copy of the letter was also sent to Mr. Margalli. (See attached letter.)
8. On June 1, 2016, the Division mailed Ms. Figueroa final notification with delivery confirmation that the 2016 M3 treasurer's report had not been filed. A copy of the letter was also sent to Mr. Margalli. (See attached letter with delivery confirmation.)
9. Ms. Figueroa did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 M3 report that no report was to be filed.

10. As of June 17, 2016, Ms. Figueroa has failed to file the 2016 M3 report.

I hereby swear or affirm that the foregoing information is true and correct to the best of my knowledge.


Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 17th day of June 2016.


Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known

2016 JUN 30 P 1:58



APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

RECEIVED

16 FEB 12 PM 1:09

DIVISION OF ELECTIONS SECRETARY OF STATE

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office P

2. Name of Candidate (in this order: First, Middle, Last) Giulio Margalli

3. Address (include post office box or street, city, state, zip code) 1306 Virginia Street Key West, Florida 33040

4. Telephone (305) 509-0059

5. E-mail address margalli@keywestlawyer.com

6. Office sought (include district, circuit, group number) State Attorney Monroe County Florida, 16 circuit

7. If a candidate for a nonpartisan office, check applicable: My intent is to run as a Write-In candidate

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a Write-In No Party Affiliation Republican Party Party candidate.

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer Samantha Figueroa

11. Mailing Address 1605 Bahama Dr.

12. Telephone (305) 906-0190

13. City Key West

14. County Monroe

15. State FL

16. Zip Code 33040

17. E-mail address Samantha.gaby14@hotmail.com

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank First State Bank

20. Address 1201 Simonton Street

21. City Key West

22. County Monroe

23. State Florida

24. Zip Code 33040

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date 2/11/16

26. Signature of Candidate X [Signature]

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block) Samantha Figueroa, do hereby accept the appointment (Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

02/11/16

X Samantha Figueroa

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

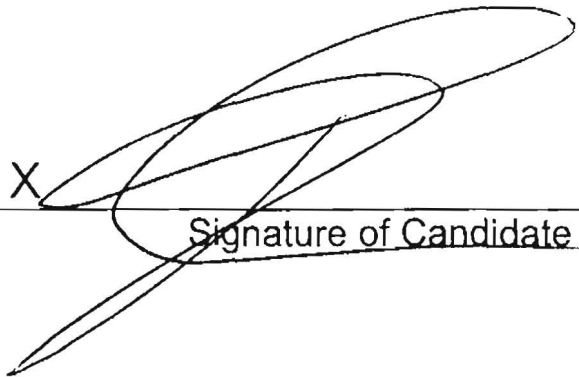
RECEIVED
DEPARTMENT OF STATE

2016 FEB 11 AM 10:22

DIVISION OF ELECTIONS
TALLAHASSEE, FL

I, Giulio Margalli
candidate for the office of State Attorney;

have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X 
Signature of Candidate

2/10/16
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 16, 2016

Giulio Margalli
1306 Virginia Street
Key West, Florida 33040

Dear Mr. Margalli:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Attorney, which was placed on file in our office on February 12, 2016. Your name has been placed on the 2016 active candidate list. **The enclosed Statement of Candidate must be filed within 10 days of filing the Appointment of Campaign Treasurer form.**

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **March 10, 2016**. The report will cover the period of February 1-29, 2016 (M2). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

Below is the web address to access the EFS and your user identification number. The enclosed sealed envelope contains your initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on. You, your campaign treasurer, and deputy treasurers are responsible for protecting this password from disclosure and are responsible for all filings using these credentials, unless the Division is notified that your credentials have been compromised.

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number: 65250

Giulio Margalli
February 16, 2016
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains confidential pin numbers for you. By copy of this letter, a confidential pin number to access the EFS was sent to your treasurer.

Each candidate is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event this password is forgotten or lost. When you enter the campaign account screen, there will be a drop down box where you pick a question (such as *What is your mother's maiden name?*) and supply an answer. All passwords and answers to questions are stored as encrypted data and cannot be viewed by Division staff and given out over the phone. Please notify the Division if your credentials have been compromised.

Timely Filing

All reports filed must be completed and filed through the EFS not later than midnight of the due date. Reports not filed by midnight of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding each primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Electronic Receipts

The person submitting the report on the EFS will be issued an electronic receipt indicating and verifying the report was filed. Each campaign treasurer's report filed by means of the EFS is considered to be under oath by the candidate and campaign treasurer and such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

Giulio Margalli
February 16, 2016
Page Three

Instructions and Assistance

An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports. The Division of Elections will also provide assistance to all users by contacting the EFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://dos.myflorida.com/elections/>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/jq

Enclosures

pc: Samantha Figueroa



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

April 13, 2016

Samantha Figueroa, Treasurer
1605 Bahama Drive
Key West, FL 33040-3040

CAN 65250

Dear Ms. Figueroa:

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 April 11, 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: Julio Margalli

Candidate for State Attorney, Circuit 16



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Second Notice

May 11, 2016

Samantha Figueroa, Treasurer
1605 Bahama Drive
Key West, FL 33040-3040

CAN 65250

Dear Ms. Figueroa:

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 April 11, 2016.

We mailed, via regular mail, the first notice of the failure to file the above-mentioned report or notification to the address on file with our office on April 13, 2016.

The first notice which we provided to you specifically explained the automatic fine provisions in the law (s. 106.07(8)(b), Fla. Stat.) for failure to file a required report. Such fines are continuing to accrue for a late-filed report. Also, that notice explained that if no reportable activity occurred for the report date(s), you are still required to provide notification in writing that no reportable activity occurred. Our initial notice further indicated that, 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

cc: Giulio Margalli

Candidate for State Attorney, Circuit 16



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 0382 4755 89**
& CUSTOMER RECEIPT
For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

June 1, 2016

Samantha Figueroa, Treasurer
1605 Bahama Drive
Key West, FL 33040-3040

CAN 65250

Dear Ms. Figueroa:

A recent review of the Division's records show that the Division has not yet received the below-referenced *campaign treasurer's report* or the required notification that no reportable activity occurred, whichever is applicable, during the following cover period:

<u>Year</u>	<u>Report</u>	<u>Cover Period</u>
2016	M3	3/1/16 - 3/31/16

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the 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: Jiulio Margalli
Candidate for State Attorney, Circuit 16

English

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USPS Tracking®



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Updated Delivery Day: Monday, June 6, 2016

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Postal Product:

Features:
USPS Tracking®

Available Actions

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
June 6, 2016 , 5:44 pm	Delivered, In/At Mailbox	KEY WEST, FL 33040
Your item was delivered in or at the mailbox at 5.44 pm on June 6, 2016 in KEY WEST, FL 33040.		
June 5, 2016 , 11:01 am	Arrived at Hub	KEY WEST, FL 33040
June 4, 2016 , 6:10 pm	Arrived at USPS Facility	OPA LOCKA, FL 33054

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Tracking (or receipt) number

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