

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Joseph Morgan

Case No.: FEC 16-099

TO: Joseph Morgan
289 S Bayshore Drive
Valparaiso, FL 32580

Paul Lux
Okaloosa County Supervisor Of Elections
302 Wilson Street N, Ste. 102
Crestview, FL 32536-3440

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **August 16, 2016 at 9:00 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, 2016

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC-16-099

NAME: JOSPEH MORGAN

DATE APPEAL RECEIVED: 04/04/16

DATE REPORT DUE: 03/11/16 (2016 C7)

DATE OF ELECTRONIC RECEIPT: 03/12/16

DATE FILING OFFICER RECEIVED REPORT: 03/12/16

NUMBER OF DAYS LATE: 1

AMOUNT OF FINE: \$283.38

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$1,100.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$1,133.50

DATE OF FIRST NOTIFICATION: 03/14/16*

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

SUMMARY: Joseph L. Morgan was a candidate for the office of City of Valparaiso Commissioner in the 2016 elections. Heidi Morgan was his treasurer.

Joseph L. Morgan is appealing the fine and asking for leniency on the amount of the fine. According to Mr. Morgan, his father's care was a mitigating circumstance. Mr. Morgan states that he passed the day after the election.

- The 2016 C7 Original Report covers the period from 02/27/16-03/10/16; it was due on 03/11/16.
- The 2016 C7 Original Report filing history shows that it was filed on 03/12/16.
- Joseph Morgan reported receiving 4 contributions, while making 2 expenditures.
- A letter from the Candidate & Absentee Coordinator to FEC staff states that Mr. Morgan was notified by phone on 03/14/16 and told his report was one day late. A subsequent fine letter was mailed on 03/15/16. *

PRIOR CASES: None.

Subject: Fw: Request for Appeal of Fine for Late Submission of Campaign Report - Joe Morgan, Attn Erin ORiley
:
From: Donna Malphurs
To: Erin Riley, morganh
Date: 04/04/2016 04:48 PM

Please process. Thanks.

----- Forwarded by Donna Malphurs/OAG on 04/04/2016 04:47 PM -----

From: "Joe Morgan" <morganh@fwbnet.com>
To: <fec@myfloridalegal.com>
Date: 04/04/2016 10:37 AM
Subject: Request for Appeal of Fine for Late Submission of Campaign Report - Joe Morgan, Attn Erin ORiley

Erin

Pleasure speaking to you this morning
Attached is the letter from our County Supervisor of Elections with the fine amount (\$283.38).

And while I accept the fact that I was in violation of the letter of the law, I hope that I may find some leniency in the amount of the fine.

While my father's care was a mitigating circumstance (he passed the day after the election) and certainly may have been a factor, I hope it would not be the only consideration for some leniency....

For as I well know – everyone has something 'going on' – esp. if they are hardworking and dedicated individuals that want to serve.... And maybe the fact I am a normal, working citizen – not a professional politician, mostly self funded, etc are just as important reasons to me - to ask for consideration, if not for myself, but for others.

Thank-you

Joe Morgan
morganh@fwbnet.com
850 803-3500



---- CampaignFineLetterofAppealMorgan.pdf



March 15, 2016

Joseph Morgan
289 S Bayshore Drive
Valparaiso, FL 32580

Dear Mr. Morgan,

We received your 2016 C7 Campaign Treasurer's Report in our office on March 12, 2016. The due date for the report was March 11, 2016, making your report 1 day late. In accordance with chapter 106.07((8)(b)) the fine is \$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. Your total fine based on the requirement cited above is \$283.38, which is 25 percent of your total expenditures for this reporting period.

Be aware the fine must be paid from your personal funds not from your campaign account. The fine must be paid within 20 days after receipt of this notice unless appeal is made to the Florida Elections Commission within 20 days after receipt of this notice. If you choose to appeal to the Florida Elections Commission you must notify our office in writing of your intention to do so within 20 days of receipt of this notice.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. O. Bolden", with a long horizontal flourish extending to the right.

Ray Bolden
Candidate & Absentee Coordinator
rbolden@co.okaloosa.fl.us

Your Vote Counts!
www.govote-okaloosa.com



Paul Lux, Okaloosa County Supervisor of Elections

9171 9690 0935 0093 0820 89

March 15, 2016

Joseph Morgan
289 S Bayshore Drive
Valparaiso, FL 32580

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Sincerely,

A handwritten signature in black ink, appearing to read "R. O. Bolden", with a long horizontal flourish extending to the right.

Ray Bolden
Candidate & Absentee Coordinator
rbolden@co.okaloosa.fl.us

Your Vote Counts!
www.govote-okaloosa.com



Customer Service
Have questions? We're here to help.



Get Easy Tracking U
Sign up for My USPS.

Tracking Number: 91719690093500933082089



Delivered

On Time
Expected Delivery Day: Friday, March 18, 2016

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

Text Updates

Email Updates

March 18, 2016, 1:05 pm

Delivered

VALPARAISO, FL 32580

Your item was delivered at 1:05 pm on March 18, 2016 in VALPARAISO, FL 32580.

March 18, 2016, 8:49 am

Out for Delivery

VALPARAISO, FL 32580

March 18, 2016, 8:39 am

Sorting Complete

VALPARAISO, FL 32580

March 18, 2016, 7:35 am

Arrived at Unit

NICEVILLE, FL 32578

March 16, 2016, 11:08 pm

Departed USPS Facility

PENSACOLA, FL 32522

March 16, 2016, 8:32 pm

Arrived at USPS Facility

PENSACOLA, FL 32522

March 16, 2016, 7:17 pm

Accepted at USPS Origin Facility

CRESTVIEW, FL 32536

March 16, 2016

Pre-Shipment Info Sent to USPS

Ray Bolden

From: Ray Bolden
Sent: Monday, April 04, 2016 8:08 AM
To: 'Joe Morgan'
Subject: RE: Request for Appeal - Joe Morgan

Joe,

You will have to file your appeal with the Florida Elections Commission. They can be reached at 850-922-4539, email – fec@myfloridalegal.com, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, FL 32399-1050. Their website is www.fec.state.fl.us.

Regards,

Ray Bolden

Candidate & Absentee Coordinator



Election Headquarters (Crestview): 850.689.5600
Branch Office (Fort Walton Beach): 850.651.7272
Email: rbolden@co.okaloosa.fl.us
Visit us online at www.govote-okaloosa.com

From: Joe Morgan [<mailto:morganh@fwbnet.com>]
Sent: Saturday, April 02, 2016 3:18 PM
To: Ray Bolden
Subject: Request for Appeal - Joe Morgan

Ray

RE: Fine for late submission.

I would like to request an appeal.

Please send me appeal procedure information

Thank-you
Sincerely
Joe Morgan
850 803-3500

From: Ray Bolden [<mailto:rbolden@co.okaloosa.fl.us>]
Sent: Wednesday, March 16, 2016 9:40 AM
Subject: 2016 TR Treasurer Report

Dear Candidate,

Now that the election is over, you have one additional campaign treasurer report to file. This is your termination report, the 2016 TR report, and it accounts for the disposition of any funds remaining in your campaign account. The 2016 TR report can be found in your list of reports when you login through the website. You have 90 days from election day, March 15, 2016, to file the report which is due on June 13, 2016. The reporting period for the termination report is March 5 – no later than June 13, 2016. **The total amount of contributions should match the total amount of expenditures in your report.** If they don't match you will need to check all your transactions to find where the discrepancy is. 90 days sounds like a long time but please try to file your report as soon as you can while it is fresh in your mind so you will not forget to take care of it. Remember there are fines for late filings.

Prior to disposing of surplus funds a candidate may be reimbursed by the campaign for any previously reported contributions by the candidate to the campaign, in full or in part.

Surplus funds can be disposed of in the following ways:

1. Return pro rata to each contributor the funds that have not been spent or obligated.
2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of Section 501(c)(3) of the Internal Revenue Code.
3. Give not more than \$25,000 of the funds that have not been spent or obligated to the political party of which such candidate is a member. (Try not to laugh at that one!)
4. If you are the winner of your election you may transfer funds to an office account. See the Candidate & Campaign Treasurer Handbook for details.

As always, if you have any questions don't hesitate to contact me.

Regards,

Ray Bolden

Candidate & Absentee Coordinator



Election Headquarters (Crestview): 850.689.5600

Branch Office (Fort Walton Beach): 850.651.7272

Email: rbolden@co.okaloosa.fl.us

Visit us online at www.govote-okaloosa.com

Thu 3/10/2016 7:58 AM

Ray Bolden

2016 C7 Treasurer Report

To

Bcc 'Annie Cameron'; 'Chatham Morgan'; 'Christine Wasdin'; 'Cyron Marler'; 'Ellen Dixon (Tuffy Dixon Treasurer)'; 'Jim Bagby'; 'Jim Wood'; 'Joseph Morgan'; 'Kay Hamilton'; 'Marlu Morgan (Chatham Morgan Treasurer)'; 'Parker Destin'; 'Scott Fischer'; 'Skip Overdier'; 'Steve Menchel'; 'Teresa Hebert'; 'Tom Weidenhamer'; 'Tuffy Dixon'; 'Vandy Vela-Schneidt'

Dear Candidate,

This is a reminder your 2016 C7 report is due no later than midnight tomorrow, March 11, 2016. The reporting period for the C7 report is February 27, 2016 – March 10, 2016, making today the last day of the reporting period. Remember that today is the last day you can accept contributions from anyone including yourself. You can receive contributions up until midnight tonight and you still have the allowed 5 days to deposit the contributions into your account. Make sure you report any contributions you receive today on your C7 report even if you deposit them after today. Of course you may continue to spend money from your account through and after election day. Be sure to include any campaign account transactions occurring within the reporting period dates in your report. If you have not had any contributions or expenditures during this reporting period, you may file a waiver of report. As always if you have any questions don't hesitate to contact me.

Regards,

Ray Bolden

Candidate & Absentee Coordinator



Election Headquarters (Crestview): 850.689.5600

Branch Office (Fort Walton Beach): 850.651.7272

Email: rbolden@co.okaloosa.fl.us

Visit us online at www.govote-okaloosa.com

Fri 3/4/2016 8:27 AM

Ray Bolden

2016 C7 Treasurer Report

To:

Bcc: 'Annie Cameron'; 'Chatham Morgan'; 'Christine Wasdin'; 'Cyron Marler'; 'Ellen Dixon (Tuffy Dixon Treasurer)'; 'Jim Bagby'; 'Jim Wood'; 'Joseph Morgan'; 'Kay Hamilton'; 'Marilyn Morgan (Chatham Morgan Treasurer)'; 'Mark Meyer'; 'Parker Destin'; 'Robert Ehrhard'; 'Scott Fischer'; 'Skip Owendier'; 'Steve Mendel'; 'Teresa Hebert'; 'Tom Weidenhamer'; 'Tuffy Dixon'; 'Wandy Vela-Schneid'

i You forwarded this message on 4/21/2016 8:54 AM.

Dear Candidate,

This is to let you know there is an error in the reporting period dates for the 2016 C7 report in your calendar of reporting dates. The calendar of reporting dates has the C7 reporting period from February 27 – March 4. The reporting period is February 27 – March 10. The report is due on March 11 the day after the last day of the reporting period. **Remember the last day you can accept contributions is March 10.** This includes contributions from yourself as the candidate as well. Be sure you have enough money in your campaign account to cover any outstanding and future expenditures since you will not be able to put any more money into the account.

Also, make sure you get this report in on time since the fine for late filing of this report begins at \$500 per day. If you have any questions don't hesitate to contact me. My apologies for the error in the calendar of reporting dates.

Regards,

Ray Bolden

Candidate & Absentee Coordinator



Election Headquarters (Crestview): 850.689.5600

Branch Office (Fort Walton Beach): 850.651.7272

Email: rbolden@co.okaloosa.fl.us

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CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Joseph L. Morgan
 Name
 (2) 289 S Bayshore Drive
 Address (number and street)
Valparaiso, FL 32580
 City, State, Zip Code

OFFICE USE ONLY
ONLINE SUBMISSION
 [1100389]

Submitted on:
 3/12/2016 19:21:31 (eastern)

Check here if address has changed (3) ID Number: 452

(4) Check appropriate box(es):

Candidate Office Sought: Valparaiso Commission Member

Political Committee (PC) Check here if PC or ECO has disbanded

Electioneering Communications Org. (ECO) Check here if PTY has disbanded

Party Executive Committee (PTY) Check here if no other IE or EC reports will be filed

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

(5) Report Identifiers

Cover Period: From 2 / 27 / 2016 To 3 / 10 / 2016 Report Type: C7

Original Amendment Special Election Report

(6) Contributions This Report

Cash & Checks \$, 1 , 100 . 00

Loans \$, , 0 . 00

Total Monetary \$, 1 , 100 . 00

In-Kind \$, , 0 . 00

(7) Expenditures This Report

Monetary Expenditures \$, 1 , 133 . 50

Transfers to Office Account \$, , 0 . 00

Total Monetary \$, 1 , 133 . 50

(8) Other Distributions
 \$, , 0 . 00

(9) TOTAL Monetary Contributions To Date
 \$, 1 , 200 . 00

(10) TOTAL Monetary Expenditures To Date
 \$, 1 , 133 . 50

(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 Joseph L. Morgan (2) I.D. Number 452

2/27/2016 through 3/10/2016

(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
3/4/2016 / /	Griffin, Charles T 253 Grandview Ave Valparaiso, FL 32580	I	retired	CH			\$100.00
1							
3/2/2016 / /	Morgan, Joseph L 289 S Bayshore Dr Valparaiso, FL 32580	I	realtor	CH			\$800.00
2							
3/10/2016 / /	Knowles, Lywood E 253 S Bayshore Drive Valparaiso, FL 32580	I	retired	CH			\$100.00
3							
3/10/2016 / /	Morgan, JR, Joseph L 2501 Escambia Ave Pensacola, FL 32503	I	retired	CH			\$100.00
4							
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name Joseph L. Morgan (2) I.D. Number 452
 2/27/2016 3/10/2016
 (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					
3/3/2016 / / 1	Blueprints of Destin, 155 Crystal Beach Drive, Suite 133 Destin, FL 32541	print postcards, art time, graphics design, print signs, deposit on postage	MO		\$999.88
3/7/2016 / / 2	Blueprints of Destin, 155 Crystal Beach Drive, Suite 133 Destin, FL 32541	addressing, postage supervoter mailout	MO		\$133.62
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

Candidate : Joseph L. Morgan

Office : Valparaiso Commission Member

 Print This Information

 Show only financial reports (Hide)

OTHER THAN THE C7
REPORT BEING APPEALED
NO REPORTS WERE LATE.

Available reports...

C1	1/15/2016
C2	1/29/2016
C3	2/12/2016
C4	2/19/2016
C5	2/26/2016
C6	3/4/2016
C7	3/11/2016

Contact Information:

289 S Bayshore Drive
Valparaiso, FL - 32580
morgan@fwbnet.com
850 678-3500

Candidate's Statement

Commissioner, Valparaiso

Director, Emerald Coast Board of Director

Former Army Officer, Army (Artillery and
- With duty stations in Korea, Germany, Washington, Oklahoma and
Florida.

And Deployments in Bosnia, SouthCom and Iraq

Former Deputy, then Sr Advisor to the Ministry of Housing and
Construction, Iraq

Project Manager AECOM, Iraq (PMO/DOS)

Senior Governance and Financial Management Advisor Ninawa
Province, Mosul, Iraq.

Science Teacher - Okaloosa

Note: The candidate's photograph and statement are supplied by the candidate and are not endorsed by the County Supervisor of Elections or checked for accuracy.

[Go Back](#)

List All Contributions and Expenditures

Export all transactions (tab delimited - .csv)

The following financial reports are available:

Report	Monetary Contributions	In Kind	Expenditures & Distributions	View PDF
<u>C1</u> (1/1/2016 - 1/8/2016)	\$0.00	\$0.00	\$0.00	View Report (PDF)
<u>C2</u> (1/9/2016 - 1/22/2016)	\$0.00	\$0.00	\$0.00	View Report (PDF)
<u>C3</u> (1/23/2016 - 2/5/2016)	\$0.00	\$0.00	\$0.00	View Report (PDF)
<u>C4</u> (2/6/2016 - 2/12/2016)	\$0.00	\$0.00	\$0.00	View Report (PDF)
<u>C5</u>	\$0.00	\$0.00	\$0.00	View Report (PDF)

Candidate Reports

<u>(2/13/2016 - 2/19/2016)</u>			
<u>C6</u> <u>(2/20/2016 - 2/26/2016)</u>	\$100.00	\$0.00	\$0.00 View Report (PDF)
<u>C7</u> <u>(2/27/2016 - 3/10/2016)</u>	\$1,100.00	\$0.00	\$1,133.50 View Report (PDF)