STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re:	New Leadership PC	Case No.:	FEC 15-406

TO: New Leadership PC

Jose R. Santamaria, Chair 12420 Southwest 94th Lane Miami, FL 33186-3186 Division of Elections 500 S Bronough Street, Room 316 Tallahassee, FL 32399

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **February 17, 2016 at 9:00 am,** or as soon thereafter as the parties can be heard, at the following location: **Florida State Conference Center, 555 West Pensacola Street, Room #108, Tallahassee, Florida 32306.**

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 February 2, 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.

15 DEC -4 AMII: 40

ELECTIONS COMMISSION

STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re:	New Leadership PC	Case No.: F	EC 15-406

ORDER CONTINUING CASE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on November 17, 2015, in Tallahassee, Florida

Respondent filed a Motion for Continuance.

The Commission reviewed Respondent's motion and considered Staff's response Respondent's motion was GRANTED.

THIS MATTER is continued until the next available meeting of the Florida Elections

Commission

DONE AND ORDERED by the Florida Elections Commission on November 17, 2015

M Scott Thomas, Chairman Florida Elections Commission

Copies furnished to: Stephanie J. Cunningham, Assistant General Counsel New Leadership PC, Respondent Division of Elections, Complainant

STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re:	New Leadership PC	Case No.:	FEC 15-406

TO: New Leadership PC

Jose R. Santamaria, Chair 12420 Southwest 94th Lane Miami, FL 33186-3186 Division of Elections 500 S Bronough Street, Room 316 Tallahassee, FL 32399

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **November 17, 2015 at 8:30 AM**, *or as soon thereafter as the parties can be heard*, at the following location: **Department of Business and Professional Regulation**, **1940 North Monroe Street**, **Tallahassee**, **FL 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.

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See further instructions on the reverse side.

Amy McKeever Toman

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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-15-406

NAME: NEW LEADERSHIP PC

DATE APPEAL RECEIVED: 8/27/15

DATE REPORT DUE: 7/10/15 (2015 M6)

DATE OF ELECTRONIC RECEIPT: 7/15/15

DATE FILING OFFICER RECEIVED REPORT: 7/15/15

NUMBER OF DAYS LATE: 5

AMOUNT OF FINE: \$1,150.00

FINE BASED ON: (X) NUMBER OF DAYS

() 25% of Receipts

CANDIDATE []

POLITICAL PARTY []

PC [X]

CCE []

ECO[]

() 25% of Expenditures

STATE [X]

DISTRICT []

COUNTY []

CITY []

TOTAL RECEIPTS FOR REPORTING PERIOD: \$10,000.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$9,500.00

DATE FIRST NOTIFICATION WAS SENT: 7/13/15

SUMMARY: New Leadership PC is a political committee (PC) registered with the State of Florida. The PC's chair is Jose R. Santamaria and its treasurer is Alberto J. Ibarra.

The PC is appealing the fine claiming that unusual circumstances existed that caused the report to be filed untimely. According to Mr. Santamaria, "The PAC had a change of Treasurer which created the situation that unfolded as a late filing of the treasurer's report. The transition was done in an orderly fashion and the pack took measures to assure that the report due was file timely, however the change of treasurer's pin 2 days before the due date of the report was not an expected situation. The lack of experience of the new treasurer in this matters and the fact that he was unable to communicate with DOE officials on time to retrieve a new pin via telephone constitute an **Unusual Circumstance**. We understand that rule 2B-1.005(2)(a) clearly states that "failure of the USPS of other mail delivery service to postmark an envelope, legibly postmark an envelope, or timely delivery mail" shall not constitute an unusual circumstance, this clearly refers to correspondence mail to DOE not to correspondence mailed by DOE. DOE officials who diligently processed the change of treasurer and cancelled the old treasurer's pin two days prior to deadline for submission of such reports are not to be blamed. It was just a case in which an unforeseen and unusual chain of events developed in the inability by the pack to timely file the treasurer's report for the first time."

- The 2015 M6 Report covers the time period from 6/1/15 through 6/30/15.
- The PC reported receiving 1 contribution, while making 1 expenditure during this reporting period.
- The 2015 M6 Queued-Transactions Report reflects that this report was created on 7/6/15 at approximately 1:52 p.m., reviewed twice, before being filed on 7/15/15 at approximately 3:56 p.m.
- On 9/3/15, FEC staff made contact with the Chairperson to ensure that he was aware of this automatic fine appeal.
- A review of the DOE's chronological notes reflects that the only contact the PC had with the DOE occurred on 8/20/15 as a result of this automatic fine investigation.

PRIOR CASES: None

ER

August 19, 2015

Florida Elections Commission 107 West Gaines Street, Ste. 224 Tallahassee, FL 32399-0150 2015 AUG 27 A 10: 25

RE:

New Leadership PC (PAC 64634) 12420 Southwest 94th Lane Miami, FL 33186-3186 Tel: (786) 283-1722

Appeal of Fines Imposed by Filing Officers pursuant to Section 106.04(8) or 106.07(8) under rules 2B-1.005 and 2B-1.0055

We are formally appealing the automatically assessed fine for late filing the June 2015 treasurer's report due on July 10, 2015 in the amount \$1,150.00 under rules 2B-1.005 and 2B-.0055 due to unusual and unforeseen circumstances.

Facts of the matter

- On July 1, 2015 a new treasurer was appointed by the PAC and paperwork was mailed to DOE via USPS
- DOE website shows that the paperwork was received on July 7, 2015
- DOE website shows that the response letter with the new pin was issued on July 8, 2015.
- On July 9, 2015, the PAC's CPA notified the new treasurer that the old pin was changed and the report was due the next day.
- On July 9 and 10, 2015 the new treasures tried with no results to communicate via telephone with DOE to retrieve the new PIN Number required to submit the Treasurer's Report
- The correspondence from DOE arrived on July, 15, 2015 and the report was promptly filed.

Plea

Rule 2B-1.0055 Late filed reports define unusual circumstances as those "mean uncommon, rare or sudden events over which the actor has no control and which directly result in failure to act according to the filling requirements. Unusual circumstances shall include, but are not limited to the following circumstances: (f) The abrupt and unexpected loss of the campaign treasurer...."

The Pack had a change of Treasurer which created the situation that unfolded as a late filing of the treasurer's report. The transition was done in an orderly fashion and the pack took measures to assure that the report due was file timely, however the change of treasurer's pin 2 days before the due date of the report was not an expected situation. The lack of experience of the new treasurer in this matters and the fact that he was unable to communicate with DOE officials on time to retrieve a new pin via telephone constitute an **Unusual Circumstance**.

We understand that rule 2B-1.005(2)(a) clearly states that "failure of the USPS or other mail delivery service to postmark an envelope, legibly postmark an envelope, or timely deliver mail" shall not

constitute an unusual circumstance, this clearly refers to correspondence mail to DOE <u>not to</u> <u>correspondence mailed by DOE</u>. DOE officials who diligently processed the change of treasurer and cancelled the old treasurer's pin two days prior to deadline for submission of such reports are not to be blamed. It was just a case in which an unforeseen and unusual chain of events developed in the inability by the pack to timely file the treasurer's report for the first time.

Based on the aforementioned facts and plea we have certainly demonstrated that unforeseen and unusual circumstances beyond our control prevented us from filing the report on time. We respectfully request your consideration to our formal Appeal in a hearing in which we can appear by telephone or other electronic media at your earliest convenience.

Cordially

Jose R Santamaria Chairperson

New Leadership PC

Encl;

Notice of assessment of fine



FLORIDA DEPARTMENT OF STATE

Ken Detzner Secretary of State

DIVISION OF ELECTIONS

August 3, 2015

Alberto J. Ibarra, Treasurer New Leadership PC 12420 Southwest 94 Lane Miami, FL 33186-3186

PAC 64634

Dear Mr. Ibarra:

The campaign treasurer's report that was due on July 10, 2015, was filed on July 15, 2015. By law, you are automatically assessed a late fine of \$1,150.00.

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

Pay the fine to the Florida Division of Elections (For a candidate only, a fine is not an allowable campaign expenditure and must be paid from personal funds) at:

Florida Division of Elections R.A. Gray Building, Room. 316 500 South Bronough Street Tallahassee, Florida 32399-025011

2. Appeal the fine to the Florida Elections Commission (See Rules 2B-1.005 and 2B-1.0055, Florida Administrative Code) at:

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

If you appeal, please send a copy also to the Florida Division of Elections so that you will not receive further notices from the Division about this matter.

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

Sincerely,

Kristi Reid Bronson, Chief Bureau of Election Records

cc: Jose R. Santamaria, Chairperson



FLORIDA DEPARTMENT OF STATE

Ken Detzner Secretary of State

DIVISION OF ELECTIONS

July 13, 2015

Alberto J. Ibarra, Treasurer New Leadership PC 12420 Southwest 94 Lane Miami, FL 33186-3186

PAC 64634

Dear Mr. Ibarra:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was July 10, 2015.

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:
 - 4 \$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: Jose R. Santamaria, Chairperson

	T OF STATE, DIVISION OF EL ASURER'S REPORT SUMMAF		
(1) New Leadership PC	(2) 64634		
Candidate, Committe or Party Name	I.D. Number		
(3) 12420 Southwest 94 Lane	Miami FL	33186	
Address (number and street) Check box if address has changed since last report	City Sta	ate Zip Code	
(4) Check appropriate box(es):			
 ☐ Candidate (office sought): ☒ Political Committee ☐ Committee of Continuous Existance ☐ Party Executive Committee 	Check If PC has DISBANDE Check If CCE has DISBAND		
(5) REPO	RT IDENTIFIERS		
Cover Period: From 06/01/2015 To 06	/30/2015 Report Ty	pe: M6	
☑ Original ☐ Amendment ☐ Sp	ecial Election Report		
(6) CONTRIBUTIONS THIS REPORT	(7) EXPENDITURES THIS REPORT		
Cash & Checks \$10,000.00	Monetary Expenditures	\$9,500.00	
Loans \$0.00	Transfers to Office Account	\$0.00	
Total Monetary \$10,000.00	Total Monetary	\$9,500.00	
In-Kind \$0.00	(8) Other Distributions		
Co It is a first degree misdemeanor for any p	ertification person to falsify a public record (ss.83	39.13, F.S.)	
I certify that I have examined this report and it is true, correct and complete	I certify that I have examined this report and it is true, correct and complete		
Name of Treasurer Deputy Treasurer	Name of Candidate	X Chaiman (PC/PTY Only	
Χ	<u>x</u>		
Signature	Signature		

Page 1 of 1

Name: New Leadership PC

Report: 2015 M6

Period: 06/01/2015

to 06/30/2015

Seq#	Full Name (Last, Suffix, First, Middle	Contributor	Occupation	Amount
Date	Street Address & City, State, Zip	Туре	In-Kind Description	Amend
1	FALCON AMERICAS INC 2333 PONCE DE LEON BLVD, STE 63	В	FINANCIAL SERVICES COMPANY	\$10,000.00
06/22/2015	CORAL GABLES, FL 33134	CHE		

TREASURER'S REPORT – ITEMIZED Ελ

Page 1 of 1

Name:

New Leadership PC

Report: 2015 M6

Period: 06/01/2015

to 06/30/2015

Seq #	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Туре	Purpose	Amount Amend
1 06/22/2015	ROZO DARLING 1421 SW 107 AVE, STE 415 MIAMI, FL 33174	MON	POLITICAL CONSULTING	\$9,500.00

CAMPAIGN TREASURER'S REPORT - ITEMIZED DI

RIBUTIONS

Page 1 of 1

Name:

New Leadership PC

Report: 2015 M6

Period: 06/01/2015

to 06/30/2015

Seq#	Full Name (Last, Suffix, First, Middle	Recipient	Purpose		Amount
Date	Street Address & City, State, Zip	Туре	Related Expenditure	A	mend

REASURER'S REPORT - ITEMIZED FUL

Page 1 of 1

Name: New Leadership PC

Report: 2015 M6

Period: 06/01/2015

to 06/30/2015

Seq #	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Туре	Nature of Account	Amount Amend

Page 1

Queued Items for 2015-M6

Account: 64634

New Leadership PC

Rpt Seq:

ProcessDescription	Status	Submitter	Created	LastUpdate
Create Pending Report	Processing Complete	64634	7/6/2015 1:52:59 PM	7/6/2015 1:52:59 PM
Review Pending Report	Processing Complete	64634	7/6/2015 2:18:46 PM	7/6/2015 2:18:46 PM
Review Pending Report	Processing Complete	64634	7/9/2015 2:17:00 PM	7/9/2015 2:17:00 PM
File Pending Report	Processing Complete	64634	7/15/2015 3:56:06 PM	7/15/2015 3:56:11 PM





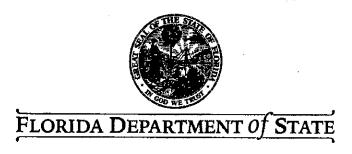
Florida Department of State - Division of Elections

Florida Election System Reports



Committee Name: New Leadership PC
Account: 64634

Date Due	Туре	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
8/10/2015	M7	8/10/2015						
7/10/2015	M6	7/15/2015	APP	5	\$1,150.00		\$1,150.00	\$0.00
6/10/2015		6/8/2015						
5/11/2015	M4	5/7/2015						
4/10/2015	МЗ	4/9/2015						•



RICK SCOTT Governor

KEN DETZNERSecretary of State

July 8, 2015

Alberto J. Ibarra, Treasurer New Leadership PC (64634) 12420 Southwest 94 Lane Miami, Florida 33186

Dear Mr. Ibarra:

Your appointment as treasurer for New Leadership PC was filed in this office on July 7, 2015. Enclosed is a security envelope containing your confidential pin number to access the Division's Electronic Filing System (EFS) for submitting campaign treasurer's reports.

All of the Division's publications and 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: Chapter 106, Florida Statutes, *Political Committee Handbook*, Calendar of Reporting Dates, and Rule 1S-2.017, Florida Administrative Code.

If you have questions concerning your campaign account or the EFS, you may call (850) 245-6280.

Sincerely,

Kristi Reid Bronson, Chief Bureau of Election Records

KRB/zis

Enclosures

pc: Jose R. Santamaria, Chairperson





NEW LEADERSHIP PC 12420 SW 94 LANE MIAMI, FL 33186



July 1, 2015

Florida Division of Elections 500 South Bronough Street Tallahassee, FL 32399

Re: New Leadership PC

To whom it may concern;

This letter serves as my official resignation as treasurer of New Leadership PC. Enclosed is the new DS-DE 6, reappointment of treasurer. Please update your records accordingly.

Sincerely,

Leonor Santamaria

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR

POLITICAL COMMITTEES

(Sections 108.011(1) and 106.021(1), F.S.)

DS-DE 6 (Rev. 7/10)



·			
CHECK APPROPRIATE BOX:			OFFICE USE ONLY
Original Appointment of Treasurer Reappoin	ntment of Treasurer		Deputy Treasurer
Committee or Organization		2. Telephone	
NEW LEADERSHIP PC		(786) 355-6	578
Name of Treasurer or Deputy Treasurer 4. Email (optional))	5. Telephone (o	ptional)
ALBERTO J. IBARRA AIBARRA@AJK	CPA.COM	(786) 413-6	845
6. Mailing Address 12420 SW 94 LANE MIAMI, FL 33	186		
7. Street Address 12420 SW 94 LANE MIAMI, FL	33186		
8. The following bank has been designated as the Prin	mary Depository	Seconda	ry Depository
9. Name of Bank	10. Street Address		
BANK OF AMERICA	2600 S D	OUGLAS	ROAD
11. City	12. State	,	13. Zip Code
CORAL GABLES	FL		33134
14. Signature of Chairman	15. Name of Chair	man (Print or Typ	е)
X Me/augarfall	JOSE R.	SANTAMA	ARIA
Campaign Treasurer's Ac	ceptance of A		by accept the appointment as
treasurer or deputy treasurer for NEW LEADERS	SHIP PC		
	(Committee or Organiz	cation)	
UNDER PENALTIES OF PERJURY, I DECLARE THAT I H ACCEPTANCE OF APPOINTMENT AND	AVE READ THE FO	REGOING CAMP STATED ARE TO	PAIGN TREASURER'S RUE.
07/01/2015 X/	Sheft	2	
′ Date (`	Stonature of Camp	aion Treasurer or i	Deputy Treasurer

FLORIDA ELECTIONS COMMISSION PHONE LOG

Case No.: FEC 15-406

Respondent: New Leadership PC

Complainant: Division of Elections

1. **Date and time:** September 3, 2015 @ 8:40 am

Name: Jose Santamaria—Chairman

Phone #: (786) 355-6578

Summary: I had telephone contact to ensure that he was aware of the automatic fine appeal investigation. Mr. Santamaria speaks Spanish. He had his daughter, Viola or Paula, translate our conversation. He didn't have anything further to add. I explained that he would not be able to appear by telephone or any other electronic advice. The daughter

stated that she understood.

Memo to File? No Entered by: CKO