

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Stephen Cody

Case No.: FEC 16-113

TO: Stephen Cody
16610 SW 82nd Court
Miami, FL 33157

Rafael E. Granado
City Clerk of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **May 17, 2017 at 8:30 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.

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
May 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 FEB 28 10 13
STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 16-113

v.

**Stephen Cody,
Respondent.**

_____ /

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on February 28, 2017, in Tallahassee, Florida.

On December 16, 2016, 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 November 6, 2015, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2015 R1 Report.

Count 2:

On or about November 13, 2015, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2015 R2 Report.

Count 3:

On or about December 10, 2015, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2015 M11 Report.

Count 4:

On or about January 11, 2016, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2015 M12 Report.

Count 5:

On or about February 10, 2016, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2016 M1 Report.

Count 6:

On or about February 19, 2016, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2016 G1 Report.

Count 7:

On or about March 4, 2016, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2016 G2 Report.

Count 8:

On or about March 11, 2016, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2016 G3 Report.

DONE AND ORDERED by the Florida Elections Commission on February 28, 2017.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Cole H. Kekelis, Assistant General Counsel
Stephen Cody, Respondent
Rafael E. Granado, 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: Stephen Cody

Case No.: FEC 16-113

TO: Stephen Cody
16610 SW 82nd Court
Miami, FL 33157

Rafael E. Granado
City Clerk of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **February 28, 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.

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See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 13, 2017

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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: Stephen Cody

Case No.: FEC 16-113

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(1), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on November 17, 2016, the following facts and law support this staff recommendation:

1. On April 26, 2016, the Florida Elections Commission (“Commission”) received a sworn complaint from Rafael E. Granado, City Clerk for the City of Miami Beach, alleging Stephen Cody (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was the treasurer and chairperson for Save Miami Beach, a political committee registered with the Miami Beach City Clerk’s Office. A Statement of Organization of Political Committee (“DS-DE 5”) was filed with the City Clerk’s Office on June 22, 2015. (ROI Exhibit 1)¹

3. By letter dated August 25, 2016, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.07(1), Florida Statutes: Respondent, Treasurer for Save Miami Beach, failed to timely file the following campaign treasurer’s reports: 2015 R1, 2015 R2, 2015 M11, 2015 M12, 2016 M1, 2016 G1, 2016 G2, and 2016 G3.

4. On June 22, 2015, an Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees (“DS-DE 6”) was filed with the City Clerk’s Office designating Respondent as Save Miami Beach’s treasurer. (ROI Exhibit 2)

5. By letter dated June 23, 2015, Rafael E. Granado, City Clerk, City of Miami Beach, notified Respondent that the DS-DE 5 and DS-DE 6 forms were filed with the Miami Beach Office of the City Clerk on June 22, 2015. Enclosed with the letter was a form entitled, “Important Dates and Deadlines,” which listed the dates on which campaign treasurer’s reports were due. The letter specifically drew Respondent’s attention to that form and reminded Respondent of the due date for the next campaign treasurer’s report. Attached to the letter was a copy of the *Political*

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

Committee Handbook. The letter invited Respondent to contact their office with any questions. (ROI Exhibit 3 and Exhibit 4)

6. Respondent failed to file the following campaign treasurer's reports for Save Miami Beach: 2015 R1 (due November 6, 2015), 2015 R2 (due November 13, 2015), 2015 M11 (due December 10, 2015), 2015 M12 (due January 11, 2016), 2016 M1 (due February 10, 2016), 2016 G1 (due February 19, 2016), 2016 G2 (due March 4, 2016), and 2016 G3 (due March 11, 2016). (ROI Exhibit 4, Exhibit 8 and Attachment A)

7. By letter dated December 1, 2015, Rafael E. Granado, City Clerk, City of Miami Beach, sent Respondent written notification that Save Miami Beach's 2015 R1 and 2015 R2 reports had not been received and reminded Respondent of the due date for the 2015 M11 report (December 10, 2015). The notification was sent via certified mail and was delivered on December 5, 2015. (ROI Exhibit 5)

8. On March 7, 2016, Rafael E. Granado, City Clerk, City of Miami Beach, sent Respondent written notification that Save Miami Beach's 2015 R1, 2015 R2, 2015 M11, 2015 M12, 2016 M1, 2016 G1, and 2016 G2 reports had not been received. The notification also reminded Respondent of the due date for the 2016 G3 report (March 11, 2016) and warned Respondent that if he failed to submit all due campaign reports by March 28, 2016, the Commission would be notified of the non-compliance. The notification was sent via certified mail and was delivered on March 12, 2016. (ROI Exhibit 6)

9. On December 7, 2016, the Office of the City Clerk, City of Miami Beach, confirmed via email that as of that date, Respondent had not filed any of the aforementioned reports and had not filed any waivers of the reports. (Attachment B)

10. Respondent was given multiple opportunities by Commission staff to submit documentation to the Commission in response to the complaint, but he failed to do so.

11. The Office of the City Clerk, City of Miami Beach, indicated that all of Respondent's prior reports had been waivers of report. (Attachment C)

12. Based upon the information above, it appears that Respondent failed to file the following campaign treasurer's reports for Save Miami Beach: 2015 R1, 2015 R2, 2015 M11, 2015 M12, 2016 M1, 2016 G1, 2016 G2, and 2016 G3.

13. "Probable Cause" is defined as a reasonable grounds 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).

14. The above facts show that Respondent was the treasurer for Save Miami Beach, a political committee registered with the Miami Beach City Clerk's Office. Respondent failed to file the following campaign treasurer's reports for Save Miami Beach: 2015 R1 (due November 6,

2015), 2015 R2 (due November 13, 2015), 2015 M11 (due December 10, 2015), 2015 M12 (due January 11, 2016), 2016 M1 (due February 10, 2016), 2016 G1 (due February 19, 2016), 2016 G2 (due March 4, 2016), and 2016 G3 (due March 11, 2016). Despite receiving written notifications from the Miami Beach City Clerk's Office that the reports had not been received and needed to be filed, as of December 7, 2016, Respondent had not filed any of the aforementioned reports and had not filed waivers of the reports.

Based upon these facts and circumstances, I recommend that the Commission find probable cause to charge Respondent with the following:

Count 1:

On or about November 6, 2015, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2015 R1 Report.

Count 2:

On or about November 13, 2015, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2015 R2 Report.

Count 3:

On or about December 10, 2015, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2015 M11 Report.

Count 4:

On or about January 11, 2016, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2015 M12 Report.

Count 5:

On or about February 10, 2016, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2016 M1 Report.

Count 6:

On or about February 19, 2016, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2016 G1 Report.

Count 7:

On or about March 4, 2016, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2016 G2 Report.

Count 8:

On or about March 11, 2016, Respondent violated Section 106.07(1), Florida Statutes, when Respondent failed to file Save Miami Beach's 2016 G3 Report.

Respectfully submitted on 12/16, 2016,



Cole H. Kekelis
Assistant General Counsel

I reviewed this Staff Recommendation this 16th day of December 2016.



Amy McKeever Toman
Executive Director

IMPORTANT DATES AND DEADLINES

Date of Election:

Miami Beach Special Election: 03.15.16

Voter Registration:

Voter Registration Book Closing: 02.16.16

DUE DATE	Campaign Treasurer's Report, and if applicable, Paid Campaign Workers Participation in Absentee Ballot Activities Report (MD-ED 26)	PERIOD COVERED FROM/TO
	CODE/TYPE	
01.11.16	2015-M12	12.01.15 to 12.31.15
02.10.16	2016-M01	01.01.16 to 01.31.16
02.19.16	G-1 – 25 days prior to General Election	02.01.16 to 02.12.16
03.01.16	Last day to designate poll watcher(s) for General Election. <i>Due before noon to the City Clerk.</i> Each Political Committee may have one watcher in each polling room at any one time. Must utilize Form DS-DE 125.	
03.04.16	G2 – 11 days prior to General Election	02.13.16 to 02.26.16
03.10.16	Last day to accept contributions prior to the General Election. (See Florida Statutes § 106.08(3)(a))	
03.11.16	G3 – 4 days prior to General Election	02.27.16 to 03.10.16
03.15.16	General Election	
04.11.16	2016-M03	03.11.16 to 03.31.16
05.10.16	2016-M04	04.01.16 to 04.30.16
06.10.16	2016-M05	05.01.16 to 05.31.16
07.11.16	2016-M06	06.01.16 to 06.30.16
08.10.16	2016-M07	07.01.16 to 07.31.16
09.12.16	2016-M08	08.01.16 to 08.31.16
10.10.16	2016-M09	09.01.16 to 09.30.16
11.14.16	2016-M10	10.01.16 to 10.31.16
12.12.16	2016-M11	11.01.16 to 11.30.16
01.10.17	2016-M12	12.01.16 to 12.31.16

Updated December 21, 2015.

Dates are subject to change. Please contact the Office of the City Clerk for possible updates.

ATTACHMENT A



RE: Save Miami Beach PC/Stephen Cody – FEC 16-113
 Barbou, Regis
 to:
 'Cole Kekelis'
 12/07/2016 12:59 PM
 Cc:
 "Granado, Rafael"
 Hide Details
 From: "Barbou, Regis" <RegisBarbou@miamibeachfl.gov>
 To: 'Cole Kekelis' <Cole.Kekelis@myfloridalegal.com>
 Cc: "Granado, Rafael" <RafaelGranado@miamibeachfl.gov>

Correct, no waivers of those reports were filed either.

From: Cole Kekelis [mailto:Cole.Kekelis@myfloridalegal.com]
Sent: Wednesday, December 07, 2016 12:58 PM
To: Barbou, Regis
Cc: Granado, Rafael
Subject: RE: Save Miami Beach PC/Stephen Cody – FEC 16-113

To confirm, no waivers of those reports were filed either, correct?

"Barbou, Regis" ---12/07/2016 12:57:10 PM---Good afternoon, Cole, As of today, December 7, 2016, none of the following reports have been filed b

From: "Barbou, Regis" <RegisBarbou@miamibeachfl.gov>
 To: "cole.kekelis@myfloridalegal.com" <cole.kekelis@myfloridalegal.com>
 Cc: "Granado, Rafael" <RafaelGranado@miamibeachfl.gov>
 Date: 12/07/2016 12:57 PM
 Subject: RE: Save Miami Beach PC/Stephen Cody – FEC 16-113

Good afternoon, Cole,

As of today, December 7, 2016, none of the following reports have been filed by "Save Miami Beach:" **2015 R1, 2015 R2, 2015 M11, 2015 M12, 2016 M1, 2016 G1, 2016 G2, 2016 G3.**

Please let me know if there is anything else I can help you with.

Regards,
Regis

From: Granado, Rafael
Sent: Tuesday, December 06, 2016 6:00 PM
To: Barbou, Regis
Subject: FW: Save Miami Beach PC/Stephen Cody – FEC 16-113

MIAMIBEACH

ATTACHMENT B

Rafael E. Granado, Esq., City Clerk
OFFICE OF THE CITY CLERK
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7411 rafaelgranado@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

From: Cole Kekelis [<mailto:Cole.Kekelis@myfloridalegal.com>]
Sent: Friday, December 02, 2016 10:04 AM
To: Granado, Rafael
Subject: Save Miami Beach PC/Stephen Cody – FEC 16-113

Mr. Granado:

I am an attorney with the Florida Elections Commission.

I have a question regarding the Save Miami Beach Political Committee.

For that committee, have any of the following campaign treasurer's reports or waivers of those reports been filed with your office?

2015 R1, 2015 R2, 2015 M11, 2015 M12, 2016 M1, 2016 G1, 2016 G2, 2016 G3.

On October 17, 2016, you indicated to Investigator Smith by telephone that none of the reports had been filed as of that date.

I am just checking to see if any or all of the above reports or waivers of the reports have been filed since your conversation with Mr. Smith.

Thank you for your assistance.

Sincerely,

Cole Kekelis

Florida Elections Commission

ATTACHMENT B



RE: Save Miami Beach

Barbou, Regis

to:

'Keith Smith'

11/17/2016 09:08 AM

Hide Details

From: "Barbou, Regis" <RegisBarbou@miamibeachfl.gov>

To: 'Keith Smith' <Keith.Smith@myfloridalegal.com>

Sure thing, SMB's reports were all waivers of report.

From: Keith Smith [<mailto:Keith.Smith@myfloridalegal.com>]

Sent: Thursday, November 17, 2016 8:57 AM

To: Barbou, Regis

Subject: RE: Save Miami Beach

Mr. Barbou:

I am in receipt of the report summary for SMB; thanks again for your assistance.

Were the first seven reports (2015 M6 thru 2015 G3) waivers or reports with activity?

Keith Smith

Investigator - Florida Elections Commission
 107 West Gaines Street - Suite 224
 Tallahassee, FL 32399-1050
 (850) 922-4539 (phone)
 (850) 921-0783 (fax)

"Barbou, Regis" ---11/16/2016 02:17:33 PM---Good afternoon, Mr. Smith, Attached please find the requested information.

From: "Barbou, Regis" <RegisBarbou@miamibeachfl.gov>
 To: 'Keith Smith' <Keith.Smith@myfloridalegal.com>
 Cc: "Granado, Rafael" <RafaelGranado@miamibeachfl.gov>
 Date: 11/16/2016 02:17 PM
 Subject: RE: Save Miami Beach

Good afternoon, Mr. Smith,

Attached please find the requested information.

Regards,

From: Granado, Rafael

Sent: Wednesday, November 16, 2016 10:08 AM

To: 'Keith Smith'

Cc: Granado, Rafael; Barbou, Regis

ATTACHMENT C

Subject: RE: Save Miami Beach

Good morning Mr. Smith,

We will create and provide.

Regards,

MIAMIBEACH

Rafael E. Granado, Esq., City Clerk
OFFICE OF THE CITY CLERK
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7411 rafaelgranado@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

From: Keith Smith [<mailto:Keith.Smith@myfloridalegal.com>]
Sent: Tuesday, November 15, 2016 8:58 AM
To: Granado, Rafael
Subject: Save Miami Beach

Mr. Granado:

In corresponding with you regarding Save Miami Beach, I neglected to ask whether you have a filing history that would show all of the reports (even if the reports were waivers) filed by Mr. Cody on behalf of the political committee. If so, please forward to me via e-mail.

Thanks again for your assistance in this matter.

Keith Smith

Investigator - Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 (phone)
(850) 921-0783 (fax)[attachment "SAVE MIAMI BEACH REPORT SUMMARY.pdf" deleted by Keith Smith/OAG]

ATTACHMENT C

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 16-113

Respondent: Stephen Cody

Complainant: Rafael E. Granado

On April 26, 2016, the Florida Elections Commission (“Commission”) received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statute:

Section 106.07(1), Florida Statutes, failure of the treasurer of a political committee to file timely regular reports of all contributions received, and all expenditures made, by or on behalf of the committee.

I. Preliminary Information:

1. Respondent, Stephen Cody, was the treasurer and chairperson for Save Miami Beach, a political committee registered with the Miami Beach City Clerk’s office.
2. A Statement of Organization was filed with the city clerk’s office on June 22, 2015. The committee declared its area, scope and jurisdiction as, “Civic engagement and issues in Miami Beach, Florida.” To review a copy of the DS-DE 5 form, refer to Exhibit 1.
3. Complainant, Rafael E. Granado, is the city clerk for the City of Miami Beach; he served as the filing officer for Respondent’s political committee.

II. Alleged Violation of Section 106.07(1), Florida Statutes:

4. I investigated whether Respondent violated this section of the election laws by failing to file the committee’s 2015 R1, R2, M11, M12 and 2016 M1, G1, G2 and G3 reports after receiving notice that the reports were due.
5. On June 22, 2015, an Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees (DS-DE 6) form was filed with the Miami Beach City Clerk’s office. Respondent was appointed as treasurer of the committee. To review a copy of the DS-DE 6 form, refer to Exhibit 2.
6. On June 23, 2015, Complainant sent Respondent a letter acknowledging that his office had received paperwork relative to the political committee. The letter also alluded to a document entitled, “Important Dates and Deadlines,” listing the dates that campaign reports were due. Additionally, the letter also mentioned that Complainant was including the Political

Committee Handbook, dated June 2014, as prepared by the Florida Department of State. To review a copy of Complainant's letter, refer to Exhibit 3. To review a copy of the document, "Important Dates and Deadlines," refer to Exhibit 4.

7. On December 1, 2015, Complainant's office sent Respondent a letter informing him that his office had not received the committee's 2015 R1 and 2015 R2 reports. The letter goes on to explain that the committee's next report, 2015 M11, will be due on December 10, 2015. In addition, Complainant provided confirmation that the letter was delivered to Respondent's address on December 6, 2015. To review a copy of the December 1, 2015 letter and delivery confirmation, refer to Exhibit 5.

8. On March 7, 2016, Complainant's office sent Respondent a letter marked "Final Notice of Late Reports" informing him that his office had not received the committee's 2015 R1, 2015 R2, 2015 M11, 2015 M12, 2016 M1, 2016 G1 and 2016 G2 reports. The letter goes on to explain that the committee's next report, 2016 G3, will be due on March 11, 2016. In addition, Complainant provided confirmation that the letter was delivered to Respondent's address on March 12, 2016. To review a copy of the March 7, 2016 letter and delivery confirmation, refer to Exhibit 6.

9. In a telephone interview on October 17, 2016, Complainant stated that the reports have not been filed. Additionally, Complainant stated he notified Respondent by way of certified mail that the political committee's registration had been revoked for having failed to submit campaign reports in over six months¹. To review a copy of the letter regarding the revocation of the political committee, refer to Exhibit 7.

10. According to Complainant's office, there were seven reporting periods prior to the 2016 R1 report; Respondent filed waivers for each reporting period. With the exception of two reporting periods, the 2015 M8 and the 2015 G1, all waivers were filed timely. To review the report summary, refer to Exhibit 8.

11. No record was found to indicate that Respondent has previously violated this section of the election laws.

III. FEC History:

12. Respondent has no prior history with the Florida Elections Commission as a respondent. In FEC 11-049, Respondent was a complainant in a complaint filed against a political committee. He had alleged that the political committee failed to file campaign reports timely and had not reported contributions and expenditures. The complaint was dismissed as being legally insufficient. To review correspondence from FEC 11-049, refer to Exhibit 9.

Conclusion:

13. On April 29, 2016, the Commission sent Respondent a letter via certified mail

¹ Complainant stated that his office has never heard from Respondent relative to the notices sent to him nor when his office sent him the revocation letter concerning the political committee.

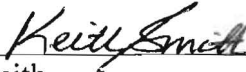
informing him that a complaint had been filed against him. The letter advised Respondent he had 14 days to respond to the allegation and was delivered to Respondent's address on May 2, 2016. Respondent did not provide a response. To review the letter of April 29, 2016, and delivery confirmation, refer to Exhibit 10.

14. On August 25, 2016, the Commission sent Respondent a letter informing him that the complaint was found to be legally sufficient and the Commission would be investigating Respondent's failure to file timely the committee's 2015 R1, 2015 R2, 2015 M11, 2015 M12, 2016 M1, 2016 G1, 2016 G2 and 2016 G3 reports. The letter advised Respondent he could file a notarized statement providing any information regarding the facts surrounding the allegation. Respondent did not provide a notarized statement. To review the letter of August 25, 2016, refer to Exhibit 11.

15. On September 15, 2016, I sent Respondent an affidavit asking him to state the reason he has not filed the committee's reports mentioned in the complaint. As of the date of this report, Respondent has not returned the affidavit, and the affidavit has not been returned by the post office. To review a copy of the questionnaire-affidavit, refer to Exhibit 12.

16. On October 19, 2016, I spoke with Respondent via telephone. Respondent said that the committee basically consisted of himself and that he never raised or spent money; however, he did not address the reason as to why he did not file the reports at issue. Respondent added that he was unaware of the complaint². It was agreed that I would e-mail him a copy of the complaint as well as a copy of the questionnaire-affidavit. As of the date of this report, Respondent has not returned the affidavit, and the affidavit has not been returned by the post office.

Respectfully submitted on November 17, 2016.



Keith Smith
Investigation Specialist

² Commission staff's 14-day letter was mailed to Respondent via certified mail and was delivered on May 2, 2016.

Current address of Respondent

Rafael E. Granado
1700 Convention Center Drive
Miami Beach, Florida 33139

Current address of Complainant

Stephen Cody
Save Miami Beach
16610 SW 82nd Court
Miami, Florida 33157

Name and Address of Filing Officer:

Rafael E. Granado, City Clerk
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Copy furnished to: David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Stephen Cody -- FEC 16-113

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	DS-DE 5 form
Exhibit 2	DS-DE 6 form
Exhibit 3	Complainant's ltr to R
Exhibit 4	"Important Dates" document
Exhibit 5	12/01/15 ltr to R w/delivery confirmation
Exhibit 6	03/07/16 ltr to R w/delivery confirmation
Exhibit 7	Ltr to R re: Revocation
Exhibit 8	Report summary
Exhibit 9	Correspondence to R re: FEC 11-049
Exhibit 10	Commission staff's ltr of 04/29 w/delivery confirmation
Exhibit 11	Commission staff's ltr of 08/25
Exhibit 11	Q/A mailed/e-mailed to R

**STATEMENT OF ORGANIZATION
OF POLITICAL COMMITTEE**

(PLEASE TYPE)

OFFICE USE ONLY

RECEIVED
2015 JUN 22 PM 2: 22
CITY CLERK'S OFFICE

1. Full Name of Committee
Save Miami Beach

Telephone
786-252-6918

Mailing Address (include city, state and zip code)
16610 SW 82nd Court, Miami, FL 33157

Street Address (include city, state and zip code)
Same

2. Affiliated or Connected Organizations (includes other committees of continuous existence and political committees)

Name of Affiliated or Connected Organization	Mailing Address	Relationship
None		

3. Area, Scope and Jurisdiction of the Committee
Civic engagement and issues in Miami Beach, Florida

4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.)

Education.

5. Identify by Name, Address and Position, the Custodian of Books and Accounts (include treasurer's name)

Full Name	Mailing Address	Committee Title or Position
Stephen Cody	16610 SW 82nd Court, Miami, FL 33157	Chair

EXHIBIT

2 (1002)

6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)

Full Name	Mailing Address	Committee Title or Position
None		

7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)

Full Name	Mailing Address	Office Sought	Party
None			

8. List Any Issues this Committee is Supporting: Ethics in City Government

List Any Issues this Committee is Opposing:

9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party

10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?

11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds

Name of Bank or Depository & Account Number	Mailing Address
U.S. Century Bank Account # 1162001250	468 NW 27th Avenue Miami, Fl. 33125

12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, If Any

Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
None			

STATE OF Florida Miami-Dade COUNTY

I, Stephen Cody, certify that the information in this Statement of

Organization is complete, true and correct.

X 
Signature of Chairman of Political Committee

6/18/15
Date

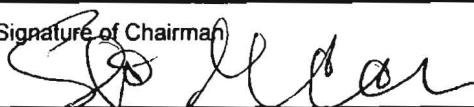
**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR
POLITICAL COMMITTEES**
(Sections 106.011(1) and 106.021(1), F.S.)

RECEIVED
2015 JUN 22 PM 2:22
CITY CLERK'S OFFICE

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

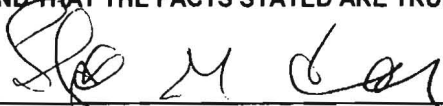
Original Appointment of Treasurer Reappointment of Treasurer Deputy Treasurer

1. Committee or Organization Save Miami Beach		2. Telephone (786) 252-6918	
3. Name of Treasurer or Deputy Treasurer Stephen Cody		4. Email (optional) stcody@stephencody.com	
		5. Telephone (optional) (786) 252-6918	
6. Mailing Address 16610 SW 82nd Ct, Miami, FL 33157			
7. Street Address Same			
8. The following bank has been designated as the <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository			
9. Name of Bank U.S. Century Bank		10. Street Address 468 NW 27th Avenue Miami, FL 33125	
11. City MIAMI		12. State FLORIDA	13. Zip Code 33125
14. Signature of Chairman 		15. Name of Chairman (Print or Type) STEPHEN CODY	

Campaign Treasurer's Acceptance of Appointment

I, Stephen Cody, do hereby accept the appointment as
(Please Print or Type)
treasurer or deputy treasurer for Save Miami Beach
(Committee or Organization)

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S
ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.

6/18/15 
Date Signature of Campaign Treasurer or Deputy Treasurer



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov
OFFICE OF THE CITY CLERK
Tel: 305-673-7411, Fax: 305-673-7254

Email: RafelGranado@miamibeachfl.gov

CERTIFIED MAIL RECEIPT NO. 7009 1680 000 0425 9517

June 23, 2015

Save Miami Beach
c/o Stephen Cody
16610 SW 82nd Court
Miami, FL 33157

Dear Mr. Cody:

Please be advised that the Miami Beach Office of the City Clerk received the following paperwork, relating to Save Miami Beach, on June 22, 2015:

- Form DS-DE 5 - Statement of Organization of Political Committee
- Form DS-DE 6 - Appointment of Campaign Treasurer & Designation of Campaign Depository for Political Committees
- Form DS-DE 41 - Registered Agent Statement of Appointment

For your records, we have included copies of said forms showing proof of receipt by the Office of the City Clerk.

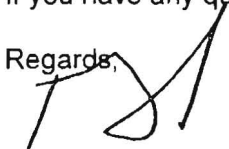
As the area, scope and jurisdiction of the Political Committee are "civic engagement and issues in Miami Beach, Florida," you must file all paperwork with the City of Miami Beach Office of the City Clerk, located at 1700 Convention Center Drive, Miami Beach, Florida, 33139.

Included herein is a form entitled "Important Dates and Deadlines", listing the dates the Campaign Treasurer's Reports are due, Report Codes/Types, periods covered and other relevant dates and information for the City of Miami Beach November 3, 2015 General Election and the November 17, 2015 Runoff Election, if one is necessary. Please note that the next Campaign Treasurer's Report is due July 10, 2015.

I have also attached hereto the Political Committee Handbook, dated June 2014, prepared by the Florida Department of State.

If you have any questions, please feel free to contact us at 305.673.7411.

Regards,


Rafael E. Granado
City Clerk



Important Dates and Deadlines

General Election:	11/03/15	Voter Registration Book Closing:	10/05/15
Runoff Election, if necessary:	11/17/15	Voter Registration Book Closing:	10/19/15

Qualifying Period:

Date: Tuesday, September 8, 2015 through Friday, September 11, 2015

Hours: 8:30 a.m. to 5:00 p.m.

Where: Miami Beach City Hall
 Office of the City Clerk
 1700 Convention Center Drive, 1st Floor
 Miami Beach, FL 33139

DUE DATE	Campaign Treasurer's Report, and if applicable, Paid Campaign Workers Participation in Absentee Ballot Activities Report (MD-ED 26)	PERIOD COVERED FROM/TO
	CODE/TYPE	
01/12/15	2014-M12	12/01/14 to 12/31/14
02/10/15	2015-M01	01/01/15 to 01/31/15
03/10/15	2015-M02	02/01/15 to 02/28/15
04/10/15	2015-M03	03/01/15 to 03/31/15
05/11/15	2015-M04	04/01/15 to 04/30/15
06/10/15	2015-M05	05/01/15 to 05/31/15
07/10/15	2015-M06	06/01/15 to 06/30/15
08/10/15	2015-M07	07/01/15 to 07/31/15
08/25/15	Last day to submit Petitions in Lieu of Paying the Municipal Qualifying Fee. Must submit no later than noon on the 14 th day prior to the first day of qualifying as a candidate.	
09/10/15	2015-M08	08/01/15 to 08/31/15
10/05/15	Last day to designate poll watcher(s) for Early Voting. <i>Due before noon to the City Clerk.</i> Candidates may have one watcher in each early voting area at any one time. Must utilize Form DS-DE 125.	
10/09/15	G1 - 25 days prior to General Election	09/01/15 to 10/02/15
10/20/15	Last day to designate poll watcher(s) for Election Day. <i>Due before noon to the City Clerk.</i> Candidates may have one watcher in each polling room at any one time. Must utilize Form DS-DE 125.	
10/23/15	G2 - 11 days prior to General Election	10/03/15 to 10/16/15
10/29/15	Last day to accept contributions prior to the General Election. (See Florida Statutes § 106.08(3)(a))	
10/30/15	G3 - 4 days prior to General Election	10/17/15 to 10/29/15

11/03/15	General Election	
11/06/15	R1 - 11 days prior to the Runoff Election	10/30/15 to 10/30/15
11/12/15	Last day to accept contributions prior to the Runoff Election. (See Florida Statutes § 106.08(3)(a))	
11/13/15	R2 - 4 days prior to the Runoff Election	10/31/15 to 11/12/15
11/17/15	Runoff Election	
12/10/15	TR - 90 Days Termination Report After Qualifying. For candidates who are unopposed or do not qualify, following the last day of qualifying for office. (See Florida Statutes §§ 106.07 (1)(c) and 106.141 (1))	09/01/15 to 12/10/15
02/01/16	TR - 90 Days After General Election. For candidates elected or eliminated on the General Election. (See Florida Statutes § 106.141 (1))	10/30/15 to 02/01/16
02/15/16	TR - 90 Days After Runoff Election. For candidates elected or eliminated on the Runoff Election. (See Florida Statutes § 106.141 (1))	11/13/15 to 02/15/16

Dates are subject to change. Please contact the Office of the City Clerk for possible updates.

EXHIBIT 4 (2002)

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139. www.miamibeachfl.gov
Office of the City Clerk
Rafael E. Granado
Tel: 305-673-7411 Fax: 786-394-4127

Email: CityClerk@miamibeachfl.gov

December 1, 2015

Certified Mail No. 7015 1520 0002 9253 6444

Save Miami Beach
c/o Stephen Cody
16610 SW 82nd Court
Miami, FL 33157

RE: Notice of Late Reports

Dear Mr. Cody:

This letter is to inform you that we have not received your Campaign Reports 2015-R1 or 2015-R2. The 2015-R1 report was due on November 6, 2015, and covered the period of October 30, 2015 through October 30, 2015. The 2015-R2 report was due on November 13, 2015, and covered the period of October 31, 2015 through November 12, 2015. Please be advised that the 2015-M11 report will be due on December 10, 2015, and covers the period of November 13, 2015 through November 30, 2015.

Pursuant to Florida Statutes §106.07(8)(b), upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 per day for the first 3 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 each special primary election, special election, primary election, and general election, 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.

Please send the requested campaign reports as soon as possible to the City of Miami Beach, c/o Office of the City Clerk, 1700 Convention Center Drive, Miami Beach, Florida 33139.

EXHIBIT 5 (1 of 3)

If you have any questions, do not hesitate to call.

Respectfully,


Rafael E. Granado
City Clerk

REG/h

F:\CLER\CLER\000_ELECTION\0000_2015 GENERAL AND SPECIAL ELECTIONS\CORRESPONDENCE\Save Miami Beach
Late Report Notice.docx

EXHIBIT 5 (2 of 3)

English

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Product & Tracking Information

Postal Product:

Features:
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DATE & TIME	STATUS OF ITEM	LOCATION
December 5, 2015 , 1:52 pm	Delivered	MIAMI, FL 33157

Your item was delivered at 1:52 pm on December 5, 2015 in MIAMI, FL 33157

December 4, 2015 , 1:22 am	Departed USPS Facility	MIAMI, FL 33152
December 3, 2015 , 11:31 pm	Arrived at USPS Facility	MIAMI, FL 33152

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EXHIBIT 5 (3 of 3)

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov
Office of the City Clerk
Rafael E. Granado
Tel: 305-673-7411 Fax: 786-394-4127

Email: CityClerk@miamibeachfl.gov

March 7, 2016

Certified Mail No. 7015 1520 0002 9253 6697

Save Miami Beach
c/o Stephen Cody
16610 SW 82nd Court
Miami, FL 33157

RE: Final Notice of Late Reports.

Dear Mr. Cody:

This letter is to inform you that we have not received the following Campaign Reports for Save Miami Beach: 2015-R1 (due November 6, 2015); 2015-R2 (due November 13, 2015); 2015-M11 (due December 10, 2015); 2015-M12 (due January 11, 2016); 2016-M1 (due February 10, 2016); 2016-G1 (due February 19, 2016); and 2016-G2 (due March 4, 2016). Please be advised that the next Campaign Report 2016-G3 is due on March 11, 2016.

Pursuant to Florida Statutes §106.07(8)(d) and §106.07(8)(9), the appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification.

Please mail all due Campaign Reports to the Office of the City Clerk at 1700 Convention Center Drive, Miami Beach, Florida 33139 by March 28, 2016. Failure to submit all due Campaign Reports by that date will result in this office notifying the Florida Elections Commission of the non-compliance.

If you have any questions, do not hesitate to call.

Respectfully,


Rafael E. Granado
City Clerk

REG/RB

\\CLERK\CLERK\000_ELECTION\000 2016 MARCH 15 SPECIAL ELECTION\CORRESPONDENCE\Save Miami Beach Notice of Late Report 03.07.2016.docx

EXHIBIT 6 (1002)

English

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Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
March 12, 2016 , 11:49 am	Delivered	MIAMI, FL 33157

Your item was delivered at 11:49 am on March 12, 2016 in MIAMI, FL 33157

March 11, 2016 , 3:25 pm	Departed USPS Facility	MIAMI, FL 33152
March 10, 2016 , 10:42 pm	Arrived at USPS Facility	MIAMI, FL 33152

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EXHIBIT 6 (2002)

ER

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov
Office of the City Clerk
Rafael E. Granado
Tel: 305-673-7411 Fax: 786-394-4127

Email: CityClerk@miamibeachfl.gov

August 16, 2016

Certified Mail No. 7015 1520 0002 9545 5803

Save Miami Beach
c/o Stephen Cody
16610 SW 82nd Court
Miami, FL 33157

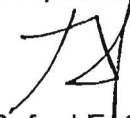
RE: Revocation of Save Miami Beach's Registration as a Political Committee.

Dear Mr. Cody:

This letter is to inform you that effective immediately Save Miami Beach's registration as a Political Committee is revoked for having failed to submit Campaign Treasurer's Reports in over six months. Save Miami Beach submitted its last Campaign Treasurer's Report (2015-G3) on October 30, 2015. As of today, August 16, 2016, Save Miami Beach has not submitted the subsequent 13 Campaign Treasurer's Reports for a period longer than nine months.

Pursuant to Florida Statute Section 106.03(5)(7), and Florida Administrative Code Rule 1S-2.021: "The filing officer shall revoke the registration of a political committee when the committee fails to file campaign treasurer's reports for more than six months."

Respectfully,



Rafael E. Granado
City Clerk

cc: Amy McKeever Toman, Executive Director of the Florida Elections Commission

REG/RB

F:\CLERK\000_ELECTION\000 2016 AUGUST PRIMARY ELECTION\Save Miami Beach Notice of PAC Revocation.docx

RECEIVED
2016 AUG 25 P 3:34
STATE OF FLORIDA
ELECTIONS COMMISSION

EXHIBIT 7

SAVE MIAMI BEACH REPORT SUMMARY

Report Type	Covers From	Due Date	Status
2015-M6*	06.01.2015 06.30.2015	07.10.2015	Postmarked timely 07.10.2015 *amended on 08.07.2015
2015-M7	07.01.2015 07.31.2015	08.10.2015	Received timely 08.07.2015
2015-M8	08.01.2015 08.31.2015	09.10.2015	Received late 09.22.2015
2015-M9	09.01.2015 09.30.2015	10.12.2015	Received timely 10.09.2015
2015-G1	09.01.2015 10.02.2015	10.09.2015	Received late 10.26.2015
2015-G2	10.03.2015 10.16.2015	10.23.2015	Received timely 10.19.2015
2015-G3	10.17.2015 10.29.2015	10.30.2015	Postmarked timely 10.30.2015
2015-R1	10.30.2015 10.30.2015	11.06.2015	Not received
2015-R2	10.31.2015 11.12.2015	11.13.2015	Not received
2015-M11	11.13.2015 11.30.2015	12.10.2015	Not received
2015-M12	12.01.2015 12.31.2015	01.11.2015	Not received
2016-M1	01.01.2016 01.31.2016	02.10.2016	Not received

EXHIBIT 8 (1002)

Report Type	Covers From	Due Date	Status
2016-G1	02.01.2016 02.12.2016	02.19.2016	Not received
2016-G2	02.13.2016 02.26.2016	03.04.2016	Not received
2016-G3	02.27.2016 03.10.2016	03.11.2016	Not received
2016-M3	03.11.2016 03.31.2016	04.11.2016	Not received
2016-M4	04.01.2016 04.30.2016	05.10.2016	Not received
2016-M5	05.01.2016 05.31.2016	06.10.2016	Not received
2016-M6	06.01.2016 06.30.2016	07.11.2016	Not received
2016-M7	07.01.2016 07.31.2016	08.10.2016	Not received

Pursuant to Florida Statute Section 106.03(5)(7), and Florida Administrative Code Rule 15-2.021: "The filing officer shall revoke the registration of a political committee when the committee fails to file campaign treasurer's reports for more than six months." **Save Miami Beach's registration as a Political Committee was revoked on August 16, 2016.**



FLORIDA ELECTIONS COMMISSION

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

March 8, 2011

Stephen Cody
16610 SW 82 Court
Palmetto Bay, Florida 33157

RE: Case No.: FEC 11-049

Dear Mr. Cody:

The Florida Elections Commission has received your complaint alleging violations of Florida's election laws. I have reviewed your complaint and it appears to be legally insufficient for the following reason(s).

You essentially allege in your complaint that Miami Voice, a political action committee registered with the Miami-Dade County Supervisor of Elections, failed to file a campaign report timely, report in-kind contributions, and report expenditures. However, your complaint does not provide sufficient evidence to support these allegations and does not show how you know about these allegations. Section 106.25, Florida Statutes, requires complaints to be based on "personal information or information other than hearsay."

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If the additional information corrects the stated ground(s) of insufficiency, I will notify both you and the Respondent. If you submit an additional statement containing facts, you must sign the statement and have your signature notarized. In addition, any additional facts you submit to the Commission must be based on either personal information or information other than hearsay.

Until this case is closed, section 106.25(7), Florida Statutes, provides that the Respondent may not disclose this letter, the complaint, or any document related to this case, unless he or she waives confidentiality in writing. To waive confidentiality, the Respondent must mail or fax a written waiver of confidentiality to Patsy Rushing at the address or fax number listed above.

If you have any questions concerning the complaint, please contact David Flagg, Investigator, at extension 111.

EXHIBIT 9 (1 of 2)

Sincerely,

Rosanna Catalano
Executive Director

cc: Miami Voice, Respondent, w/complaint

EXHIBIT 9 (202)



FLORIDA ELECTIONS COMMISSION

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

April 29, 2016

CERTIFIED MAIL 9214 8969 0099 9790 1607 9260 80

Stephen Cody
16610 SW 82nd Court
Miami, FL 33157

RE: Case No.: FEC 16-113; Respondent: Stephen Cody

Dear Mr. Cody:

On April 26, 2016, the Florida Elections Commission received the enclosed complaint alleging that you violated Florida's election laws. Section 106.25(2), Florida Statutes states:

The respondent shall have 14 days *after receipt* of the complaint to file an initial response, and the executive director may not determine the legal sufficiency of the complaint during that time period.

If you choose to file a response to the complaint, please send it to my attention at the address listed above. To ensure that I receive your response in a timely manner, you may also want to send it via e-mail to my attention, at fec@myfloridalegal.com. You will be notified by letter whether the complaint is determined legally sufficient.

Please note that all documents related to this matter will be mailed to the above address unless you notify us of a new address.

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, the Respondent, unless you waive confidentiality in writing.

EXHIBIT 10 (1 of 3)

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.

Sincerely,
Erin Riley
Deputy Agency Clerk

ip/enr
Enclosure: Complaint w/attachments

EXHIBIT 10 (2 of 3)



Date Produced: 05/09/2016

Florida Elections Commission:

The following is the delivery information for Certified Mail™/RRE item number 9214 8969 0099 9790 1607 9260 80. Our records indicate that this item was delivered on 05/02/2016 at 02:30 p.m. in MIAMI, FL 33157. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

16610 SW 82 St

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number **EXHIBIT 10 (363)**

Due: 5/21/16



FLORIDA ELECTIONS COMMISSION

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

August 25, 2016

Stephen Cody
Save Miami Beach
16610 SW 82nd Court
Miami, FL 33157

RE: Case No.: FEC 16-113; Respondent: Stephen Cody

Dear Mr. Cody:

On April 26, 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(1), Florida Statutes: Stephen Cody, Treasurer for Save Miami Beach, failed to timely file the following campaign treasurer's reports:

- 2015 R1
- 2015 R2
- 2015 M11
- 2015 M12
- 2016 M1
- 2016 G1
- 2016 G2
- 2016 G3

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

EXHIBIT 11 (1 of 2)

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 **Keith Smith**, the investigator assigned to this case.

Sincerely,



Amy McKeever Toman
Executive Director

AMT/enr

EXHIBIT 11 (2 of 2)

AFFIDAVIT OF BACKGROUND INFORMATION
Case Number: FEC 16-113

STATE OF FLORIDA

County of _____

Stephen Cody, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by _____ as _____.

3. Have you ever run for public office? If so, please name the office(s) you ran for and the date(s) of the election(s) you ran in.

4. Have you ever been appointed to act as a campaign treasurer for a candidate? If so, please name the candidate(s) you served as treasurer, the office(s) the candidate ran for, and the dates of the election(s).

5. Other than servings as treasurer of Save Miami Beach, have you ever held the office of chairperson or treasurer for a political committee? If so, please list the names and addresses of the committees and dates when you held the position.

6. What action have you taken to determine your responsibilities under Florida's election laws?

7. Do you possess a copy

Yes No

EXHIBIT 12 (1 of 2)

8. If so, when did you first obtain it? _____

9. Have you read Chapter 106, Florida Statutes? Yes No

10. Do you possess a copy of the *Political Committee Handbook*? Yes No

11. If so, when did you first obtain it? _____

12. Have you read the *Political Committee Handbook*? Yes No

13. Please explain why you have not filed the committee's 2015 R1, R2, M11, M12 and 2016 M1, G1, G2 and G3 Reports with the Miami Beach City Clerk's office. (use additional paper if necessary):

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 _____ day of _____, 2016

Signature of Notary Public - State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ or Produced Identification _____

Type of Identification Produced: _____

Case Investigator: ks

EXHIBIT 12 (2 of 2)



FLORIDA ELECTIONS COMMISSION

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

August 25, 2016

Stephen Cody
Save Miami Beach
16610 SW 82nd Court
Miami, FL 33157

RE: Case No.: FEC 16-113; Respondent: Stephen Cody

Dear Mr. Cody:

On April 26, 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(1), Florida Statutes: Stephen Cody, Treasurer for Save Miami Beach, failed to timely file the following campaign treasurer's reports:

- 2015 R1
- 2015 R2
- 2015 M11
- 2015 M12
- 2016 M1
- 2016 G1
- 2016 G2
- 2016 G3

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 **Keith Smith**, the investigator assigned to this case.

Sincerely,



Amy McKeever Toman
Executive Director

AMT/enr

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050
Telephone Number: (850) 922-4539
www.fec.state.fl.us

RECEIVED

2016 APR 26 P 1: 42

CONFIDENTIAL COMPLAINT FORM

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: Rafael E. Granado, City Clerk of Miami Beach Work Phone: (305) 673-7411
Address: 1700 Convention Center Drive Home Phone: ()
City: Miami Beach County: Miami-Dade State: FL Zip Code: 33139

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: Stephen Cody, Treasurer of Save Miami Beach
Address: 16610 SW 82nd Court Phone: (786) 252-6918
City: Miami County: Miami-Dade State: FL Zip Code: 33157

If individual is a candidate, list the office or position sought: N/A

Have you filed this complaint with the State Attorney's Office? (check one) Yes No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

In violation of F.S. 106.07, Stephen Cody, Treasurer of Save Miami Beach, has failed to provide the Miami Beach Office of the City Clerk with the following Campaign Treasurer Reports: 2015-R1 (due November 6, 2015); 2015-R2 (due November 13, 2015); 2015-M11 (due December 10, 2015); 2015-M12 (due January 11, 2016); 2016-M1 (due February 10, 2016); 2016-G1 (due February 19, 2016); 2016-G2 (due March 4, 2016); 2016-G3 (due March 11, 2016); and the latest report 2016-M3 (due April 11, 2016). We have tried calling Mr. Cody, and sent him two certified letters notifying him that these Campaign Treasurer Reports were not received. These letters were delivered, as evidenced in the attached USPS tracking numbers and delivery status. Pursuant to F.S. 106.07(8)(d) and F.S. 106.07(8)(9), we are notifying the Florida Elections Commission of the failure of a Political Committee to file a report after notice. We are asking the Commission to investigate this matter. In order to assist you

in the investigation, we have included herein copies of the notification letters sent to Mr. Cody with print-outs of the USPS tracking numbers stating delivery. Please let us know of how we may further assist you in your investigation.

Additional materials attached (check one)? Yes No

4. OATH

STATE OF FLORIDA
COUNTY OF Miami-Dade

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

RECEIVED
2016 APR 26 P 1:42



[Signature] 4/20/16
Original Signature of Person Bringing Complaint
RAFAEL E. GRANADO

Sworn to and subscribed before me this 19th day of
April, 20 16

[Signature]
Signature of Officer Authorized to Administer Oaths or Notary public.

Lillian Beauchamp

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known X Or Produced Identification _____

Type of Identification Produced _____

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov
Office of the City Clerk
Rafael E. Granado
Tel: 305-673-7411 Fax: 786-394-4127

Email: CityClerk@miamibeachfl.gov

March 7, 2016

Certified Mail No. 7015 1520 0002 9253 6697

Save Miami Beach
c/o Stephen Cody
16610 SW 82nd Court
Miami, FL 33157

RE: Final Notice of Late Reports.

Dear Mr. Cody:

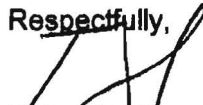
This letter is to inform you that we have not received the following Campaign Reports for Save Miami Beach: 2015-R1 (due November 6, 2015); 2015-R2 (due November 13, 2015); 2015-M11 (due December 10, 2015); 2015-M12 (due January 11, 2016); 2016-M1 (due February 10, 2016); 2016-G1 (due February 19, 2016); and 2016-G2 (due March 4, 2016). Please be advised that the next Campaign Report 2016-G3 is due on March 11, 2016.

Pursuant to Florida Statutes §106.07(8)(d) and §106.07(8)(9), the appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification.

Please mail all due Campaign Reports to the Office of the City Clerk at 1700 Convention Center Drive, Miami Beach, Florida 33139 by March 28, 2016. Failure to submit all due Campaign Reports by that date will result in this office notifying the Florida Elections Commission of the non-compliance.

If you have any questions, do not hesitate to call.

Respectfully,



Rafael E. Granado
City Clerk

REG/RB

F:\CLERK\000_ELECTION\000 2016 MARCH 15 SPECIAL ELECTION\CORRESPONDENCE\Save Miami Beach Notice of Late Report 03.07.2016.docx

English

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Product & Tracking Information

Postal Product:

Features:
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DATE & TIME

STATUS OF ITEM

LOCATION

March 12, 2016 , 11:49 am

Delivered

MIAMI, FL 33157

Your item was delivered at 11:49 am on March 12, 2016 in MIAMI, FL 33157

March 11, 2016 , 3:25 pm

Departed USPS Facility

MIAMI, FL 33152

March 10, 2016 , 10:42 pm

Arrived at USPS Facility

MIAMI, FL 33152

Available Actions

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139. www.miamibeachfl.gov
Office of the City Clerk
Rafael E. Granado
Tel: 305-873-7411 Fax: 786-394-4127

Email: CityClerk@miamibeachfl.gov

December 1, 2015

Certified Mail No. 7015 1520 0002 9253 6444

Save Miami Beach
c/o Stephen Cody
16610 SW 82nd Court
Miami, FL 33157

RE: Notice of Late Reports

Dear Mr. Cody:

This letter is to inform you that we have not received your Campaign Reports 2015-R1 or 2015-R2. The 2015-R1 report was due on November 6, 2015, and covered the period of October 30, 2015 through October 30, 2015. The 2015-R2 report was due on November 13, 2015, and covered the period of October 31, 2015 through November 12, 2015. Please be advised that the 2015-M11 report will be due on December 10, 2015, and covers the period of November 13, 2015 through November 30, 2015.

Pursuant to Florida Statutes §106.07(8)(b), upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 per day for the first 3 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 each special primary election, special election, primary election, and general election, 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.

Please send the requested campaign reports as soon as possible to the City of Miami Beach, c/o Office of the City Clerk, 1700 Convention Center Drive, Miami Beach, Florida 33139.

If you have any questions, do not hesitate to call.

Respectfully,



Rafael E. Granado
City Clerk

REG/lh

F:\CLER\CLER\000_ELECTION\0000_2015 GENERAL AND SPECIAL ELECTIONS\CORRESPONDENCE\Save Miami Beach
Late Report Notice.docx

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Tracking Number: **70151520000292536444**

Product & Tracking Information

Available Actions

Postal Product:

Features:
Certified Mail™

DATE & TIME

STATUS OF ITEM

LOCATION

December 5, 2015, 1:52 pm

Delivered

MIAMI, FL 33157

Your item was delivered at 1:52 pm on December 5, 2015 in MIAMI, FL 33157

December 4, 2015, 1:22 am

Departed USPS Facility

MIAMI, FL 33152

December 3, 2015, 11:31 pm

Arrived at USPS Facility

MIAMI, FL 33152

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