

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**In Re: FLORIDIANS FOR FISCAL
RESPONSIBILITY,
RESPONDENT.**

Case No.: FEC 12-002

NOTICE OF HEARING ON APPEAL OF AUTOMATIC FINE

TO: John Dowless, Treasurer Floridians for Fiscal Responsibility Post Office Box 568926 Orlando, FL 32856	Kristi Reid Bronson, Chief Division of Elections 500 S. Bronough Street Tallahassee, FL 32399-0250
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PLEASE TAKE NOTICE that on **February 21, 2012**, at **8:30 a.m.** or thereafter as the parties can be heard, the Florida Elections Commission will consider the Respondent's appeal of the automatic fine imposed by the filing officer. The Commission will meet at: **City Hall, City Commission Chambers, 300 S. Adams Street, Tallahassee, Florida.**

Although you did not request a hearing, this notice is to inform you that your case will be discussed at the meeting taking place on the above date and place. All documents you want the Commission to consider must be submitted at least 10 days prior to the hearing.

If you require an accommodation due to a disability, contact Donna Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 48 hours before the hearing.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Dated on January 19, 2012.



Rosanna Catalano
Executive Director

INSTRUCTIONS FOR HEARING ON APPEAL OF AUTOMATIC FINE

Please be advised that other cases have been scheduled for the same time. Therefore, your case may not be called exactly at the time set forth on this notice.

At the automatic fine hearing, the Florida Elections Commission will decide whether Respondent's campaign treasurers report was timely filed or whether there were unusual circumstances that excuse his failure to timely file his report.

Rule 2B-1.0055, *Florida Administrative Code*, defines **unusual circumstances** as "uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act in accordance with the filing requirements. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirement shall be deemed not to constitute unusual circumstances."

The hearing will be conducted pursuant to Section 106.07(8)(c), *Florida Statutes*, if Respondent is a candidate, a political committee, or an electioneering communications organization; Section 106.04(8)(c), *Florida Statutes*, if Respondent is a committee of continuous existence; or Section 106.29(3)(c), *Florida Statutes*, if Respondent is a political party; and Commission Rules 2B-1.005, 1.0052, & 1.0055, *Florida Administrative Code*.

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.

Before making a decision, the Commission will review the written documents submitted by Respondent and staff at least ten days before the hearing and the information presented at the hearing. Rule 2B-1.005, *Florida Administrative Code*, provides that unless good cause is shown, the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the hearing.

When the case is called, the Chair will read a brief statement and may ask the Respondent and his attorney, if one is present, to state their names for the record. Respondent will then have time to present his case to the Commission. Witnesses may be called to testify under oath on Respondent's behalf. If Respondent calls witnesses, the staff attorney may cross-examine those witnesses after Respondent's questioning is finished. After Respondent's presentation, staff will have the same amount of time to present its case. If the staff attorney calls witnesses, Respondent may cross-examine those witnesses after staff's questioning is finished.

At any time during the presentations the Commissioners may ask questions of Respondent, his attorney, the witnesses, and staff. After the presentations are concluded, the Commissioners will discuss the case and decide whether Respondent's report was timely filed or whether there were unusual circumstances that excuse his failure to file timely his report. The Commission will make a decision by a majority vote of those members present and voting.

After the Commission meeting, the Commission will send Respondent a written order reflecting the Commission's decision. If the Commission upholds the fine, Respondent will have 30 days to pay the fine.

If you have any questions about the procedures for the hearing, please contact Donna Malphurs at 107 W. Gaines Street Collins Building, Suite 224 Tallahassee, FL 32399-1050, phone number: (850) 922-4539.

**FLORIDA ELECTIONS COMMISSION
CASE REPORT**

Case Number: FEC-12-002

NAME: FLORIDIANS FOR FISCAL RESPONSIBILITY

DATE APPEAL RECEIVED: 11/1/11

DATE HEARD BY FEC: 2/21/12

DATE HEARING REQUEST RECEIVED: n/a

DATE REPORT DUE: 8/20/10 (2010 F3)

DATE OF ELECTRONIC RECEIPT: 8/21/10

DATE FILING OFFICER RECEIVED REPORT: 8/21/10

NUMBER OF DAYS LATE: 1

AMOUNT OF FINE: \$500.00

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$1,000.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$6,575.00

DATE FIRST NOTIFICATION WAS RECEIVED: Fine letter dated 10/6/10

SUMMARY: Floridians for Fiscal Responsibility is an electioneering communications organization (ECO) registered with the State of Florida. The ECO's chair and treasurer is John Dowless. Sarah Rumpf was the deputy treasurer at the time the report was due, and is representing the ECO in this appeal.

Ms. Rumpf states, "Regarding the F3 report due on August 20, 2010, that report was opened and data inputted before the deadline, and we believed in good faith that the report had been completed, but due to what appeared to be a computer glitch, the report had not reached the final 'report' stage before midnight on August 20, 2010." Ms. Rumpf further states that the report was filed "during the first early hours of August 21, 2010."

The Queued Transactions Report for the committee's 2010 F3 CTR shows that the report was created on 8/6/10 and filed on 8/21/10 at 11:48 p.m.

PRIOR CASES: This committee has not had any prior cases before the Commission.

CANDIDATE []	STATE [x]
PC []	DISTRICT []
CCE []	COUNTY []
POLITICAL PARTY []	CITY []
ECO [x]	

FEC ACTION:	FINE DUE: \$ _____	DATE: _____
TIMELY FILED: YES _____ NO _____	UNUSUAL CIRCUMSTANCES: YES _____ NO _____	
WAIVER: PARTIAL _____ FULL _____	FINE INCORRECTLY CALCULATED: YES _____ NO _____	
UC REASON: _____	INITIALS: _____	

RECEIVED

2011 NOV -1 P 2:05

STATE OF FLORIDA
ELECTIONS COMMISSION

Sarah Elizabeth Rumpf, Esq.
P.O. Box 3685
Winter Park, FL 32790

October 12, 2010

RECEIVED
10 OCT 26 AM 9:42
DIVISION OF ELECTIONS
SECRETARY OF STATE

Florida Division of Elections
The R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250
Attn: Kristi Reid Bronson, Bureau of Election Records

RE: Floridians for Fiscal Responsibility, an electioneering communications organization

Dear Ms. Bronson:

I am the deputy treasurer and general counsel for the electioneering communications organization registered with your office as Floridians for Fiscal Responsibility ("FFR"). We are in receipt of your three letters dated October 6, 2010, regarding campaign finance reports that had not been received, stating that fines totaling \$1,500.00 had been imposed, but that we could appeal those fines. Respectfully, we wish to invoke our right to appeal those fines and appreciate your consideration of this matter.

Regarding the G1 report due on September 17, 2010 and the G2 report due on October 1, 2010, there was no financial activity during those periods, so waiver reports were filed. I have been informed in multiple telephone conversations with your office during the past year or so that no fine is applied to waiver reports because there is no financial activity upon which to base the fine. Therefore, we respectfully request that you confirm that the \$500.00 fine for the G1 September 17, 2010 waiver report and the \$500.00 fine for the G2 October 1, 2010 waiver report do not apply and will not be imposed.

Regarding the F3 report due on August 20, 2010, that report was opened and data inputted before the deadline, and we believed in good faith that the report had been completed, but due to what appeared to be a computer glitch, the report had not reached the final "report" stage before midnight on August 20, 2010. We discovered the error shortly after midnight on August 20th and immediately re-opened the report and finalized the report during the first early hours of August 21, 2010.

Florida Division of Elections

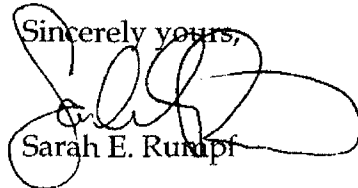
October 12, 2010

Page 2

Considering that current policy allows reports to be filed electronically after business hours, and that our F3 report was filed only shortly after the midnight deadline but before your office opened for business on August 21, 2010, there should have been no delay in your office having access to the information or providing it to the public along with the rest of FFR's publicly reported campaign finance data.

We have not had any violations in the past and are taking this matter very seriously. We have confirmed that our G3 Report (also a waiver) was filed timely on October 11, 2010, before the deadline, and will continue to use our best efforts to fully comply with all campaign finance reporting regulations. Accordingly, we respectfully request that you consider our appeal and waive the \$500 fine for the F3 Report.

If you have any questions or need any additional information, please do not hesitate to contact me. I can be reached at [REDACTED]@gmail.com or my office number at (407) 454-9317.

Sincerely yours,

Sarah E. Rumpf

cc: John Dowless, Chair, Floridians for Fiscal Responsibility



FLORIDA DEPARTMENT OF STATE

Dawn K. Roberts
Interim Secretary of State

DIVISION OF ELECTIONS

October 6, 2010

Mr. John Dowless, Chairperson
Floridians for Fiscal Responsibility
Post Office Box 568926
Orlando, FL 32856-2856

Dear Mr. Dowless:

The campaign treasurer's report that was due August 20, 2010, was not filed until August 21, 2010. Accordingly, you are fined in the amount of \$500.00. The fine must be paid to the Division of Elections within 20 days of receipt of this notice unless appealed to the Florida Elections Commission.

If you wish to appeal the fine, you must submit a notice of appeal to the Commission within 20 days of the date of the receipt of this notice. (See Rules 2B-1.005, 2B-1.0052 and 2B-1.0055, Florida Administrative Code.) The Florida Elections Commission's address is 107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-0100.

Please send a copy of your notice of appeal to the Bureau of Election Records at the address listed below. If you have any questions, please contact us at (850) 245-6240.

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

Florida Department of State

Room 316, R. A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250
(850)245-6200

**Division of
Elections**

Committee Tracking System

Floridians for Fiscal Responsibility

Type: Electioneering Communications Organization

Status: Active

Address: Post Office Box 568926
Orlando, FL 32856

Phone: (407)858-9115

Chairperson: John Dowless

Treasurer: John Dowless

Registered Agent: Sarah E. Rumpf
1701 Oriole Avenue
Orlando, FL 328030000

Purpose:

Affiliates:

Campaign Finance Activity

Campaign Documents

Filed Reports for Elec ID: 20101102-GEN

Account: 54504 - ECO **Floridians for Fiscal Responsibility**
Chairperson: Dowless, John Appt: 7/12/10

Report: 2009 IR (1)	From: 1/1/2009	Amd: N	Filed: FIL	7/16/2010 5:13:53 P
Due: 7/22/2010	To: 12/31/2009	Cmplt: NOD	Reviewed: AUD	7/16/2010 5:12:43 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
7/16/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
Report: 2009 Q1 (2)	From: 1/1/2009	Amd: N	Filed: FIL	7/16/2010 5:14:57 P
Due: 7/22/2010	To: 3/31/2009	Cmplt: NOD	Reviewed: AUD	7/16/2010 5:14:32 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
7/16/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
Report: 2009 IR (4)	From: 1/1/2009	Amd: N	Filed: FIL	7/16/2010 5:16:49 P
Due: 7/22/2010	To: 12/31/2009	Cmplt: NOD	Reviewed: AUD	7/16/2010 5:16:30 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
7/16/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
Report: 2009 Q2 (3)	From: 4/1/2009	Amd: N	Filed: FIL	7/16/2010 5:16:08 P
Due: 7/22/2010	To: 6/30/2009	Cmplt: NOD	Reviewed: AUD	7/16/2010 5:15:51 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
7/16/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
Report: 2009 Q3 (5)	From: 7/1/2009	Amd: N	Filed: FIL	7/16/2010 5:17:21 P
Due: 7/22/2010	To: 9/30/2009	Cmplt: NOD	Reviewed: AUD	7/16/2010 5:17:02 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
7/16/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
Report: 2009 Q4 (6)	From: 10/1/2009	Amd: N	Filed: FIL	7/16/2010 5:17:53 P
Due: 7/22/2010	To: 12/31/2009	Cmplt: NOD	Reviewed: AUD	7/16/2010 5:17:36 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
7/16/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
Report: 2010 Q1 (7)	From: 1/1/2010	Amd: N	Filed: FIL	7/16/2010 5:18:38 P
Due: 7/22/2010	To: 3/31/2010	Cmplt: NOD	Reviewed: AUD	7/16/2010 5:18:18 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
7/16/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
Report: 2010 F1 (8)	From: 4/1/2010	Amd: N	Filed: FIL	7/16/2010 5:19:36 P
Due: 7/23/2010	To: 7/16/2010	Cmplt: NOD	Reviewed: AUD	7/16/2010 5:19:19 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
7/16/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed

Filed Reports for Elec ID: 20101102-GEN

Account: 54504 - ECO **Floridians for Fiscal Responsibility**
Chairperson: Dowless, John Appt: 7/12/10

Report: 2010 F2 (10)	From: 7/17/2010	Amd: N	Filed: FIL	8/6/2010 10:32:18 P
Due: 8/6/2010	To: 7/30/2010	Cmplt: COM	Reviewed: AUD	8/6/2010 10:33:03 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
8/6/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
				Chair PIN
				8/6/2010
<hr/>				
Report: 2010 F3 (11)	From: 7/31/2010	Amd: Y	Filed: FIL	8/21/2010 11:48:59 P
Due: 8/20/2010	To: 8/19/2010	Cmplt: COM	Reviewed: AUD	10/11/2010 4:06:57 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
8/21/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
				Chair PIN
				8/21/2010
8/21/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
				8/21/2010
<hr/>				
Report: 2010 G1 (12)	From: 8/20/2010	Amd: N	Filed: FIL	10/11/2010 3:57:54 P
Due: 9/17/2010	To: 9/10/2010	Cmplt: NOD	Reviewed: AUD	10/11/2010 3:57:24 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
10/11/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
				Chair PIN
				10/11/2010
<hr/>				
Report: 2010 G2 (13)	From: 9/11/2010	Amd: N	Filed: FIL	10/11/2010 3:59:00 P
Due: 10/1/2010	To: 9/24/2010	Cmplt: NOD	Reviewed: AUD	10/11/2010 3:58:42 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
10/11/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
				Chair PIN
				10/11/2010
<hr/>				
Report: 2010 G3 (14)	From: 9/25/2010	Amd: N	Filed: FIL	10/11/2010 4:06:30 P
Due: 10/15/2010	To: 10/8/2010	Cmplt: NOD	Reviewed: AUD	10/11/2010 4:06:05 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
10/11/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
				Chair PIN
				10/11/2010
<hr/>				
Report: 2010 G4 (15)	From: 10/9/2010	Amd: N	Filed: FIL	10/29/2010 10:49:25
Due: 10/29/2010	To: 10/28/201	Cmplt: COM	Reviewed: AUD	10/29/2010 10:48:53
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
10/29/2010 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
				Chair PIN
				10/29/2010
<hr/>				
Report: 2010 Q4 (16)	From: 10/29/201	Amd: N	Filed: FIL	1/19/2011 4:53:19 P
Due: 1/10/2011	To: 12/31/201	Cmplt: NOD	Reviewed: AUD	1/19/2011 4:53:01 P
Submitted Treasurer	Appointed	Withdrew	Entry Method	File Method
1/19/2011 Sarah Rumpf	7/12/2010		Web Data Entry	Web Filed
				Chair PIN

Filed Report Summary

Home Filings Transactions Print Queue Campaign Account Sign Out Help

Summary of all filings received

Report: 2010 - F3 - 11 2010 General Election Covers: 7/31/2010-8/19/2010 Due: 8/20/2010

Amended Last Review: Reviewed:
 Waiver Complete:
 Filed Date: File Status:

Transactions	Contributions	Amount	Expenditures	Amount
3	Cash and Checks:	1,000.00	Monetary:	6,575.00
	Loans:	0.00	Transfers to Off Acct:	0.00
	Total Monetary:	1,000.00	Total Monetary:	6,575.00
	In-Kind Contributions:	0.00	Other Distributions:	0.00

Activity this report

Orig Report Submit Date: 1 (08/21/2010) By: 54504

Contributions	Amount	Expenditures	Amount
Cash and Checks:	1,000.00	Monetary:	6,575.00
Loans:	0.00	Transfers to Off Acct:	0.00
Total Monetary:	1,000.00	Total Monetary:	6,575.00
In-Kind Contributions:	0.00	Other Distributions:	0.00

Florida Department of State, Division of Elections 2005

Queued Items for 2010-F3

Account: 54504

Floridians for Fiscal Responsibility

Rpt Seq: 11

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	54504	8/6/2010 10:36:51 PM	8/6/2010 10:36:51 PM
Review Pending Report	Processing Complete	54504	8/21/2010 11:40:42 PM	8/21/2010 11:40:42 PM
Recalc Pending Report Total	Processing Complete	54504	8/21/2010 11:41:11 PM	8/21/2010 11:41:11 PM
Recalc Pending Report Total	Processing Complete	54504	8/21/2010 11:48:11 PM	8/21/2010 11:48:11 PM
Review Pending Report	Processing Complete	54504	8/21/2010 11:48:24 PM	8/21/2010 11:48:24 PM
File Pending Report	Processing Complete	54504	8/21/2010 11:48:59 PM	8/21/2010 11:48:59 PM
Recalc Filed Report Totals	Processing Complete	54504	8/21/2010 11:50:04 PM	8/21/2010 11:50:04 PM
Review Filed Report	Processing Complete	54504	8/21/2010 11:50:19 PM	8/21/2010 11:50:19 PM
Amend Filed Report	Processing Complete	54504	8/21/2010 11:52:24 PM	8/21/2010 11:52:24 PM
Recalc Pending Report Total	Processing Complete	54504	8/21/2010 11:52:36 PM	8/21/2010 11:52:36 PM
Review Pending Report	Processing Complete	54504	8/21/2010 11:53:28 PM	8/21/2010 11:53:28 PM
File Pending Report	Processing Complete	54504	8/21/2010 11:53:55 PM	8/21/2010 11:53:55 PM
Review Filed Report	Processing Complete	54504	10/11/2010 4:06:57 PM	10/11/2010 4:06:57 PM



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Committee Name: Floridians for Fiscal Responsibility

Name:

Account: 54504

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
10/11/2011	Q3	10/3/2011						
7/11/2011	Q2	7/2/2011						
4/11/2011	Q1	4/2/2011						
1/10/2011	Q4	1/19/2011	CLO	9	\$0.00		\$0.00	\$0.00
10/29/2010	G4	10/29/2010						
10/15/2010	G3	10/11/2010						
10/1/2010	G2	10/11/2010	CLO	10	\$0.00		\$0.00	\$0.00
9/17/2010	G1	10/11/2010	CLO	24	\$0.00		\$0.00	\$0.00
8/20/2010	F3	8/21/2010	APP	1	\$500.00		\$500.00	\$0.00
8/6/2010	F2	8/6/2010						
7/23/2010	F1	7/16/2010						
7/22/2010	IR	7/16/2010						
7/22/2010	Q1	7/16/2010						
7/22/2010	Q2	7/16/2010						
7/22/2010	IR	7/16/2010						
7/22/2010	Q3	7/16/2010						
7/22/2010	Q4	7/16/2010						
7/22/2010	Q1	7/16/2010						

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 12-002**

Respondent: Floridians for Fiscal Responsibility

Complainant: Division of Elections

1. **Date and time:** January 4, 2012; approximately 11:00 a.m.
Name: John Dowless, Treasurer
Phone #: [REDACTED]
Summary: There was no answer; I left a message for Mr. Dowless to return my call.
Memo to File? No
Entered by: ta

2. **Date and time:** January 4, 2010; 2:39 p.m.
Name: John Dowless, Treasurer
Phone #: returned my call
Summary: I stated I had received an appeal for this committee by Sarah Rumpf. Mr. Dowless confirmed that he was aware of the appeal and that Ms. Rumpf was the deputy treasurer at the time the report was due. I stated that Ms. Rumpf was claiming that there was some sort of computer glitch and asked if he was aware of any problems. Mr. Dowless stated he could not speak for Ms. Rumpf, but he has experienced issues with filing the report, namely the last step where you have to hit the submit report button. I asked Mr. Dowless if he had received my letter dated 11/3/11; he stated he did not recall receiving it, but he was out of the country in November.
Memo to File? No
Entered by: ta

3. **Date and time:**
Name:
Phone #:
Summary:
Memo to File? No
Entered by:

4. **Date and time:**
Name:
Phone #:
Summary:
Memo to File? No
Entered by:

5. **Date and time:**
Name:
Phone #:
Summary:
Memo to File? No



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Collins Building

Suite 224

Tallahassee, Florida 32399-1050

(850) 922-4539

January 4, 2012

Mr. John Dowless, Treasurer
Floridians for Fiscal Responsibility
Post Office Box 568926
Orlando, FL 32856

RE: Case No.: FEC 12-002; Campaign Treasurer's Report due August 20, 2010

Dear Mr. Dowless:

The Florida Elections Commission received your letter appealing the fine assessed against you for failing to timely file your campaign treasurer's report. I anticipate that the Commission will hear your case at its next meeting, which is presently scheduled for February 21 & 22, 2012, in Tallahassee. However, please call our office to verify when your case will be heard.

In reaching its decision, the Commission will consider the documents gathered by Commission staff and any documents you submit for the Commission's consideration before its meeting. Unless good cause is shown, the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the meeting. Rules 2B-1.005, 1.0052, and 1.0055, *Florida Administrative Code*, are the Commission's rules on the appeal of automatic fines.

The Commission will uphold the fine imposed by the filing officer unless you provide credible evidence that the report was timely filed or credible evidence that unusual or other circumstances caused the report to be filed late.

If you are a county, municipal, or special district candidate or committee and your report was received by the filing officer without a postmark or with an illegible postmark more than five days after the due date or it was delivered to the filing officer by a mail delivery service other than the United States Postal Service, it will not be found timely filed unless you submit a copy of a proof of mailing or at a hearing before the Commission, presents the oral testimony of the person who timely mailed the report.

The proof of mailing submitted shall reflect that it was obtained from the United States Postal Service or other mail delivery service at the time of mailing and shall reflect that the report was mailed before midnight on the due date. A metered postage mark does not constitute a postmark

or a proof of mailing.

If you cannot show that your report was timely filed, the Commission may still grant you relief, but only if you show unusual circumstances. **Unusual circumstances is defined in Rule 2B-1.005(4), Florida Administrative Code, to mean “uncommon, rare, or sudden events over which the actor has no control and which directly result in the failure to act in accordance with the filing requirements.”** Unusual circumstances must occur within a time period that would clearly have prevented you from filing the report in a timely manner. Unusual circumstances shall not include the failure of the United States Postal Service or other mail delivery service to postmark an envelope, legibly postmark an envelope, or timely deliver mail. Further, unusual circumstances shall not include the failure of the sender to affix sufficient postage to a report that is being mailed.

Without credible evidence, the Commission will not find unusual circumstances. The following circumstances may constitute unusual circumstances so long as credible evidence is presented that unusual circumstances caused the report to be filed late.

1. **Natural disaster or other emergency that prevented timely filing.** Evidence submitted must include copies of newspaper reports or other documents from an independent and reliable source that shows the nature, date, and location of the natural disaster or emergency.
2. **Death of the candidate or campaign treasurer or an immediate family member of the candidate or campaign treasurer.** Evidence submitted must include a copy of the death certificate, newspaper obituary, or funeral program, or notice.
3. **Serious illness, disability or non-elective surgery of the candidate or campaign treasurer.** Evidence submitted must include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability, or surgery; a statement regarding the period of time that the patient was incapacitated; and a statement that surgery, if any, was not elective. Copies of hospital records reflecting the dates of hospitalization may also show the period of incapacitation.
4. **Serious illness, disability, or non-elective surgery of the immediate family member of the candidate or campaign treasurer.** Evidence submitted must include evidence of the relationship of the candidate or treasurer to the family member, the location of the family member, and the reason the presence of the candidate or campaign treasurer was required. Evidence submitted must also include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability or surgery; a statement regarding the period of time that the patient was incapacitated; a statement that surgery, if any, was not elective; and a statement that the patient required the care of a family member.
5. **Computer or equipment failure caused by events that could not have**

been anticipated and that made timely filing of the report impossible. Power outages or program failure does not constitute unusual circumstances unless it is established that reasonable precautions to assure the safety of the equipment or the ability of the program to perform as anticipated were taken before the events causing failure of the equipment or program. Evidence must include a written statement made under oath in the presence of a notary or other person authorized to administer oaths indicating the cause and the duration of the power outage and the reasonable precautions taken to assure the safety of the equipment or the ability of the program to perform as anticipated.

6. **The abrupt and unexpected loss of the campaign treasurer, over which you had no control.** The loss of the campaign treasurer does not constitute unusual circumstances if the appealing party failed to monitor the campaign treasurer's performance before his or her departure or if the appealing party failed to assure prompt preparation of the report after the treasurer's departure. Evidence must include a written statement made under oath in the presence of a notary or other person authorized to administer oaths explaining the departure of your treasurer and the steps taken to monitor the treasurer's performance before his or her departure.

You may, of course, send any additional evidence that you believe supports your position that your report was timely filed or that unusual circumstances cause your report to be filed late. Rule 2B-1.005(3), Florida Administrative Code, provides that if you send additional documentary evidence, the Commission must receive it no later than 20 days from the date of this letter. Remember that the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the meeting, unless good cause is shown. If the documentary evidence is timely received, it will be presented to the Commission when it considers your appeal of the assessed fine.

It is your responsibility to provide the Commission with credible evidence that the report was timely filed or credible evidence that unusual circumstances caused the report to be filed late. If you do not provide the evidence requested in this letter or in the Commission rules, the Commission will uphold the fine assessed by the filing officer.

Please let me know if I may be of further assistance.

Sincerely,



Tracie Aulet
Investigation Specialist



FLORIDA ELECTIONS COMMISSION

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

November 3, 2011

Mr. John Dowless, Treasurer
Floridians for Fiscal Responsibility
Post Office Box 568926
Orlando, FL 32856

RE: Campaign Treasurer's Report due August 20, 2010

Dear Mr. Dowless:

The Florida Elections Commission has received a letter appealing the fine assessed against you for failing to timely file a required report. The person signing the letter is Sarah E. Rumpf.

Section 106.0703(7)(c), Florida Statutes, provide that only a treasurer of a electioneering communications organization may appeal a fine assessed by a filing officer for the late filing of a campaign treasurer's report. Therefore, to preserve your right to appeal the fine, the Commission must receive a written statement signed by you indicating that the person signing the letter was representing you when the appeal was filed.

If we do not hear from you within 10 days from the date of this letter, we will assume that the person signing the letter is neither your attorney nor your personal representative and that you have waived your right to appeal. The Commission will then enter a Default Final Order, ordering you to pay the fine assessed by your filing officer for failing to timely file your campaign treasurer's report.

I urge your immediate attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Tracie Aulet". The signature is written in a cursive, flowing style.

Tracie Aulet
Investigation Specialist

Enclosure: Appeal letter dated January 29, 2010

8. The total sum of expenditures made by the electioneering communications organization during the reporting period.

9. The amount and nature of debts and obligations owed by or to the electioneering communications organization that relate to the conduct of any electioneering communication.

10. Transaction information for each credit card purchase. Receipts for each credit card purchase shall be retained by the electioneering communications organization.

11. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

12. The primary purposes of an expenditure made indirectly through an electioneering communications organization for goods and services, such as communications media placement or procurement services and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.

(b) The filing officer shall make available to any electioneering communications organization a reporting form which the electioneering communications organization may use to indicate contributions received by the electioneering communications organization but returned to the contributor before deposit.

(4) The treasurer of the electioneering communications organization shall certify as to the correctness of each report, and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any treasurer who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) The electioneering communications organization depository shall provide statements reflecting deposits and expenditures from the account to the treasurer, who shall retain the records pursuant to s. 106.06. The records maintained by the depository with respect to the account shall be subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any such records to the Division of Elections or the Florida Elections Commission upon request.

(6) Notwithstanding any other provisions of this chapter, in any reporting period during which an electioneering communications organization has not received funds, made any contributions, or expended any reportable funds, the treasurer shall file a written report with the filing officer by the prescribed reporting date that no reportable contributions or expenditures were made during the reporting period.

(7)(a) Any electioneering communications organization failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day. The fine shall be assessed by the filing officer, and the moneys collected shall be deposited:

1. In the General Revenue Fund, in the case of an electioneering communications organization that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of an electioneering communications organization that registers with an officer of a political subdivision.

No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the electioneering communications organization 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 primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the electioneering communications organization. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.

2. When the report is postmarked.

3. When the certificate of mailing is dated.

4. When the receipt from an established courier company is dated.

5. When the electronic receipt issued pursuant to s. 106.0705 or other electronic filing system authorized in this section is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). Notice is deemed sufficient upon proof of delivery of written notice to the mailing or street address on record with the filing officer. An officer or member of an electioneering communications organization shall not be personally liable for such fine.

(c) The treasurer of an electioneering communications organization may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(1) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the treasurer of the electioneering communications organization shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

Filed Campaign Treasurer's Report

Floridians for Fiscal Responsibility
54504 - ECO

Elect ID: 20101102-GEN From: 7/31/2010 Amd: Y Wvr: N Filed: FIL 8/21/2010 11:48:59 P
Report: 2010 F3 (11) To: 8/19/2010 Cmplt: COM Reviewed: AUD 10/11/2010 4:06:57 P

Original Report

Submitted: 8/21/2010 11:48:59 P

CONTRIBUTIONS

Seq Date	Name	Address	Contributor Type	Occupation Inkind Description	Errors Amd	Amount
1	ARTIGAS	2270 SANDERLING LN	I		1	\$1,000.00
8/3/2010	BONNIE	VERO BEACH FL 32963	CHE			

EXPENDITURES

Seq Date	Name	Address	Type	Office Purpose	Errors Amd	Amount
1	RUMPF	P.O. BOX 3685	ECC	STR 080	0	\$200.00
8/19/2010	SARAH	WINTER PARK FL 32790		CONSULTING		
2	MILLENNIUM CONSULTING, LLC	P.O. BOX 568926	ECC	STR 080	0	\$6,375.00
8/19/2010		ORLANDO FL 32856		PRINT AND POSTAGE FOR MAIL		

Amended Report

Submitted: 8/21/2010 11:53:55 P

CONTRIBUTIONS

Seq Date	Name	Address	Contributor Type	Occupation Inkind Description	Errors Amd	Amount
1	ARTIGAS	2270 SANDERLING LN	I	RETIRED	0	\$1,000.00
8/3/2010	BONNIE	VERO BEACH FL 32963	CHE		UPD	

1/4/2012

Filed Campaign Treasurer's Report

Page 2

Floridians for Fiscal Responsibility
54504 - ECO

Elect ID: **20101102-GEN** From: **7/31/2010** Amd: **Y** Wvr: **N** Filed: **FIL** 8/21/2010 11:48:59 P
Report: **2010 F3 (11)** To: **8/19/2010** Cmpl: **COM** Reviewed: **AUD** 10/11/2010 4:06:57 P



**Florida Department of State
Division of Elections**

Floridians for Fiscal Responsibility

Campaign Finance Activity

Note: The information presented below was obtained from the Committee's/Candidate's Campaign Treasurer's Report filed with the Division of Elections. About the Campaign Finance Data Base. If all contributions for a reporting period are less than 1 dollar Then they may not be displayed.

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
W	01/01/2009 - 03/31/2009	0.00	0.00	0.00	0.00	0.00	0.00
W	04/01/2009 - 06/30/2009	0.00	0.00	0.00	0.00	0.00	0.00
W	07/01/2009 - 09/30/2009	0.00	0.00	0.00	0.00	0.00	0.00
W	10/01/2009 - 12/31/2009	0.00	0.00	0.00	0.00	0.00	0.00
W	01/01/2009 - 12/31/2009	0.00	0.00	0.00	0.00	0.00	0.00
W	01/01/2009 - 12/31/2009	0.00	0.00	0.00	0.00	0.00	0.00
W	01/01/2010 - 03/31/2010	0.00	0.00	0.00	0.00	0.00	0.00
W	04/01/2010 - 07/16/2010	0.00	0.00	0.00	0.00	0.00	0.00
C	07/17/2010 - 07/30/2010	5,700.00	0.00	0.00	0.00	0.00	0.00
C	07/31/2010 - 08/19/2010	1,000.00	0.00	0.00	6,575.00	0.00	0.00
W	08/20/2010 - 09/10/2010	0.00	0.00	0.00	0.00	0.00	0.00
W	09/11/2010 - 09/24/2010	0.00	0.00	0.00	0.00	0.00	0.00
W	09/25/2010 - 10/08/2010	0.00	0.00	0.00	0.00	0.00	0.00
C	10/09/2010 - 10/28/2010	13,000.00	0.00	0.00	10,993.00	0.00	0.00
W	10/29/2010 - 12/31/2010	0.00	0.00	0.00	0.00	0.00	0.00
W	01/01/2011 - 03/31/2011	0.00	0.00	0.00	0.00	0.00	0.00
C	04/01/2011 - 06/30/2011	0.00	0.00	0.00	1,908.05	0.00	0.00
W	07/01/2011 - 09/30/2011	0.00	0.00	0.00	0.00	0.00	0.00
C	All Dates (Totals)	19,700.00	0.00	0.00	19,476.05	0.00	0.00

Note: (E) indicates that report was filed electronically

X Indicates that detail has not been released