

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: NOW PAC of Florida NOW

Case No.: FEC 15-442

TO: NOW PAC of Florida NOW
Terry Sanders, Chair
181 Sand Dollar Road
Indialantic, FL 32903

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

NOTICE OF HEARING (AUTOMATIC FINE)

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

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

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 2, 2016

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

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

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

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

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

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

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

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC-15-442

NAME: NOW PAC OF FLORIDA NOW

DATE APPEAL RECEIVED: 10/21/15
DATE REPORT DUE: 8/10/15 (2015 M7)
DATE OF ELECTRONIC RECEIPT: 9/11/15
DATE FILING OFFICER RECEIVED REPORT: 9/11/15
NUMBER OF DAYS LATE: 32

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

AMOUNT OF FINE: \$238.27
FINE BASED ON: () NUMBER OF DAYS (X) 25% OF RECEIPTS () 25% OF EXPENDITURES
TOTAL RECEIPTS FOR REPORTING PERIOD: \$953 07
TOTAL EXPENDITURES FOR REPORTING PERIOD: \$0
DATE FIRST NOTIFICATION WAS SENT: 8/20/15

SUMMARY: NOW PAC of Florida NOW is a political committee (PC) registered with the State of Florida. The PC's chair is Ms. Terry Sanders and its treasurer is Ms. Shirley Ann Rawls.

The PC is appealing the fine claiming that unusual circumstances existed that caused the report to be untimely filed. According to Ms. Rawls, "I filed the M7 on August 28, 2015, but did not have all the contributors' information and filed what I had. Hoping to avoid a huge fine. I amended the M7 on September 11, 2015 to add the contributors' name and address. The system allowed me to do this. We ask that the fine be reduced based on the actual filing date... August 28th not on the date amended, September 11, 2015"¹.

- The 2015 M7 Report covers the time period from 7/1/15 through 7/31/15.
- The PC reported receiving 1 contribution, while not making any expenditures during this reporting period.
- The 2015 M7 Queued-Transactions Report reflects that this report was created on 8/31/15 at approximately 4:02 pm, reviewed 7 times, before being filed on 9/11/15 at approximately 1:39 pm.
- On 10/29/15, FEC staff made contact with the PC's chair to ensure that she was aware of this appeal for an automatic fine.

PRIOR CASES: This PC has no prior cases with the Commission.

¹ After reviewing records from the DOE, there are no indicators that any work was done on the 2015 M7 Report on 8/28/15 as the treasurer alleges. Records reflect that the 2015 M7 Report was initially created on 8/31/15

ER



Florida National Organization for Women
 P.O. Box 3501
 St. Augustine, FL 32085

Florida Elections Commission
 107 W. Gaines Street, Suite 224
 Collins Building
 Tallahassee, Florida 32399

Re: Case No: FEC 15-442: Respondent: NOW PAC of Florida NOW; Campaign Treasurer's Report due 08/10/15 (2015 M7)

Dear Ms Riley:

This is to acknowledge that Shirley Ann Rawls is the Treasurer of the political committee NOW PAC of Florida NOW and does speak for the organization. We would greatly appreciate your review of our request for appeal of the fine for our August report based on the details provided by Ms. Rawls in her letter dated September 28, 2015.

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

Ms. Terry Sanders
 Chairperson, NOW PAC of Florida NOW
 Cell: 321-615-1334

Cc: Shirley Ann Rawls, Treasurer

2015 OCT 21 P 12:20
 RECEIVED

ER

September 28, 2015

Florida Elections Commission
107 West Gaines Street, Suite 224
Tallahassee, FL 32399-0150

RECEIVED

2015 OCT -1 A 10:38

STATE OF FLORIDA
ELECTIONS COMMISSION

Dear Florida Elections Commission,

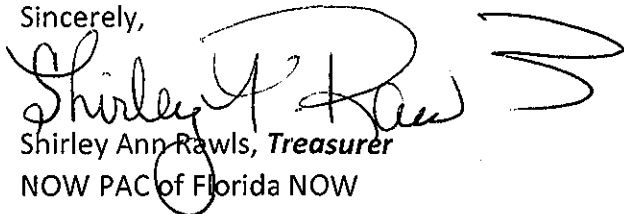
RE: Florida Division of Elections letter dated September 21, 2015, M7 report late fine, PAC 60565.

We are appealing the **\$238.27** for the following reasons.....

1. I filed the M7 on August 28, 2015, but did not have all the contributors' information and filed what I had. Hoping to avoid a huge fine.
2. I amended the M7 on September 11, 2015 to add the contributors' name and address. The system allowed me to do this.

We ask that the fine be reduced based on the actual filing date.... August 28th....not on the date amended, September 11, 2015.

Sincerely,



Shirley Ann Rawls, *Treasurer*

NOW PAC of Florida NOW
P.O. Box 3501
Saint Augustine, FL 32085

904-466-3658- Cell phone

Encl: M7 Online Filing Report Form, showing August 28, 2015

cc: Terry Sanders, Chairperson

20 Sep 15
spoke w/ Rep
AMN

FLORIDA DEPARTMENT OF STATE
Ken Detzner
Secretary of State
DIVISION OF ELECTIONS

AUG 28 file
Amendment
to name
won 11 Sep

September 21, 2015

Shirley Ann Rawls, Treasurer
NOW PAC of Florida NOW
Post Office Box 3501
St. Augustine, FL 32085-2085

M7
appeal

PAC 60565

Dear Ms. Rawls:

The campaign treasurer's report that was due on August 10, 2015, was filed on September 11, 2015. By law, you are automatically assessed a late fine of \$238.27.

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

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

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

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

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

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

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

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

cc: Terry Sanders, Chairperson

RECEIVED
2015 SEP 11 AM 10:38
DIVISION OF ELECTIONS



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice
Delivery Confirmation:

USPS TRACKING # & CUSTOMER RECEIPT **9114 9999 4431 3834 3651 68**
For Tracking or inquiries go to USPS.com or call 1-800-222-1811

August 20, 2015

Shirley Ann Rawls, Treasurer
NOW PAC of Florida NOW
Post Office Box 3501
St Augustine, FL 32085-2085

PAC 60565

Dear Ms. Rawls:

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

<u>Year</u>	<u>Report</u>	<u>Cover Period</u>
2015	M7	7/1/15 - 7/31/15

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

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

cc: Terry Sanders, Chairperson

**FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY**

(1) NOW PAC of Florida NOW (2) 60565
Candidate, Committee or Party Name ID Number

(3) 181 Sand Dollar Road Indianlantic FL 32903
Address (number and street) City State Zip Code
 Check box if address has changed since last report

(4) Check appropriate box(es):
 Candidate (office sought):
 Political Committee Check If PC has DISBANDED
 Committee of Continuous Existence Check If CCE has DISBANDED
 Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 07/01/2015 To 07/31/2015 Report Type: M7
 Original Amendment Special Election Report

(6) CONTRIBUTIONS THIS REPORT

(7) EXPENDITURES THIS REPORT

Cash & Checks \$953 07
 Loans \$0 00
Total Monetary \$953 07
 In-Kind \$0 00

Monetary Expenditures \$0 00
 Transfers to Office Account \$0 00
Total Monetary \$0 00

(8) Other Distributions

Certification

It is a first degree misdemeanor for any person to falsify a public record (ss 839 13, F S)

I certify that I have examined this report and it is true, correct and complete

I certify that I have examined this report and it is true correct and complete

Name of Treasurer Deputy Treasurer

Name of Candidate Chairman (PC/PTY Only)

X
Signature

X
Signature

Name: NOW PAC of Florida NOW

Report: 2015 M7

Period: 07/01/2015 to 07/31/2015

** Records in Filed Report **

Seq #	Full Name (Last, Suffix First, Middle)	Contributor	Occupation	Amount
Date	Street Address & City, State, Zip	Type	In-Kind Description	Amend
1	MLADENOVIC, MIROSLAV	I	M2E CONSULTING ENGINEERS	\$953 07
07/15/2015	5815 SW 68TH ST MIAMI FL 33143	CHE		

ID:

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

Name: NOW PAC of Florida NOW

Report: 2015 M7

Period: 07/01/2015 to 07/31/2015

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend

Name: NOW PAC of Florida NOW Report: 2015 M7 Period: 07/01/2015 to 07/31/2015

** Records in Filed Report **

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

ID:

CAMPAIGN MEASURER'S REPORT - ITEMIZED FUNDS TRANSFERS

Name: NOW PAC of Florida NOW

Report: 2015 M7

Period: 07/01/2015 to 07/31/2015

**** Records in Filed Report ****

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

Queued Items for 2015-M7

Account: 60565

NOW PAC of Florida NOW

Rpt Seq: 46

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	60565	8/31/2015 4:02:12 PM	8/31/2015 4:02:12 PM
Review Pending Report	Processing Complete	60565	8/31/2015 4:14:20 PM	8/31/2015 4:14:20 PM
Review Pending Report	Processing Complete	60565	9/7/2015 3:20:58 PM	9/7/2015 3:20:58 PM
Review Pending Report	Processing Complete	60565	9/7/2015 3:27:13 PM	9/7/2015 3:27:13 PM
Review Pending Report	Processing Complete	60565	9/7/2015 3:28:21 PM	9/7/2015 3:28:21 PM
Review Pending Report	Processing Complete	60565	9/11/2015 1:17:11 PM	9/11/2015 1:17:11 PM
Review Pending Report	Processing Complete	60565	9/11/2015 1:21:29 PM	9/11/2015 1:21:29 PM
Review Pending Report	Processing Complete	60565	9/11/2015 1:38:42 PM	9/11/2015 1:38:42 PM
File Pending Report	Processing Complete	60565	9/11/2015 1:39:24 PM	9/11/2015 1:39:25 PM
Review Filed Report	Processing Complete	60565	9/28/2015 12:10:29 PM	9/28/2015 12:10:30 PM



Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Name:

Election:

Acct:

Type:

Committee Name: NOW PAC of Florida NOW
Account: 60565

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
10/13/2015	M9	10/5/2015						
9/10/2015	M8	9/11/2015	CLO	1	\$50 00		\$50 00	\$50 00
8/10/2015	M7	9/11/2015	APP	32	\$238 27		\$238 27	\$0 00
7/10/2015	M6	7/7/2015						
6/10/2015	M5	6/7/2015						
5/11/2015	M4	5/5/2015						
4/10/2015	M3	4/2/2015						
3/10/2015	M2	3/2/2015						
2/10/2015	M1	2/8/2015						
1/12/2015	M12	1/4/2015						
12/10/2014	M11	12/7/2014						
11/10/2014	M10	11/1/2014						
10/31/2014	G7	10/30/2014						
10/30/2014	D6	10/29/2014						
10/29/2014	D5	10/28/2014						
10/28/2014	D4	10/27/2014						
10/27/2014	D3	10/26/2014						
10/26/2014	D2	10/25/2014						
10/25/2014	D1	10/24/2014						
10/24/2014	G6	10/18/2014						
10/17/2014	G5	10/12/2014						
10/10/2014	G4	10/4/2014						
10/3/2014	G3	9/27/2014						
9/26/2014	G2A	9/20/2014						
9/19/2014	G2	9/13/2014						
9/12/2014	G1A	9/7/2014						
9/5/2014	G1	8/30/2014						
8/29/2014	P7A	8/23/2014						
8/22/2014	P7	8/22/2014						
8/15/2014	P6	8/9/2014						
8/8/2014	P5	8/4/2014						
8/1/2014	P4	7/26/2014						
7/25/2014	P3	7/19/2014						
7/18/2014	P2A	7/12/2014						
7/11/2014	P2	7/5/2014						
7/4/2014	P1A	6/28/2014						
6/27/2014	P1	6/27/2014						
6/10/2014	M5	6/2/2014						
5/12/2014	M4	5/2/2014						
4/10/2014	M3	4/1/2014						
3/10/2014	M2	3/2/2014						
2/10/2014	M1	2/2/2014						
1/10/2014	M12	12/31/2013						
12/10/2013	M11	12/1/2013						
11/12/2013	M10	11/3/2013						

10/10/2013 Q3 10/4/2013

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 15-442**

Respondent: NOW PAC of Florida NOW

Complainant: Division of Elections

1. **Date and time:** October 29, 2015 @ 11:15 am

Name: Terry Sanders—Chairwoman

Phone #: (321) 615-1334

Summary: I had telephone contact to ensure that the chair was aware of the automatic fine appeal investigation. Ms. Sanders verified that she was aware of the appeal. I explained the appeal procedure to her, and she didn't have any questions. Ms. Sanders advised me that she may send someone to the meeting to represent the PC.

Memo to File? No

Entered by: CKO