

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Gary S. Dolgin

Case No.: FEC 16-293

TO: Gary S. Dolgin
3002 W. Kennedy Blvd.
Tampa, FL 33609

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

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **November 16, 2016 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.

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
November 1, 2016

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

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

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

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

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

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

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

**FLORIDA ELECTIONS COMMISSION
CASE REPORT**

Case Number: FEC-16-293

NAME: **GARY DOLGIN**

DATE APPEAL RECEIVED: 8/8/16

DATE REPORT DUE: 7/1/16 (2016 P1)

DATE OF ELECTRONIC RECEIPT: 7/8/16

DATE FILING OFFICER RECEIVED REPORT: 7/8/16

NUMBER OF DAYS LATE: 7

AMOUNT OF FINE: \$239.21

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$775.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$956.85

DATE OF FIRST NOTIFICATION: 7/5/16

SUMMARY: Mr. Gary S. Dolgin was a candidate for Circuit Judge, Circuit 13, Group 24, in the 2016 elections. Ms. Laurel Paddock was his treasurer.

Mr. Dolgin is appealing the fine claiming that unusual circumstances existed that caused the 2016 P1 Report to be untimely filed. According to Mr. Dolgin, "As you know, the filing reports have been due on the 10th or 11th days of the month since the election season began. The report due on July 1, 2016, for the period of June 1 through June 24 was the first time that the reporting date changed. All of my previous reports have been filed in a timely manner, and so I request that I be forgiven for this fine. In addition, please not that I telephoned the Division of Elections Office on Friday, July 8, 2016, to inquire as to whether my report was due on Sunday, July 10, 2016, or whether it could be filed on the next business day, Monday, July 11, 2016, and I was told the June report was due on Sunday, July 10, 2016, so it appears that even Division employees were confused as to the due date as well as two of my opponents. I respectfully request that this fine be forgiven in this instance."

- The 2016 P1 Report covers the time period from 6/1/16 through 6/24/16.
- The 2016 P1 Queued-Transactions Report reflects that this report was created on 6/10/16 at approximately 3:15 pm, before being filed on 7/8/16 at approximately 10:14 pm.

PRIOR CASES: Mr. Dolgin has been involved in one prior investigation. FEC 06-251; found unusual circumstances for alleged violation of 106.07(8)(b)/Fine waived.

CANDIDATE <input checked="" type="checkbox"/>	STATE <input checked="" type="checkbox"/>
PC <input type="checkbox"/>	DISTRICT <input type="checkbox"/>
CCE <input type="checkbox"/>	COUNTY <input type="checkbox"/>
POLITICAL PARTY <input type="checkbox"/>	CITY <input type="checkbox"/>

ER

Gary S. Dolgin

*For Circuit Court Judge - Group 24
Board Certified Expert in Marital and Family Law
Supreme Court Certified Family Mediator*

*3002 W. Kennedy Blvd
Tampa, Florida 33609*



*Telephone: (813)223-3200
garydolginforjudge@gmail.com*

July 29, 2016

Sent Via US Mail and Certified Mail

Florida Elections Commission
107 W. Gaines St., Suite 224
Tallahassee, FL 32399-0150

RE: Appeal

To Whom It May Concern:

I am writing to appeal my fine in the amount of \$239.21 in accordance with Rule 2B-1.005(3). As you know, the filing reports have been due on the 10th or 11th days of the month since the election season began. The report due on July 1, 2016, for the period of June 1 through June 24 was the first time that the reporting date changed. All of my previous reports have been filed in a timely matter, and so I request that I be forgiven for this fine. In addition, please note that I telephoned the Division of Elections Office on Friday, July 8, 2016, to inquire as to whether my report was due on Sunday, July 10, 2016, or whether it could be filed on the next business day, Monday, July 11, 2016, and I was told the June report was due on Sunday, July 10, 2016, so it appears that even Division employers were confused as to the due date as well as two of my opponents.

I respectfully request that this fine be forgiven in this instance.

Sincerely,

Gary S. Dolgin
Attorney at Law

CC Via US Mail
Kristi Reid Bronson
Chief Bureau of Elections Records
Florida Division of Elections
RA Gray Building, Room 316
500 S. Bronough St.
Tallahassee, FL 32399-025011

RECEIVED
2016 AUG - 8 11:00
STATE OF FLORIDA
ELECTIONS COMMISSION



FLORIDA DEPARTMENT OF STATE

Ken Detzner

Secretary of State

DIVISION OF ELECTIONS

August 3, 2016

Gary Dolgin

Candidate for Circuit Judge, Circuit 13, Group 24

3002 West Kennedy Boulevard

Tampa, FL 33609-3609

CAN 64908

Dear Mr. Dolgin:

The campaign treasurer's report that was due on July 1, 2016, was filed on July 8, 2016. By law, you are automatically assessed a late fine of \$239.21.

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: Laurel Paddock, Treasurer



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

July 11, 2016

Gary Dolgin
Candidate for Circuit Judge, Circuit 13, Group 24
3002 West Kennedy Boulevard
Tampa, FL 33609-3609

CAN 64908

Dear Mr. Dolgin:

The campaign treasurer's report that was due on July 1, 2016, was filed on July 8, 2016. By law, you are automatically assessed a late fine of \$239.21.

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: Laurel Paddock, Treasurer



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

July 5, 2016

CAN 64908

Laurel Paddock, Treasurer
3002 West Kennedy Boulevard
Tampa, FL 33609-3609

Dear Ms. Paddock:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was July 1, 2016.

The law (s. 106.07(8)(b), Fla. Stat.) requires the filing officer to immediately notify you about the missed filing date and the automatic fines that will be assessed for late filing of a report, if a report was due.

- If reportable activity occurred and you have not filed a report, statutory fines are automatically assessed as follows until you file your report:
 - * \$50 for the first 3 days late
 - * \$500 per day for each day after the 3rd day late
 - * If the required report immediately precedes a primary and general election, the automatic fine is \$500 for each late day.

The total fine for the untimely report cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the cover period. Even if you end up filing your report late, we cannot waive the statutory fines. We will notify you of the specific amount of fines owed once you file your report. You have 20 days from the day you receive the notice to pay the fine or to appeal the fine to the Florida Elections Commission.

- If no reportable activity occurred for the report date(s), you are still required to notify us in writing, via the Division's Electronic Filing System, that no reportable activity occurred. No automatic fines are statutorily assessed.

However, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

cc: Gary Dolgin

Candidate for Circuit Judge, Circuit 13, Group 24

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

(1) Gary Dolgin (2) 64908
Candidate, Committee or Party Name I.D. Number

(3) 3002 West Kennedy Boulevard Tampa FL 33609
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 06/01/2016 To 06/24/2016 Report Type: P1
☐ Original ☒ Amendment ☐ Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$775.00
Loans	\$0.00
<i>Total Monetary</i>	<i>\$775.00</i>
In-Kind	\$960.27

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$956.85
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	<i>\$956.85</i>

(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

Name of ☐ Treasurer ☐ Deputy Treasurer

X
Signature

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

Name of ☒ Candidate ☐ Chairman (PC/PTY Only)

X
Signature

Name: Gary Dolgin

Report: 2016 P1

Period: 06/01/2016 to 06/24/2016

** 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	BRANDON LEGAL GROUP 1209 LAKESIDE DR BRANDON, FL 33510	B	LAW OFFICE	\$150.00
06/09/2016		CHE		
2	KIRCHEN, RICHARD, F. 5005 S ELBERON ST TAMPA, FL 33611	I	INSURANCE AGENT	\$100.00
06/15/2016		CHE		
3	SPEARS, DIANNA, L 10725 POINT OVERLOOK DR CLERMONT, FL 34711	I		\$25.00
06/08/2016		CHE		
4	DOLGIN, GARY 3002 W KENNEDY BLVD TAMPA, FL 33609	I	ATTORNEY	\$150.00
06/02/2016		INK	S TAMPA CHAMBER OF COMMERCE MEMBER FEE	
5	FERLITA, ROSE 808 S WILLOW AVE TAMPA, FL 33606	I	PHARMACIST	\$400.00
06/04/2016		CHE		
6	CASTOR, BETTY 3435 BAYSHORE BLVD., #1601 TAMPA, FL 33629	I	RETIRED EDUCATOR	\$100.00
06/23/2016		CHE		
7	BRANDON LEGAL GROUP PA 1209 LAKESIDE DR BRANDON, FL 33510	B	LAW OFFICE	\$630.27
06/09/2016		INK	HOSTED CAMPAIGN EVENT 6.9.16	ADD
8	LOVE, DARYL 4914 S. MACDILL AVE TAMPA, FL 33611	I	OWNER OF RESTAURANT	\$180.00
06/15/2016		INK	COST OF APPETIZERS FOR 6.15 EVENT	ADD

Name: Gary Dolgin

Report: 2016 P1

Period: 06/01/2016 to 06/24/2016

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend
1 06/04/2016	PAY PAL 2211 N FIRSTS ST SAN JOSE, CA 95131	MON	CAMPAIGN CONTRIBUTION PROCESSING FEE	\$11.90
2 06/23/2016	PAY PAL 2211 N FIRST ST SAN JOSE, CA 95131	MON	CAMPAIGN CONTRIBUTION PROCESSING FEE	\$3.20
3 06/08/2016	DOLGIN GARY 3002 W KENNEDY BLVD TAMPA, FL 33609	RMB	REIMBURSEMENT FOR CAMPAIGN YARD SIGNS	\$866.75
4 06/02/2016	DOLGIN GARY 3002 W KENNEDY BLVD TAMPA, FL 33609	RMB	REIMBURSEMENT FOR 4TH OF JULY ENTRY FEE	\$75.00

Name: Gary Dolgin

Report: 2016 P1

Period: 06/01/2016

to 06/24/2016

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip	Recipient	Purpose	Amount
		Type	Related Expenditure	Amend
1 06/08/2016	CAMPAIGN GRAPHICS 1229 N WAKONDA ST FLAGSTAFF, AZ 86004	O RMB	CAMPAIGN YARD SIGNS 2016 P1 Rpt #10 Seq #3	\$866.75
2 06/02/2016	ROUNDTABLE CHARITIES OF GREATER BRANDON INC 330 PAULS DR., #100 BRANDON, FL 33511	O RMB	4TH OF JULY PARADE ENTRY FEE 2016 P1 Rpt #10 Seq #4	

ID:

CAMPAIGN TREASURER'S REPORT - ITEMIZED FUND TRANSFERS

Page 1 of 1

Name: Gary Dolgin

Report: 2016 P1

Period: 06/01/2016 to 06/24/2016

** 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 2016-P1

Account: 64908

CTJ 013 Gary Dolgin

Rpt Seq: 10

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	64908	6/10/2016 3:15:57 PM	6/10/2016 3:15:57 PM
Review Pending Report	Processing Complete	64908	7/8/2016 8:23:13 PM	7/8/2016 8:23:13 PM
Review Pending Report	Processing Complete	64908	7/8/2016 9:46:01 PM	7/8/2016 9:46:01 PM
Review Pending Report	Processing Complete	64908	7/8/2016 10:13:48 PM	7/8/2016 10:13:48 PM
File Pending Report	Processing Complete	64908	7/8/2016 10:14:52 PM	7/8/2016 10:14:52 PM
Amend Filed Report	Processing Complete	64908	8/3/2016 4:46:20 PM	8/3/2016 4:46:20 PM
Review Pending Report	Processing Complete	64908	8/3/2016 4:54:29 PM	8/3/2016 4:54:30 PM
File Pending Report	Processing Complete	64908	8/3/2016 4:55:36 PM	8/3/2016 4:55:36 PM

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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Name:

Candidate Name: Gary Dolgin

Account: 64908

Election:

Acct: 64908

Type: Candidate

Search

Reset

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
9/23/2016	G2	9/22/2016						
9/9/2016	G1	9/9/2016						
8/26/2016	P7	8/26/2016						
8/19/2016	P6	8/18/2016						
8/12/2016	P5	8/11/2016						
8/5/2016	P4	8/5/2016						
7/29/2016	P3	7/29/2016						
7/15/2016	P2	7/15/2016						
7/1/2016	P1	7/8/2016	APP	7	\$239.21		\$239.21	\$0.00
6/10/2016	M5	6/10/2016						
5/10/2016	M4	5/4/2016						
4/11/2016	M3	4/5/2016						
3/10/2016	M2	3/10/2016						
2/10/2016	M1	2/10/2016						
1/11/2016	M12	1/7/2016						
12/10/2015	M11	12/1/2015						
11/10/2015	M10	11/10/2015						
10/13/2015	M9	10/13/2015						