

11-264

RECEIVED

Case No.: FEC 11-264

2012 JAN 24 P 4:02

**STATE OF FLORIDA
ELECTIONS COMMISSION**

To Whom It May Concern

During the disputed time The American Peoples Committee switched the person who was responsible for filing campaign contributions. I was left responsible for filing without instruction. I accidentally filled Senator Gibson's campaign contribution under the normal quarter's contribution, instead of a separate filling for a special election. The problem was later remedied.

For further information please contact me

Erin Daly



RECEIVED

2012 JAN 24 P 4: 02

STATE OF FLORIDA
ELECTIONS COMMISSION



PUBLIC AFFAIRS
CONSULTANTS

110 EAST COLLEGE AVENUE
TALLAHASSEE, FL 32301
POST OFFICE BOX 1347
TALLAHASSEE, FL 32301
TELEPHONE (850) 893-0995
FAX (850) 561-1389
<http://www.paconsultants.com>
E-MAIL info@paconsultants.com

KEYNA CORY
JACK CORY

Fax

FAX NUMBER: 921-0783

ATTENTION: Tracy

FROM: Erin Daly

PHONE: _____

DATE: Jan 24, 2012

SUBJECT: Case No.: FEC 11-264

PAGES (including cover): 2

COMMENTS: _____

Thanks Tracy!

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: THE AMERICAN PEOPLE
COMMITTEE, RESPONDENT.

Case No.: FEC 11-264

NOTICE OF HEARING ON APPEAL OF AUTOMATIC FINE

TO: Keyna Cory, Treasurer
The American People Committee
110 East College Avenue
Tallahassee, FL 32301

Kristi Reid Bronson, Chief
Division of Elections
500 S. Bronough Street
Tallahassee, FL 32399-0250

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-11-264

NAME: THE AMERICAN PEOPLE COMMITTEE

DATE APPEAL RECEIVED: 10/19/11

DATE HEARD BY FEC: 2/21/12

DATE HEARING REQUEST RECEIVED: n/a

DATE REPORT DUE: 9/2/11 (2011 SF1)

DATE OF ELECTRONIC RECEIPT: 10/6/11

DATE FILING OFFICER RECEIVED REPORT: 10/6/11

NUMBER OF DAYS LATE: 34

AMOUNT OF FINE: \$125.00

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$0.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$500.00

DATE FIRST NOTIFICATION WAS RECEIVED: Failure to file letter dated 9/21/11.

SUMMARY: The American People Committee is a committee of continuous existence (CCE) registered with the State of Florida. The CCE's chair and treasurer is Keyna Cory.

The CCE requested an appeal by letter dated 10/13/11; however, as of the date of this summary, Ms. Cory has not provided any additional information regarding the unusual circumstances that caused the untimely filing of the CCE's report.

PRIOR CASES: This CCE has no prior cases before the Commission.

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

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

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RECEIVED
2011 OCT 19 A 9 45
STATE OF FLORIDA
ELECTIONS COMMISSION

Public Affairs Consultants
110 E. College Avenue
Tallahassee, FL 32313

October 13, 2011

Florida Elections Commission
107 West Gaines Street
Suite 224
Tallahassee, FL 32399-0100

To Whom It May Concern,

I wish to appeal the \$125 fine that I have assumed by failing to file the American Peoples Committee Inc in a timely manner.

Sincerely,

Keyna Cory, Treasurer
The American People Committee Inc.



FLORIDA DEPARTMENT OF STATE

Kurt S. Browning
Secretary of State

DIVISION OF ELECTIONS

October 10, 2011

Ms. Keyna Cory, Treasurer
The American People Committee Inc.
110 East College Avenue
Tallahassee, FL 32301

Dear Ms. Cory:

The campaign treasurer's report that was due September 2, 2011, was not filed until October 6, 2011. Accordingly, you are fined in the amount of \$125.00. 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

Kurt S. Browning
Secretary of State

DIVISION OF ELECTIONS

Second Notice

October 5, 2011

Ms Keyna Cory, Treasurer
The American People Committee Inc
110 East College Avenue
Tallahassee, FL 32301

Dear Ms. Cory:

Your campaign treasurer's report, due September 16, 2011, has not been received.

Section 106.04(8)(b), Florida Statutes, requires that the filing officer immediately notify you of the failure to file a report.

The first notice of the failure to file the above mentioned report was mailed, via regular mail, to the address on file with our office on September 21, 2011. As of this date, we do not show a record of receiving this report.

If the report is not filed via the Division's electronic filing system within 14 days of receipt of this notice, this matter will be referred to the Florida Elections Commission for further action. Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission, upon finding a willful violation of Chapter 106, Florida Statutes, to impose a civil penalty of up to \$1,000 per count.

If you have any questions, please do not hesitate to contact Theresa Holdeen at (850)245-6250.

Sincerely,

A handwritten signature in cursive script that reads "Kristi Reid Bronson".

Kristi Reid Bronson, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Kurt S. Browning
Secretary of State

DIVISION OF ELECTIONS

September 21, 2011

Ms. Keyna Cory, Treasurer
The American People Committee Inc.
110 East College Avenue
Tallahassee, FL 32301

Dear Ms. Cory:

Your campaign treasurer's report, which was due September 16, 2011, has not been received.

Section 106.04(8)(a), Florida Statutes, requires that the filing officer immediately notify you of the failure to file this report and that a fine will be assessed of \$50 per day for the first 3 days a report is late and, thereafter \$500 per day, although a fine cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Once your report is filed, this office will notify you of the specific amount of your fine. Fines must be paid to the filing officer within 20 days of receipt of the payment due notice.

Please be advised, however, that failure to file a campaign treasurer's report may constitute a violation of Chapter 106, Florida Statutes, independent of the automatic fine violation referenced above. Therefore, if you fail to file a report, the division will turn the matter over to the Florida Elections Commission.

Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission to impose a civil penalty up to \$1,000 per count for each willful violation of Chapter 106.

If you have any questions, please do not hesitate to contact Theresa Holdeen at (850)245-6250.

Sincerely,

Krist 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

The American People Committee Inc.

Type: Committee of Continuous Existence

Status: Active

Address: 110 East College Avenue
Tallahassee, FL 32301

Phone: (850)681-1065

Chairperson: Keyna Cory

Treasurer: Keyna Cory
110 East College Avenue
Tallahassee, FL 323010000

Registered Agent: Matthew Morrall
2850 North Andrews Avenue
Fort Lauderdale, FL 333110000

Purpose:

Affiliates:

Campaign Finance Activity

Campaign Documents

Filed Reports for Elec ID: 20111018-S01

Account: 55139 - CCE **The American People Committee Inc.**
Chairperson: Cory, Keyna Appt: 3/18/11

Report: 2011 SF1 (4)	From: 7/29/2011	Amd: Y	Filed: FIL	10/6/2011 1:13:43 P		
Due: 9/2/2011	To: 8/26/2011	Cmplt: COM	Reviewed: AUD	10/21/2011 11:54:47		
<i>Submitted</i>	<i>Treasurer</i>	<i>Appointed</i>	<i>Withdrew</i>	<i>Entry Method</i>	<i>File Method</i>	<i>Chair PIN</i>
10/6/2011	Keyna Cory	3/18/2011		Web Data Entry	Web Filed	
10/17/2011	Keyna Cory	3/18/2011		Web Data Entry	Web Filed	

Filed Report Summary

Home Filings Transactions Print Queue Campaign Account Sign Out Help

Summary of all filings received

Report: 2011 - SF1 - 4 2011 Special Election - Senate 1 Covers: 7/29/2011-8/26/2011 Due: 9/2/2011

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

Transactions	Contributions	Amount	Expenditures	Amount
1	Cash and Checks:	0.00	Monetary:	500.00
	Loans:	0.00	Transfers to Off Acct:	0.00
	Total Monetary:	0.00	Total Monetary:	500.00
	In-Kind Contributions:	0.00	Other Distributions:	0.00

Activity this report

Orig Report Submit Date: By:

Contributions	Amount	Expenditures	Amount
Cash and Checks:	0.00	Monetary:	500.00
Loans:	0.00	Transfers to Off Acct:	0.00
Total Monetary:	0.00	Total Monetary:	500.00
In-Kind Contributions:	0.00	Other Distributions:	0.00

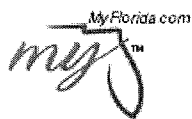
Queued Items for 2011-SF1

Account: 55139

The American People Committee Inc.

Rpt Seq: 4

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	55139	10/6/2011 12:50:56 PM	10/6/2011 12:50:56 PM
Review Pending Report	Processing Complete	55139	10/6/2011 12:51:12 PM	10/6/2011 12:51:12 PM
Recalc Pending Report Total	Processing Complete	55139	10/6/2011 1:11:39 PM	10/6/2011 1:11:39 PM
File Pending Report	Processing Complete	55139	10/6/2011 1:13:43 PM	10/6/2011 1:14:10 PM
Review Filed Report	Processing Complete	taholdeen	10/13/2011 12:03:06 PM	10/13/2011 12:03:06 PM
Amend Filed Report	Processing Complete	55139	10/17/2011 3:04:26 PM	10/17/2011 3:04:26 PM
File Pending Report	Processing Complete	55139	10/17/2011 3:06:19 PM	10/17/2011 3:06:19 PM
Review Filed Report	Processing Complete	taholdeen	10/21/2011 11:54:46 A	10/21/2011 11:54:47 AM



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Committee Name: The American People Committee Inc.

Name:

Account: 55139

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
10/11/2011	Q3	10/12/2011	SNT	1	\$50.00		\$50.00	\$0.00
9/2/2011	SF1	10/6/2011	APP	34	\$125.00		\$125.00	\$0.00
7/11/2011	Q2	7/15/2011	CLO	4	\$0.00		\$0.00	\$0.00
4/11/2011	Q1	4/8/2011						

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 11-264**

Respondent: The American People Committee

Complainant: Division of Elections

1. **Date and time:** December 22, 2011; 10:31 a.m.
Name: Keyna Cory, Treasurer
Phone #: [REDACTED]
Summary: There was no answer; I left a voicemail asking that Ms. Cory return my call.
Memo to File? No
Entered by: ta
Date and time:

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

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
Entered by:

6. **Date and time:**
Name:
Phone #:



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

November 8, 2011

Ms. Keyna Cory, Treasurer
The American People Committee, Inc.
110 East College Avenue
Tallahassee, FL 32301

RE: Case No.: FEC 264; Campaign Treasurer's Report due September 2, 2011

Dear Ms. Cory:

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 Department of State
Division of Elections**

The American People Committee Inc.

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	03/18/2011 - 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	0.00	0.00	0.00
C	07/29/2011 - 08/26/2011	0.00	0.00	0.00	500.00	0.00	0.00
C	07/01/2011 - 09/30/2011	111,000.00	0.00	0.00	34,500.00	0.00	0.00
C	All Dates (Totals)	111,000.00	0.00	0.00	35,000.00	0.00	0.00

Note: ^(E) indicates that report was filed electronically

X Indicates that detail has not been released

W Indicates that a waiver was filed and **L** Indicates that a loan report was filed

Select Detail Type

Contributions

Select Sort Order

Date(Ascending)

Select Output Type

Display On Screen

Submit Query Now

Query the Campaign Finance Data Base

[Department of State] [Division of Elections] [Candidates and Races] [Campaign Finance Information]