

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Allen Markelson

Case No.: FEC 16-630

TO: Allen Markelson
8000 East Drive # 302
North Bay Village, FL 33141-3141

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

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **November 28, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, 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 13, 2017

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

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

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

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

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

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

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

FILED

17 SEP -5 PM 12:38

STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 16-630

v.

**Allen Markelson,
Respondent.**

_____ /

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 16, 2017, in Tallahassee, Florida.

On June 30, 2017, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

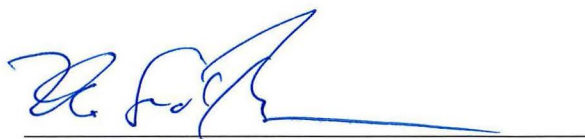
Count 1:

On or about September 22, 2016, Respondent violated Section 106.141(1), Florida Statutes, when Respondent failed to file the campaign's 2016 TR listing the disposition of all remaining campaign funds within 90 days of being eliminated.

Count 2:

On or about September 22, 2016, Respondent violated Section 106.19(1)(c), Florida Statutes, when Respondent deliberately failed to include information required to be reported by Chapter 106 on the campaign's 2016 TR.

DONE AND ORDERED by the Florida Elections Commission on August 16, 2017.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Cole H. Kekelis, Assistant General Counsel
Allen Markelson, Respondent
Division of Elections, Complainant

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violation(s) and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

Third, you may request a formal hearing held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to present evidence

relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann Malphurs. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

RE: ALLEN MARKELSON
8000 EAST DRIVR ##302
NORTH BAY VILLAGE, FL 33141

Case No. : FEC 16-630

TO: AMY TOMAN, EXECUTIVE DIRECTOR
FLORIDA ELECTIONS COMMISSION
500 S. BOROUGH STREET, RM 316
TALLAHASSEE, FL 32399

RECEIVED
2017 AUG 23 P 3:35
STATE OF FLORIDA
ELECTIONS COMMISSION

MY DEAR MS. TOMAN,

MY CASE WAS FULLY EXPLAINED IN MY CORRESPONDENCE TO Y'ALL LAST YEAR. PLEASE HAVE IT READ TO THE COMMISSION PRIOR TO MY POSSIBLE APPEARANCE AUGUST 16. AS I JUST RECEIVED YOUR NOTICE OF HEARING, I WILL ENDEAVOR TO CHANGE MY PLANS FOR THAT DATE.

ON AUGUST 16, 2017 MY SCHEDULE WAS SET. I WILL NEEDS CHANGE THEM ALL TO ACCOMMODATE YOUR RATHER LAST MINUTE REQUEST FOR ME TO JOURNEY TO TALLAHASSEE. YOUR OBVIOUS DESIRE TO AVOID CONFRONTING ME IS A SIGN OF WEAKNESS. OBVIOUSLY, IT WAS MORE LOGICAL TO SCHEDULE THIS HEARING IN MIAMI OR BOCA RATON. THE OBSURD VENUE OF REQUESTING MY PRESENCE AT A "FIVE MINUTE" CONFERENCE. WILL NOT BE OVERLOOKED BY A JURY OF MY PEERS. I SHOULD FILE A CRIMINAL COMPLAINT AGAINST Y'ALL FOR THE FEDERAL FELONY OF DERELICTION OF YOUR FIDUCIARY RESPONSIBILITY. SIMILARLY, YOU APPEAR TO BE IN VIOLATION OF LAST YEAR'S RULING AGAINST Y'ALL BY THE FLORIDA SUPREME COURT. SO FAR, YOU HAVE BEEN SUCCESSFULLY SUED BY TWO SOUTH FLORIDA CANDIDATES. AND YET, Y'ALL SEEM ARROGANTLY PERSISTENT. ONLY THIS, THE THIRD TIME, YOU ARE UP AGAINST A MUCH MORE FORMIDABLE PLAINTIFF— ME.

MY SCHEDULE FOR AUGUST 16, 2017 WHICH I SHALL NOW ATTEMPT TO ALTER:

1. AT 10:00 AM, IN NYC, I WAS TO MEET AT THE OFFICES OF THE VENTURE CAPITAL CORPORATION OF AMERICA. THEIR FOUNDER AND CHAIRMAN DAYTON CARR (SCION OF THE FOUNDERS OF DAYTON, OH.) IS HOSTING MYSELF AND MR. ISADOR COHEN.
2. AT 12:30 WE THREE WERE TO REPAIR TO THE NYYC FOR LUNCH.
3. AT 2:30 MR. COHN AND I HAD A MEETING SCHEDULED NEARBY WITH MR. JOHN GOLDMAN, ESQ., A BOSTON FINANCIER AND MY COUSIN.

THESE MEETING CONCERNED THEIR FINANCING THE PURCHASE OF MY MIAMI BEACH PROPERTY — VALUED IN EXCESS OF \$50 MILLION.

IF YOUR HEARING FINDS PROBABLE CAUSE I UNDERSTAND THAT I MAY APPEAR LATER AT THE SECOND HEARING WHERE, YOUR LETTER ADVISED ME, I WOULD THEN HAVE A FAIRER OPPORTUNITY TO INTRODUCE EVIDENCE ON MY BEHALF.

PLEASE BE ADVISED THAT MY LATER SCHEDULE HAS ALSO BEEN SET AS FOLLOWS:

2. ON LABOR DAY WEEKEND I AM ACCOMPANYING CANADIAN ENGINEER BILL SADLER TO THE LIME ROCK, (CT) HISTORICS, A SPORTS CAR FESTIVAL. I AM TO ACCOMPANY MR. SADLER, THE GUEST OF HONOR, AS HE WAS MY CREW CHIEF WHEN I WON THE FERRARI FACTORY THEIR 1ST AMERICAN PROFESSIONAL CHAMPIONSHIP.
3. FROM SEPTEMBER 5-11 I SHALL BE COMPETING IN A 1962 JAQUAR E-TYPE RACE CAR AT THE INVITATION OF THE DUKE OF RICHMOND FOR HRH's GOODWOOD REVIVAL IN CHICHESTER, ENGLAND.
4. THE NEXT WEEK WE RACE AT THE ANGOULIME SPORTS CAR FESTIVAL, FRANCE

5. SHORTLY AFTER, WE CONTINUE SOUTH TO JEREZ, SPAIN TO A SERIES OF VINTAGE RACES THROUGH THE CITY STREETS.
6. WE FINISH BY NOVEMBER AT THE THREE-WEEK PORTUGUESE VINTAGE CAR FESTIVAL AT ALGARVE. THIS INCLUDES TWO WEEKENDS OF MORE RACING THROUGH THE STREETS OF VARIOUS LOCAL VILLAGES.

ALL THE ABOVE ARE EXTREMELY EXPENSIVE, COSTING \$5 - 10,000 A RACE. ENTRY FEES AND LOGISTICS, NECESSARILY, ARE MADE MANY MONTHS IN ADVANCE. UNLIKE YOUR HEARING DATES, THEY CAN NOT BE CHANGED. THEREFORE, I SUGGEST, IF NECESSARY, PLEASE SCHEDULE MY FUTURE HEARING AFTER THANKSGIVING.

IF YOU ARE STILL UNCONVINCED, CONSIDER THAT AS AN INTELLIGENCE OFFICER, AN AFIO MEMBER, I WILL USE MY TRAVELS AS A TIME TO CONFER WITH THE NYC OFFICE OF THE FBI. THE LONDON MI-6, THE PARISIAN DGSI AND THE SPANISH FEDERALIES. YOUR FEC WOULD BE WELL ADVISED TO TAKE THE ABOVE INTO ACCOUNT WHEN SCHEDULING. IF NECESSARY, ANY FUTURE MEETING AT WHICH MY PRESENCE IS REQUESTED.

SINCERELY,



8/10/17

ALLEN MARKELSON (AFIO)
KOREAN VETERAN, SCOUT-SNIPER
CHAIRMAN, JACKSON NORTH HOSPITAL

cc: Clint Tarkoe, Esq.
Professor Stanley Zamor



Re: Consequences

Allan Markelson

to:

fec

08/14/2017 01:21 PM

Cc:

Allan Markelson

Hide Details

From: Allan Markelson <jmarkelson@aol.com>

To: fec@myfloridalegal.com

Cc: Allan Markelson <jmarkelson@aol.com>

Please respond to Clinton Tarkoe <tarkoec@bellsouth.net>

History: This message has been replied to and forwarded.

TO: THE FLORIDA ELECTION COMMISSION ET AL

ATTN: KEN DETZNER & KRISTI REID BRONSON

FROM: ALLEN MARKELSON, ASSOCIATION FORMER INTELLIGENCE OFFICERS

CHAIRMAN, JACKSON NORTH HOSPITAL (RET)

DATE: AUGUST 14, 2017

RE: "WHAT GOES AROUND".

DEAR MR. KEN DETZNER,

THE FOLLOWING E/MAIL IS TO ALERT YOU TO YET ANOTHER DEPARTMENTAL DEBACLE CAUSED, I BELIEVE, BY AN ARROGANT, STUBBORN BUREAUCRAT IN YOUR DEPARTMENT. MS. REID-BRONSON IS YOUR BUREAU CHIEF OF ELECTION RECORDS. UNFORTUNATELY, SHE REFUSES TO ADHER TO A CLEAR ORDER FROM THE FLORIDA SUPREME COURT. SHE, AND YOU ARE ABOUT TO LEARN THAT WHEN YOU COMMIT THIS UMBRAGE AGAINST AN OLD WARRIOR LIKE MYSELF THERE ARE CONSEQUENCES, OLD SPORT. THESE CONSEQUENCES ARE ENUMERATED BELOW.

MY DEAR MS. KRISTI REID BRONSON,

IN REPLY TO YOUR THIRD LETTER REGARDING MY INCOMPLETE CANDIDACY FOR THE SENATORIAL DISTRICT # 38 (CAN 67822). YOU AGAIN INCLUDE THE PHONE NUMBER OF YOUR DEPARTMENTS HELP DESK. EACH TIME I CALLED THEM UPON RECEIPT OF YOUR LETTER. EACH TIME THEY WERE NO HELP EVEN IN STATING CLEARLY THE POLICIES THEY WERE CHARGED WITH EXPLAINING.

BEING KNOWN FOR MY PERSISTENCE, I FOLLOWED UP ON MY OWN AND SOUGHT OUT YOUR LEGAL DEPT. EVEN THOU THEIR TELEPHONE NUMBER WAS UNKNOWN TO THE " HELP DESK ".

AT FIRST, LEGAL IGNORED MY CALLS. EVENTUALLY THEY RESPONDED AND AFTER A CONSIDERABLE DELAY WERE UNABLE TO EXPLAIN WHY THEY,

YOU AND THE ENTIRE FLORIDA DEPARTMENT OF STATE ARE REFUSING TO CHANGE YOUR POLICY IN ACCORDANCE WITH THE LATEST FLORIDA SUPREME COURT RULING..

FYI ———THE COURT HELD THAT YOUR POLICY REGARDING THE DISMISSAL OF ANY CANDIDATE WHO BOUNCED A ENTRY CHECK ——— WAS UNREASONABLE, UNCONSTITUTIONAL AND MUST BE CHANGED RETROACTIVELY.

I.E., YOU SHOULD HAVE GIVEN ME TWO DAYS, AFTER RECEIPT OF MY INITIAL N/S/F CHECK, TO RESUBMIT MY CHECK. THAT IS, SEVEN DAYS IN ALL, FROM THE TIME YOU POSTED YOUR LETTER TO ME.

MEANWHILE, YOU KEEP DUNNING ME FOR A USELESS REPORT FOR A CAMPAIGN THAT NEVER HAPPENED. AND, YOU WANT ME TO MAIL YOU \$89.00 TO COVER YOUR SERIES OF ERRORS. AND NOW, (to add insult to injury) YOU DARE TO SUMMON ME TO A KANGAROO COURT IN TALLAHASSEE THIS WEDNESDAY, AUGUST 16, 2017. REALLY ? HAVE YOU, ATTORNEYS ALL, EVER READ OUR COUNTRY'S CONSTITUTION. I MAY NOT BE A LAWYER, LIKE Y'ALL, BUT, I KNOW MY RIGHTS. THEY INCLUDE:

1. THE RIGHT TO MEET MY ACCUSER
2. A TRIAL BY MY PEERS

WHO ARE YOU TO CALL ME TO TALLAHASSEE IN THE FIRST PLACE. THE SO-CALLED VIOLATION TOOK PLACE IN MIAMI-DADE COUNTY AGAINST YOUR MINIONS WHO ARE LOCATED IN PALM BEACH COUNTY.

IN DUE COURSE, A JURY WILL BE ASKED TO CONSIDER THE ABOVE AND THE FOLLOWING ACTIONS THAT WOULD APPEAR DESIGNED TO VIOLATE MY RIGHTS ABOVE —1 & 2.

ON VERY SHORT NOTICE, YOU SEEK TO DRAG ME TO TALLAHASSEE INSTEAD OF PALM BEACH OR MIAMI — AT 10AM IN THE MORNING FOR A FIVE MINUTE HEARING, RIGHT ? GOOD GRIEF, WHAT KIND OF FOOL WOULD ACQUIESS TO SUCH A FARCE. THEN, AFTER TAKING AMTRAK BEFORE DAWN, I AM TO BE JUDGED BY THE VERY FOLKS WHO ARE ACCUSING ME. ARE YOU “ MY PEERS” ? NOT BLOODY LIKELY.

NO WAY, CHICA — AS WE SAY HERE IN MIAMI.

RATHER, I EXPECT TO SEE YOU IN A PROPER COURT, DEAR LADY. IN THAT COURT I MAY ACCUSE YOU OF A DERELICTION OF YOUR FIDUCIARY RESPONSIBILITY. THIS IS A LONG STANDING, IF LITTLE KNOWN, CRIMINAL ACT THAT WAS FIRST DEFINED BY MY DISTANT COUSIN, THE U. S. SUPREME COURT JUSTICE BEN CARDOZA. IT IS A FEDERAL FELONY. I BELIEVE IT IS NOT COVERED BY YOUR DEPARTMENT'S INSURANCE POLICY. IT MAY WELL BE YOU, MY DEAR VS THE U.S. ATTORNEY GENERAL FOR FLORIDA. AT YOUR PERSONAL EXPENSE. HOWEVER, MY EXPENSE IS LIMITED TO THE FILING OF THESE CHARGES WHICH YOU MAY EXPECT TO RECEIVE IN DUE COURSE..

MEANWHILE, MAY I SUGGEST THAT YOU ENTER MY NAME IN YOUR COMPUTER AND FINALLY BECOME AWARE OF THE OBJECT OF YOUR HARASSMENT OF ME, ALLEN I. MARKELSON, AGE 86, AND THEREFORE, A SENIOR CITIZEN. SOME SAY I HAVE EARNED A CERTAIN REPUTATION. SIMPLY, ANY BUREAUCRAT, ELECTED OFFICIAL, POLITICO OR OTHER RASCAL WHO ANNOYS ME SOON LEARNS THAT THERE ARE CONSEQUENCES.

TO QUOTE SENATOR CONNIE MACK ; “ ALLEN, YOU ARE THE MOST PERSISTENT S. O. B. I HAVE EVER MET.”. I BELIEVE, HE MEANT IT AS A COMPLIMENT.

HASTA LUEGO,

ALLEN MARKELSON, AFIO

AUGUST 14, 2017

ORIGINALLY SENT: OCTOBER 8, 2016

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Allen Markelson

Case No.: FEC 16-630

TO: Allen Markelson
8000 East Drive # 302
North Bay Village, FL 33141-3141

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

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **August 16, 2017 at 10:30 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:

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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
August 1, 2017

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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.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Allen Markelson

Case No.: FEC 16-630

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned counsel files this written recommendation for disposition of the complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Sections 106.141(1) and 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on June 15, 2017, the following facts and law support this staff recommendation:

1. On October 26, 2016, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division”) alleging that Allen Markelson (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2016 candidate for State Senate, District 38. Respondent was removed from the election ballot after having been disqualified because his qualifying fee check was returned.¹ Respondent was a first-time candidate.

3. By letter dated January 27, 2017, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.141(1), Florida Statutes: As alleged in the complaint, Respondent, a 2016 candidate for State Senate, failed to timely file his 2016 Termination Report reflecting the disposition of all remaining campaign funds.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a 2016 candidate for State Senate, may have falsely reported or deliberately failed to include information in his 2016 Termination Report, as required by Chapter 106.

4. On June 22, 2016, Respondent filed an Appointment of Campaign Treasurer and Designation of Campaign Depository form (“DS-DE 9”) with the Division. Respondent appointed himself as his own campaign treasurer. (ROI Exhibit 1)²

¹ The Division received Respondent’s check in the amount of his qualifying fee on June 24, 2016. The Division notified Respondent by letter dated July 6, 2016, that he was disqualified as a candidate because the check was returned dishonored on June 29, 2016. (Attachment A)

² The Report of Investigation shall be referred to herein as “ROI.”

5. By letter dated June 22, 2016, Kristi Reid Bronson, Division of Elections, Chief, Bureau of Election Records, notified Respondent that his DS-DE 9 was filed with the Division on June 22, 2016. The letter also contained a sealed envelope containing Respondent's confidential PIN number to access the Division's electronic filing system. (ROI Exhibit 2)

6. Ms. Bronson's June 22, 2016, letter also informed Respondent that all of the Division's publications and reporting forms were available on the Division's website, including Chapters 104 and 106, Florida Statutes, the *Candidate and Campaign Treasurer Handbook*, and the *Calendar of Reporting Dates*. The letter notified Respondent that it was his responsibility to read, understand, and follow the requirements of Florida's election laws. (*Id.*)

7. On June 22, 2016, Respondent filed a Statement of Candidate form with the Division in which he acknowledged that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. (ROI Exhibit 8)

8. On September 22, 2016, Respondent's 2016 Termination Report ("TR") was due since he was removed from the ballot after having been disqualified. However, Respondent failed to file it. On September 23, 2016, the Division sent Respondent written notification that the campaign's 2016 TR or the required notification that no reportable activity occurred, whichever was applicable, had not been filed. (ROI Exhibit 4 and Exhibit 6)

9. On October 3, 2016, the Division sent Respondent a letter marked "Final Notice" that the campaign's 2016 TR or the required notification that no reportable activity occurred, whichever was applicable, had not been filed. The final notice was delivered to Respondent on October 5, 2016, at the address provided on his DS-DE 9. (ROI Exhibit 5)

10. The investigation secured Respondent's campaign account records from his campaign depository, TD Bank. The bank records revealed that numerous reportable financial transactions occurred throughout the 2016 TR reporting period, including several deposits, numerous expenditures to such places as Shell Oil, the Traffic Ticket Office, Starbucks, Denny's, Steak N Shake, Dunkin, and Uber, and many bank-imposed fees, including several overdraft fees and a deposit return fee.³ (ROI Exhibit 7)

11. Section 106.141(1), Florida Statutes, requires a candidate to dispose of the funds on deposit in his campaign account and file a report reflecting the disposition of all remaining funds within 90 days of withdrawing his candidacy, becoming an unopposed candidate, being eliminated as a candidate, or being elected to office.

12. Section 106.19(1)(c), Florida Statutes, prohibits a candidate from falsely reporting or deliberately failing to include any information required by Chapter 106.

³ Respondent's campaign account balance history was: \$1,799.81 as of June 30, 2016; \$738.80 as of July 31, 2016; -\$136.51 as of August 31, 2016; -\$206.48 as of September 22, 2016 (2016 TR due date); -\$236.48 as of September 30, 2016; and \$0.00 as of October 11, 2016, at which time the account was closed by the bank due to an extended period of delinquency. (ROI Exhibit 7)

13. Since a review of Respondent's bank records has revealed that numerous reportable financial transactions occurred throughout the 2016 TR reporting period, Respondent was required to timely file the campaign's 2016 TR reporting all transactions associated with disposition of all remaining campaign funds.

14. However, Respondent did not timely file the campaign's 2016 TR, and Division records show that as of June 15, 2017, Respondent had still not filed the campaign's 2016 TR. (ROI Exhibit 6)

15. Respondent did not provide a response to the complaint. In a telephonic interview, Respondent explained that he was removed from the ballot because his qualifying check was returned as a result of bank error. He claimed that there would be another election due to the mishap that occurred and him being removed from the ballot. Respondent stated that his campaign did not file any reports during the span of his campaign. In another telephonic interview, Respondent was asked if there was any financial activity to report on the 2016 TR. Respondent admitted that his campaign did have financial activity, but stated that he was, "wiping his hands," of the entire campaign. (Attachment B)

16. Based upon the information above, it appears that Respondent failed to file the campaign's 2016 TR reflecting the disposition of all remaining campaign funds by the required due date, and Respondent failed to disclose numerous reportable financial transactions occurring throughout the 2016 TR reporting period.

17. "Probable Cause" is defined as a reasonable grounds of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v. State*, 590 So.2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Department of Highway Safety and Motor Vehicles v. Favino*, 667 So.2d 305, 309 (Fla. 1st DCA 1995).

18. The above facts show that Respondent was a 2016 candidate for State Senate, District 38. He was removed from the ballot and was thus eliminated from the race. Respondent failed to file the campaign's 2016 TR listing the disposition of all remaining campaign funds within 90 days of being eliminated as a candidate. A review of Respondent's bank records revealed numerous reportable financial transactions that occurred throughout the 2016 TR reporting period which Respondent did not report. Respondent did not dispute that he failed to file the 2016 TR and admitted that his campaign had financial activity. Respondent's dispute regarding how and why he was removed from the ballot and his assertion that he was "wiping his hands" of the entire campaign do not excuse Respondent from the obligation to file the campaign's 2016 TR and report all financial transactions that occurred during the 2016 TR reporting period.

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


Count 1:

On or about September 22, 2016, Respondent violated Section 106.141(1), Florida Statutes, when Respondent failed to file the campaign's 2016 TR listing the disposition of all remaining campaign funds within 90 days of being eliminated.

Count 2:

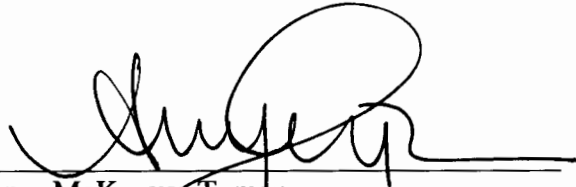
On or about September 22, 2016, Respondent violated Section 106.19(1)(c), Florida Statutes, when Respondent deliberately failed to include information required to be reported by Chapter 106 on the campaign's 2016 TR.

Respectfully submitted on June 30, 2017,



Cole H. Kekelis
Assistant General Counsel

I reviewed this Staff Recommendation this 30th day of JUNE 2017.



Amy McKeever Toman
Executive Director

The UPS Store®
6815 Biscayne Blvd
Miami, FL 33138
305.759.8877 tel
305.759.8899 fax

RECEIVED

16 JUN 24 AM 11:27



DIVISION OF ELECTIONS
SECRETARY OF STATE

FAX

To FLORIDA STATE ELECTION
COMMISSION

From ALLEN I. MARTELSON

Company _____

Phone number 305-570-6552

Fax number 850-245-6260
(or 850-245-6259)

Fax number N/A

Date 6/24/16

Total pages ONE

Job number _____

Message/Text area within text box

Gentlemen,

Check No. 0098

DATED 6/23/16

This check, paying my qualifying fee
was drawn on my campaign account.

Sincerely,

Senate District # 38

ATTACHMENT A page 1 of 3

The UPS Store

2016 JUN 24 AM 9:10

JUN 23 2016
DEPT. OF STATE
TALLAHASSEE, FL

ALLEN I. MARKELSON

0098
63-1482/670

Date June 23, 2016

Pay to the Order of Department of State \$ 1,781.⁸²

One thousand seven hundred eighty-one ⁸²/₁₀₀

TD Bank
America's Most Convenient Bank®

For Division of Elections Allen I. Markelson



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 6, 2016

Allen Markelson (67822)
8000 East Drive, #302
North Bay Village, Florida 33141-4143

Dear Mr. Markelson:

This is to notify you that your check for the amount of your filing fee that you submitted during the 2014 qualifying period was returned dishonored on June 29, 2016. Pursuant to Section 99.061(7)(a)1., Florida Statutes, you have been disqualified as a candidate for the 2014 election.

In addition, as your bank did not honor the check, Section 215.34(2), Florida Statutes, mandates that the Department of State charge you a dishonored check processing fee. That fee is the greater of \$15.00 or 5 percent of the face amount of the check; therefore, the fee owed is 5 percent of \$1,781.82, which is **\$89.09**.

Please pay this amount by check payable to the Department of State no later than **July 16, 2016**. Failure to timely pay the fee may result in a collection action being initiated against you.

Sincerely,

A handwritten signature in black ink that reads "Kristi Reid Bronson".

Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/slb

ATTACHMENT A *page 3 of 3*

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 16-630**

Respondent: Allen Markelson

Complainant: Division of Elections

1. **Date and time:** February 2, 2017 @ 9:35 am
Name: Evelyn/Amanda?/Jose—Bank representatives
Phone #: (305) 751-1499
Summary: I had telephone contact to inquire about the best method to send subpoena. I was instructed to fax the subpoena to # (305) 751-7409.
Memo to File? No
Entered by: CKO

2. **Date and time:** February 2, 2017 @ 10:20 am
Name: Respondent
Phone #: (305) 570-6552
Summary: I had telephone contact to make initial contact. Respondent gave me a lengthy detail about his military career. I inquired about his 2016 election campaign. Respondent stated that his election campaign never “got off the ground”. He complained about Kristi Reid-Bronson charging him \$89.00 for a return check fee due to his qualifying check being returned. He stated that the bank incorrectly applied the qualifying check to the wrong account because of bank error. He stated that the bank withdrew from his personal account rather than his campaign account. He went on to say that the bank acknowledged their mistake and refunded his insufficient fees. He then went on to say that there will be a second election due to the mishap that occurred and him being removed from the ballot. I was informed that he did open a campaign account but he was unsure of the account number. He advised me that he believes that his campaign account includes his middle initial. I inquired if his campaign had filed any reports at any time during his campaign. Respondent told me that his campaign did not file any reports during the span of his campaign. I verified his contact information and ensured that he had mine.
Memo to File? No
Entered by: CKO

3. **Date and time:** February 21, 2017 @ 4:00 pm
Name: Respondent
Phone #: (305) 570-6552
Summary: I attempted telephone contact check on the status of the overdue questionnaire-affidavit. I left a message to return my call.
Memo to File? No
Entered by: CKO

4. **Date and time:** March 13, 2017 @ 9:10 am
Name: Respondent
Phone #: (305) 570-6552

ATTACHMENT B Page 1 of 2

Summary: I had telephone contact to complete final interview. Respondent advised me that he hadn't finished the questionnaire-affidavit and probably wouldn't be completing it. Respondent expressed concerns about being charged an additional fee for the bank improperly depositing his money into his personal account rather than his campaign account. I inquired if there was any financial activity to report on a TR Report. Respondent stated that his campaign did have financial activity but he was "wiping my hands" of the entire campaign. He went on to say that the county was going to hold a second election since there hadn't been a Republican on the ballot, but he wasn't sure when this election would occur. He went on to advised me that he was a war veteran and a hero for this country. I thanked him for his service to the country.

Memo to File? No

Entered by: CKO

5. **Date and time:** May 22, 2017 @ 10:00 am

Name: Respondent

Phone #: (305) 570-6552

Summary: I attempted telephone contact to complete final interview. I left a message to return my call.

Memo to File? No

Entered by: CKO

6. **Date and time:** June 15, 2017 @ 4:10 pm

Name: Respondent

Phone #: (305) 570-6552

Summary: I attempted telephone contact to complete final interview. I left a message to return my call.

Memo to File? No

Entered by: CKO

ATTACHMENT B p. 2 of 2

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 16-630

Respondent: Allen Markelson
Counsel for Respondent: n/a

Complainant: Division of Elections
Counsel for Complainant: n/a

On October 26, 2016, the Florida Elections Commission (“Commission”) received a referral from the Division of Elections alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106.141(1), Florida Statutes, failure of a candidate to file a termination report reflecting the disposition of all remaining funds in his campaign account within 90 days after he withdrew, became unopposed, was eliminated, or elected; and

Section 106.19(1)(c), Florida Statutes, prohibiting a person from falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes.

I. Preliminary Information:

1. Respondent was a candidate for State Senate, District 38 in the 2016 election cycle. Respondent was removed from the election ballot because of his qualifying fee check being returned. Respondent was a first-time candidate.
2. Complainant is the Division of Elections.
3. Respondent’s filing officer is Kristi Reid-Bronson, Chief, Bureau of Election Records.
4. On June 22, 2016, Respondent filed his original Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) with his filing officer. Respondent appointed himself as his own campaign treasurer. To view a copy of Respondent’s June 22, 2016 DS-DE 9 form, refer to exhibit 1.
5. On June 22, 2016, Complainant sent Respondent a letter acknowledging he had been placed on the 2016 active candidate list. The letter advised Respondent that all candidate filing reports with the Division are required to use the electronic filing system (EFS). Respondent was provided with a user identification number and initial password allowing him access to the EFS. To view a copy of the June 22, 2016 acknowledgement letter, refer to exhibit 2.

6. On October 26, 2016, a DOE staff representative, Kristi Reid-Bronson, submitted a sworn-affidavit alleging that Respondent failed to report campaign activity, or in the alternative failed to notify the filing officer that no report would be filed, for the 2016 Termination Report (TR) reporting period. To view a copy of the October 26, 2016 sworn-affidavit from Complainant, refer to exhibit 3.

7. The allegations that Respondent failed to report campaign activity, or in the alternative, failed to notify the filing officer in writing, that no report would be filed for the 2016 TR reporting period will be discussed in the following paragraphs.

II. Alleged Violation of Section 106.141(1), Florida Statutes:

8. I investigated whether Respondent violated this section of the election laws by not filing a 2016 TR Report.

9. On September 23, 2016, Complainant mailed Respondent a failure-to-file letter informing him that the 2016 TR Report had not been filed. This letter was sent to the address Respondent provided on his DS-DE 9 form (Exhibit 1). To view a copy of the September 23, 2016 failure-to-file letter, refer to exhibit 4.

10. On October 3, 2016, Complainant mailed Respondent a "Final Notice" failure-to-file letter via certified mail, informing him that the 2016 TR Report still had not been filed. This letter was also sent to the address Respondent provided on his DS-DE 9 form (Exhibit 1). To view a copy of the October 3, 2016 "Final Notice" with delivery confirmation receipt, refer to exhibit 5.

11. As of the date of this report, there is no record that Respondent has filed a 2016 TR Report, nor advised in writing of no reportable activity to disclose. To view a copy of Respondent's filing history, refer to exhibit 6.

12. There is no record that Respondent has previously violated this section of the election laws.

III. Alleged Violation of Section 106.19(1)(c), Florida Statutes:

13. I investigated whether Respondent violated this section of the election laws by deliberately failing to include information required by Chapter 106, Florida Statutes, when he failed to file a treasurer's report, or written notice to the filing officer that no report would be filed due to lack of reportable activity during the 2016 TR reporting period, on the prescribed due date.

14. On February 2, 2017, I subpoenaed Respondent's campaign account records from T.D. Bank, the campaign depository listed on Respondent's DS-DE 9 form (Exhibit 1). Based upon Respondent's campaign account records, it appears that Respondent was required to file a 2016 TR Report due to having financial activity during that reporting period. To view a copy of the depository's monthly statements, refer to exhibit 7.

15. To review the circumstances regarding Respondent's failure-to-file notifications

and filing history, refer to paragraphs 9 through 11 of this report.

16. There is no record that Respondent has previously violated this section of the election laws.

IV. FEC History:

17. None.

Conclusion:

18. In a final interview, Respondent was offered the chance to make comments regarding the findings of this investigation. Respondent advised me that he was a national war hero for the United States. Respondent told me that he was removed from the ballot as a result of his qualifying check being returned to his filing officer as a result of a bank error. Respondent informed me that his campaign did have financial activity but he was “wiping his hands” of the entire campaign. Respondent went on to report that there would be a second election that he would be campaigning for the same position on due to him being removed from this ballot in error. Respondent advised me that he was a first-time candidate.

19. In the June 22, 2016 acknowledgement letter, Respondent was informed that all of the Division’s publications are available online at the DOE’s website. In the letter, Respondent was admonished as follows: It is your responsibility to read, understand, and follow the requirements of Florida’s election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, Candidate and Campaign Treasurer Handbook, Calendar of Reporting Dates, and Rule 1S-2.017, Florida Administrative Code. To view a copy of the June 22, 2016 acknowledgement letter, refer to exhibit 2.

20. On June 22, 2016, Respondent filed his Statement of Candidate for State Senate, District 38 acknowledging that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. To view a copy of the Statement of Candidate, refer to exhibit 8.

Respectfully submitted on June 15, 2017.



Cedric Oliver
Investigation Specialist

Current address of Respondent

Mr. Allen Markelson
8000 East Drive, #302
North Bay Village, Fl 33141-3141

Current address of Complainant

Division of Elections
500 South Bronough Street, Room #316
Tallahassee, Fl 32399

Name and Address of Filing Officer:

Ms. Kristi Reid-Bronson
Bureau of Election Records Chief
500 South Bronough Street, Room #316
Tallahassee, Fl 32399

Copy furnished to: Mr. David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Allen Markelson -- FEC 16-630

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	DS-DE 9 form
Exhibit 2	Acknowledgement Letter
Exhibit 3	Sworn-affidavit from Kristi Reid-Bronson
Exhibit 4	September 23, 2016 failure-to-file letter
Exhibit 5	October 3, 2016 Final Notice with delivery confirmation receipt
Exhibit 6	Respondent's filing history
Exhibit 7	Monthly bank statements from Respondent's campaign depository
Exhibit 8	Statement of Candidate

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

RECEIVED
DEPARTMENT OF STATE

2016 JUN 22 AM 9:19

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)
ALLEN MARKELSON

3. Address (include post office box or street, city, state, zip code)

8000 EAST DRIVE #301
NORTH BAY VILLAGE, FLORIDA 33141-4143

4. Telephone
(305) 570-6552

5. E-mail address
JMARKELSON@AOL.COM

6. Office sought (include district, circuit, group number)
STATE SENATE DISTRICT #38

7. If a candidate for a nonpartisan office, check if applicable:
 My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation REPUBLICAN Party candidate.

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer
ALLEN MARKELSON

11. Mailing Address
8000 EAST DRIVE #301

12. Telephone
(305) 570-6552

13. City
NORTH BAY VILLAGE

14. County
DADE

15. State
FLORIDA

16. Zip Code
33141-4143

17. E-mail address
JMARKELSON@AOL.COM

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank
TD BANK

20. Address
9005 BISCAYNE BOULEVARD

21. City
MIAMI

22. County
DADE

23. State
FLORIDA

24. Zip Code
33138

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date
06/20/2016


26. Signature of Candidate
 

27. **Treasurer's Acceptance of Appointment** (fill in the blanks and check the appropriate block)
I, ALLEN MARKELSON, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

06/20/2016

Date


Signature of Campaign Treasurer or Deputy Treasurer



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 22, 2016

Allen Markelson
8000 East Drive, #302
North Bay Village, Florida 33141-4143

Dear Mr. Markelson:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Senator, which was placed on file in our office on June 22, 2016. Your name has been placed on the 2016 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **July 1, 2016**. The report will cover the period of June 1-24, 2016 (P1). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

Below is the web address to access the EFS and your user identification number. The enclosed sealed envelope contains your initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on. You, your campaign treasurer, and deputy treasurers are responsible for protecting these passwords from disclosure and are responsible for all filings using these credentials, unless the Division is notified that your credentials have been compromised.

EFS Website Address: <https://efs.dos.state.fl.us>

Identification Number: 67822

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) dos.myflorida.com/elections/



EXHIBIT 2(10f3)

Allen Markelson
June 22, 2016
Page Three

Instructions and Assistance

An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports. The Division of Elections will also provide assistance to all users by contacting the EFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://dos.myflorida.com/elections/>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/zjs

Enclosures

EXHIBIT 2(3 of 3)

AFFIDAVIT

STATE OF FLORIDA

County of Leon


Kristi Reid Bronson, being duly sworn, says:

1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. Allen Markelson (67822) was a 2016 candidate for the office of State Senator.
5. On June 22, 2016, Mr. Markelson filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. He appointed himself as treasurer. (See attached documents and acknowledgment letter.)
6. The 2016 TR campaign treasurer's report was due on September 22, 2016. On September 23, 2016, the Division mailed Mr. Markelson notification that the 2016 TR treasurer's report had not been filed. (See attached letter.)
7. On October 3, 2016, the Division mailed Mr. Markelson final notification with delivery confirmation that the 2016 TR treasurer's report had not been filed. (See attached letter with delivery confirmation.)
8. Mr. Markelson did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 TR report that no report was to be filed.

EXHIBIT 3(1 of 2)

9. As of October 25, 2016, Mr. Markelson has not filed the 2016 TR report.

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


Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 25th day of October, 2016.


Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known

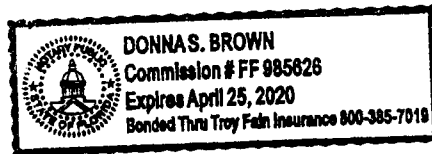


EXHIBIT 3(2016)



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

September 23, 2016

CAN 67822

Allen Markelson
8000 East Drive # 302
North Bay Village, FL 33141-3141

Dear Mr. Markelson:

Our records indicate that you have not filed either your termination report or notification that no reportable activity occurred, whichever is applicable. The filing date was September 22, 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 \$50 per day until you file your report. 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

EXHIBIT 4



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice
Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 0630 6774 51**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

October 3, 2016

Allen Markelson
8000 East Drive # 302
North Bay Village, FL 33141-3141

CAN 67822

Dear Mr. Markelson:

A recent review of the Division's records show that the Division has not yet received your termination report or the required notification that no reportable activity occurred, whichever is applicable.

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report or notification 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

EXHIBIT 5(1072)

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking®

Still Have Questions?
Browse our FAQs



Tracking Number: 9114901496450630677451

Updated Delivery Day: Wednesday, October 5, 2016

Product & Tracking Information

Available Services

Postal Product:

Features:
USPS Tracking®

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
October 5, 2016 , 8:00 pm	Delivered, In/At Mailbox	MIAMI BEACH, FL 33141

Your item was delivered in or at the mailbox at 8:00 pm on October 5, 2016 in MIAMI BEACH, FL 33141.

October 5, 2016 , 10:44 am	Out for Delivery	MIAMI BEACH, FL 33141
October 5, 2016 , 6:35 am	Arrived at Post Office	MIAMI BEACH, FL 33141
October 5, 2016 , 2:46 am	Departed USPS Facility	OPA LOCKA, FL 33054
October 4, 2016 , 6:11 pm	Arrived at USPS Facility	OPA LOCKA, FL 33054
October 4, 2016 , 4:17 am	Arrived at USPS Facility	VALDOSTA, GA 31601
October 4, 2016 , 2:21 am	Departed USPS Facility	TALLAHASSEE, FL 32301
October 3, 2016 , 7:52 pm	Arrived at USPS Facility	TALLAHASSEE, FL 32301

EXHIBIT 5(2 of 2)



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Allen Markelson

Name:

Account: 67822

Election:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
9/22/2016	TR		FEC	0	\$0.00		\$0.00	\$0.00
7/1/2016	P1	6/30/2016						

Acct:

Type:

EXHIBIT 6(1 of 2)



**Florida Department of State
Division of Elections**

**2016 General Election
Allen Markelson (REP)
State Senator**

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.](#)

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
<input type="radio"/>	06/22/2016 - 06/24/2016	1,900.00	0.00	0.00	1,784.81	0.00	0.00
<input checked="" type="radio"/>	All Dates (Totals)	1,900.00	0.00	0.00	1,784.81	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

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)

EXHIBIT 6(2012)



America's Most Convenient Bank®

T STATEMENT OF ACCOUNT

COMMITTEE TO ELECT ALLEN MARKELSON
ALLEN IRWIN MARKELSON
8000 E DR APT 302
N BAY VILLAGE FL 33141

Page: 1 of 2
Statement Period: Jun 23 2016-Jun 30 2016
Cust Ref #: 4332502362-713-T-###
Primary Account #: [REDACTED]

TD Business Simple Checking
COMMITTEE TO ELECT ALLEN MARKELSON
ALLEN IRWIN MARKELSON

Account # [REDACTED]

ACCOUNT SUMMARY

Beginning Balance	0.00	Average Collected Balance	37.62
Deposits	1,834.81	Annual Percentage Yield Earned	0.00%
Other Credits	3,598.64	Days in Period	8
Checks Paid	3,563.64		
Other Withdrawals	70.00		
Ending Balance	1,799.81		

DAILY ACCOUNT ACTIVITY

Deposits		
POSTING DATE	DESCRIPTION	AMOUNT
6/23	DEPOSIT	50.00
6/29	DEPOSIT	1,784.81
Subtotal:		1,834.81

Other Credits		
POSTING DATE	DESCRIPTION	AMOUNT
6/28	RETURNED ITEM	1,781.82
6/29	RETURNED ITEM	1,781.82
6/29	HANDLING CHG REVERSAL	35.00
Subtotal:		3,598.64

Checks Paid			No Checks: 2	*Indicates break in serial sequence or check processed electronically and listed under Electronic Payments
DATE	SERIAL NO.	AMOUNT		
6/27	98	1,781.82		
6/28	98	1,781.82		
Subtotal:		3,563.64		

Other Withdrawals		
POSTING DATE	DESCRIPTION	AMOUNT
6/28	OVERDRAFT RET	35.00
6/29	OVERDRAFT RET	35.00
Subtotal:		70.00

DAILY BALANCE SUMMARY

DATE	BALANCE	DATE	BALANCE
6/23	0.00	6/28	-1,766.82
6/23	50.00	6/29	1,799.81
6/27	-1,731.82		

Call 1-800-937-2000 for 24-hour Bank-by-Phone services or connect to www.tdbank.com

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EXHIBIT 7(10f8)



Bank

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T STATEMENT OF ACCOUNT

COMMITTEE TO ELECT ALLEN MARKELSON
ALLEN IRWIN MARKELSON
8000 E DR APT 302
N BAY VILLAGE FL 33141

Page: 1 of 3
Statement Period: Jul 01 2016-Jul 31 2016
Cust Ref #: 4332502362-713-T-###
Primary Account #: [REDACTED]

TD Business Simple Checking
COMMITTEE TO ELECT ALLEN MARKELSON
ALLEN IRWIN MARKELSON

Account # [REDACTED]

ACCOUNT SUMMARY

Beginning Balance	1,799.81	Average Collected Balance	1,458.48
Deposits	950.00	Annual Percentage Yield Earned	0.00%
Other Credits	35.00	Days in Period	31
Electronic Payments	1,086.01		
Other Withdrawals	950.00		
Service Charges	10.00		
Ending Balance	738.80		

DAILY ACCOUNT ACTIVITY

Deposits		
POSTING DATE	DESCRIPTION	AMOUNT
7/11	DEPOSIT	950.00
Subtotal:		950.00

Other Credits		
POSTING DATE	DESCRIPTION	AMOUNT
7/11	HANDLING CHG REVERSAL	35.00
Subtotal:		35.00

Electronic Payments		
POSTING DATE	DESCRIPTION	AMOUNT
7/20	NONTD BALANCE INQUIRY, AUT 072016 DDA BAL INQ PAI ISO MIAMI BEACH * FL 4029445149885085	0.00
7/20	NONTD ATM DEBIT, AUT 072016 DDA WITHDRAW PAI ISO MIAMI BEACH * FL 4029445149885085	102.99
7/20	BAL INQ FEE, BAL INQ FEE	3.00
7/20	NONTD ATM FEE	3.00
7/21	TD ATM DEBIT, AUT 072116 DDA WITHDRAW 9005 BISCAYNE BLVD MIAMI SHORES * FL 4029445149885085	420.00
7/21	DEBIT CARD PURCHASE, AUT 072016 VISA DDA PUR VESTA AT T 866 608 3007 * OR 4029445149885085	48.55
7/22	DEBIT CARD PURCHASE, AUT 072016 VISA DDA PUR TRAFFIC TICKET OFFICE 305 751 6881 * FL 4029445149885085	250.00

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EXHIBIT 7(248)



America's Most Convenient Bank®

STATEMENT OF ACCOUNT

COMMITTEE TO ELECT ALLEN MARKELSON
ALLEN IRWIN MARKELSON

Page: 3 of 3
Statement Period: Jul 01 2016-Jul 31 2016
Cust Ref #: 4332502362-713-T-###
Primary Account #: [REDACTED]

DAILY ACCOUNT ACTIVITY

Electronic Payments (continued)

POSTING DATE	DESCRIPTION	AMOUNT
7/22	DEBIT CARD PURCHASE, AUT 072016 VISA DDA PUR TRAFFIC TICKET OFFICE 305 751 6881 * FL 4029445149885085	50.00
7/22	DEBIT CARD PURCHASE, AUT 072116 VISA DDA PUR VESTA AT T 866 608 3007 * OR 4029445149885085	48.55
7/28	DEBIT CARD PURCHASE, AUT 072716 VISA DDA PUR CHEAPOAIR COM AIR CHEAPOAIR COM * NY 4029445149885085	38.95
7/29	DEBIT CARD PURCHASE, AUT 072716 VISA DDA PUR AMERICAN AIR001789647527 FORT WORTH * TX 4029445149885085	106.10
7/29	DEBIT CARD PURCHASE, AUT 072816 VISA DDA PUR STEAK N SHAKE 0426 Q99 FORT PIERCE * FL 4029445149885085	14.87
Subtotal:		1,086.01

Other Withdrawals

POSTING DATE	DESCRIPTION	AMOUNT
7/11	DEBIT	950.00
Subtotal:		950.00

Service Charges

POSTING DATE	DESCRIPTION	AMOUNT
7/29	MAINTENANCE FEE	8.00
7/29	PAPER STATEMENT FEE	2.00
Subtotal:		10.00

DAILY BALANCE SUMMARY

DATE	BALANCE	DATE	BALANCE
6/30	1,799.81	7/22	908.72
7/11	1,834.81	7/28	869.77
7/20	1,725.82	7/29	738.80
7/21	1,257.27		

Call 1-800-937-2000 for 24-hour Bank-by-Phone services or connect to www.tdbank.com

Bank Deposits FDIC Insured | TD Bank, N.A. | Equal Housing Lender



EXHIBIT 7(3 of 8)



America's Most Convenient Bank®

T STATEMENT OF ACCOUNT

COMMITTEE TO ELECT ALLEN MARKELSON
ALLEN IRWIN MARKELSON
8000 E DR APT 302
N BAY VILLAGE FL 33141

Page: 1 of 4
Statement Period: Aug 01 2016-Aug 31 2016
Cust Ref #: 4332502362-713-T-###
Primary Account #: [REDACTED]

TD Business Simple Checking
COMMITTEE TO ELECT ALLEN MARKELSON
ALLEN IRWIN MARKELSON

Account # [REDACTED]

ACCOUNT SUMMARY

Beginning Balance	738.80	Average Collected Balance	157.33
Deposits	2,875.00	Annual Percentage Yield Earned	0.00%
Electronic Payments	775.31	Days in Period	31
Other Withdrawals	2,965.00		
Service Charges	10.00		
Ending Balance	-136.51		

DAILY ACCOUNT ACTIVITY

Deposits		
POSTING DATE	DESCRIPTION	AMOUNT
8/22	DEPOSIT	2,875.00
Subtotal:		2,875.00

Electronic Payments		
POSTING DATE	DESCRIPTION	AMOUNT
8/1	DEBIT CARD PURCHASE, AUT 072916 VISA DDA PUR DCOURT MIAMI BEACH MIAMI * FL 4029445149885085	188.50
8/1	DEBIT CARD PURCHASE, AUT 072716 VISA DDA PUR QUALITY INN TIFTON * GA 4029445149885085	87.87
8/2	DEBIT CARD PURCHASE, AUT 073116 VISA DDA PUR DENNY S 8850 MIAMI BEACH * FL 4029445149885085	25.00
8/3	DEBIT CARD PURCHASE, AUT 073016 VISA DDA PUR SKYPE COM SKYPE COM * NV 4029445149885085	25.00
8/3	DEBIT CARD PURCHASE, AUT 080216 VISA DDA PUR IC TRAVELPLUS COM 855 8574329 * CT 4029445149885085	14.97
8/4	DEBIT POS, AUT 080316 DDA PURCHASE SHELL SERVICE STATION NORTH BAY VIL * FL 4029445149885085	6.41
8/8	DEBIT CARD PURCHASE, AUT 080616 VISA DDA PUR THE FORGE RESTAURANT MIAMI BEACH * FL 4029445149885085	114.10
8/8	PHONE TRANSFER, To CHECKING 4280229894	100.00
8/8	DEBIT CARD PURCHASE, AUT 080716 VISA DDA PUR E11EVEN MIAMI MIAMI * FL 4029445149885085	33.28

Call 1-800-937-2000 for 24-hour Bank-by-Phone services or connect to www.tdbank.com

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EXHIBIT 7(4 of 8)



Bank

America's Most Convenient Bank®

STATEMENT OF ACCOUNT

COMMITTEE TO ELECT ALLEN MARKELSON
ALLEN IRWIN MARKELSON

Page: 3 of 4
Statement Period: Aug 01 2016-Aug 31 2016
Cust Ref #: 4332502362-713-T-###
Primary Account #: [REDACTED]

DAILY ACCOUNT ACTIVITY

Electronic Payments (continued)

POSTING DATE	DESCRIPTION	AMOUNT
8/8	DEBIT CARD PURCHASE, AUT 080616 VISA DDA PUR E11EVEN MIAMI MIAMI * FL 4029445149885085	25.00
8/8	DEBIT CARD PURCHASE, AUT 080616 VISA DDA PUR E11EVEN MIAMI MIAMI * FL 4029445149885085	25.00
8/8	DEBIT CARD PURCHASE, AUT 080516 VISA DDA PUR STARBUCKS STORE 08507 MIAMI * FL 4029445149885085	9.80
8/8	DEBIT CARD PURCHASE, AUT 080716 VISA DDA PUR E11EVEN MIAMI MIAMI * FL 4029445149885085	9.60
8/8	DEBIT CARD PURCHASE, AUT 080616 VISA DDA PUR SHELL OIL 57543869309 NORTH BAY VIL * FL 4029445149885085	5.05
8/8	DEBIT CARD PURCHASE, AUT 080516 VISA DDA PUR SHELL OIL 57543869309 NORTH BAY VIL * FL 4029445149885085	5.00
8/8	DEBIT CARD PURCHASE, AUT 080616 VISA DDA PUR UBER US AUG06 A2OPK HELP UBER COM * CA 4029445149885085	5.00
8/8	DEBIT CARD PURCHASE, AUT 080616 VISA DDA PUR DUNKIN 339889 Q35 MIAMI * FL 4029445149885085	4.06
8/8	DEBIT CARD PURCHASE, AUT 080516 VISA DDA PUR SHELL OIL 57543869309 NORTH BAY VIL * FL 4029445149885085	3.47
8/10	DEBIT CARD PURCHASE, AUT 080916 VISA DDA PUR CAPLAN CAPLAN AND CAPLAN 305 3743426 * FL 4029445149885085	45.00
8/18	DEBIT CARD PAYMENT, AUT 081716 VISA DDA PUR VESTA AT T 866 608 3007 * OR 4029445149885085	43.20
Subtotal:		775.31

Other Withdrawals

POSTING DATE	DESCRIPTION	AMOUNT
8/19	OVERDRAFT PD	35.00
8/22	MINI STMT PREAUTH, AUT 082216 MINISTMT PREAUTH 9005 BISCAYNE BLVD MIAMI SHORES * FL 4029445149885085	0.00
8/25	DEP RETURN CHARGEBACK	2,875.00
8/25	DEP RETURN FEE	20.00

Call 1-800-937-2000 for 24-hour Bank-by-Phone services or connect to www.tdbank.com

Bank Deposits FDIC Insured | TD Bank, N.A. | Equal Housing Lender



EXHIBIT 7(5 of 8)



America's Most Convenient Bank®

STATEMENT OF ACCOUNT

COMMITTEE TO ELECT ALLEN MARKELSON
ALLEN IRWIN MARKELSON

Page: 4 of 4
Statement Period: Aug 01 2016-Aug 31 2016
Cust Ref #: 4332502362-713-T-###
Primary Account #: [REDACTED]

DAILY ACCOUNT ACTIVITY

Other Withdrawals (continued)		
POSTING DATE	DESCRIPTION	AMOUNT
8/26	OVERDRAFT PD	35.00
		Subtotal: 2,965.00

Service Charges		
POSTING DATE	DESCRIPTION	AMOUNT
8/31	MAINTENANCE FEE	8.00
8/31	PAPER STATEMENT FEE	2.00
		Subtotal: 10.00

DAILY BALANCE SUMMARY

DATE	BALANCE	DATE	BALANCE
7/31	738.80	8/18	-36.51
8/1	462.43	8/19	-71.51
8/2	437.43	8/22	2,803.49
8/3	397.46	8/25	-91.51
8/4	391.05	8/26	-126.51
8/8	51.69	8/31	-136.51
8/10	6.69		

Call 1-800-937-2000 for 24-hour Bank-by-Phone services or connect to www.tdbank.com

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EXHIBIT 7(6 of 8)



America's Most Convenient Bank®

T STATEMENT OF ACCOUNT

COMMITTEE TO ELECT ALLEN MARKELSON
ALLEN IRWIN MARKELSON
8000 E DR APT 302
N BAY VILLAGE FL 33141

Page: 1 of 2
Statement Period: Sep 01 2016-Sep 30 2016
Cust Ref #: 4332502362-713-T-###
Primary Account #: [REDACTED]

TD Business Simple Checking
COMMITTEE TO ELECT ALLEN MARKELSON
ALLEN IRWIN MARKELSON

Account # [REDACTED]

ACCOUNT SUMMARY

Beginning Balance	-136.51	Average Collected Balance	62.54
Deposits	3,850.35	Annual Percentage Yield Earned	0.00%
Electronic Payments	14.97	Days in Period	30
Other Withdrawals	3,925.35		
Service Charges	10.00		
Ending Balance	-236.48		

DAILY ACCOUNT ACTIVITY

Deposits		
POSTING DATE	DESCRIPTION	AMOUNT
9/27	DEPOSIT	3,850.35
Subtotal:		3,850.35

Electronic Payments		
POSTING DATE	DESCRIPTION	AMOUNT
9/2	DEBIT CARD PAYMENT, AUT 090116 VISA DDA PUR IC TRAVELPLUS COM 855 8574329 * CT 4029445149885085	14.97
Subtotal:		14.97

Other Withdrawals		
POSTING DATE	DESCRIPTION	AMOUNT
9/6	OVERDRAFT PD	35.00
9/6	SUSTAINED OD FEE	20.00
9/30	DEP RETURN CHARGEBACK	3,850.35
9/30	DEP RETURN FEE	20.00
Subtotal:		3,925.35

Service Charges		
POSTING DATE	DESCRIPTION	AMOUNT
9/30	MAINTENANCE FEE	8.00
9/30	PAPER STATEMENT FEE	2.00
Subtotal:		10.00

DAILY BALANCE SUMMARY

DATE	BALANCE	DATE	BALANCE
8/31	-136.51	9/27	3,643.87
9/2	-151.48	9/30	-236.48
9/6	-206.48		

Call 1-800-937-2000 for 24-hour Bank-by-Phone services or connect to www.tdbank.com

Bank Deposits FDIC Insured | TD Bank, N.A. | Equal Housing Lender



EXHIBIT 7 (7 of 8)



Bank

America's Most Convenient Bank®

0

STATEMENT OF ACCOUNT

COMMITTEE TO ELECT ALLEN MARKELSON
ALLEN IRWIN MARKELSON
8000 E DR APT 302
N BAY VILLAGE FL 33141

Page: 1 of 2
Statement Period: Oct 01 2016-Oct 11 2016
Cust Ref #: 4332502362-713-0-###
Primary Account #: [REDACTED]

TD Business Simple Checking

COMMITTEE TO ELECT ALLEN MARKELSON
ALLEN IRWIN MARKELSON

Account # [REDACTED]

ACCOUNT SUMMARY

Beginning Balance	-236.48	Average Collected Balance	-240.43
Other Credits	271.48	Annual Percentage Yield Earned	0.00%
		Days in Period	10
Other Withdrawals	35.00		
Ending Balance	0.00		

DAILY ACCOUNT ACTIVITY

Other Credits			AMOUNT
POSTING DATE	DESCRIPTION		
10/11	CREDIT-ACCT CLOSED, Charge Off cl D2E00440		271.48
Subtotal:			271.48

Other Withdrawals			AMOUNT
POSTING DATE	DESCRIPTION		
10/3	OVERDRAFT PD		35.00
Subtotal:			35.00

DAILY BALANCE SUMMARY

DATE	BALANCE	DATE	BALANCE
9/30	-236.48	10/11	0.00
10/3	-271.48		

Call 1-800-937-2000 for 24-hour Bank-by-Phone services or connect to www.tdbank.com

Bank Deposits FDIC Insured | TD Bank, N.A. | Equal Housing Lender



EXHIBIT 7(8 of 8)

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY RECEIVED
DEPARTMENT OF STATE

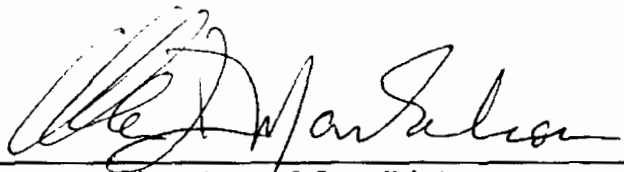
2016 JUN 22 AM 9:19

I, ALLEN MARKELSON ,

candidate for the office of STATE SENATE DISTRICT #38 ;

have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X



Signature of Candidate

06/20/2016

Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).



FLORIDA ELECTIONS COMMISSION

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

January 27, 2017

Allen Markelson
8000 East Drive, # 302
North Bay Village, FL 33141-3141

RE: Case No.: FEC 16-630; Respondent: Allen Markelson

Dear Mr. Markelson:

On October 26, 2016, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more legally sufficient allegations. The Commission staff will investigate the following alleged violation:

Section 106.141(1), Florida Statutes: As alleged in the complaint, Respondent, a 2016 candidate for State Representative, failed to timely file his 2016 Termination Report reflecting the disposition of all remaining campaign funds.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a 2016 candidate for State Representative, may have falsely reported or deliberately failed to include information in his 2016 Termination Report, as required by Chapter 106.

You may respond to the allegation above by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegation. Your response will be included as an attachment to the investigator's report.

When we conclude the investigation, a copy of the Report of Investigation will be mailed to you at the above address. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. A copy of the Staff Recommendation will be mailed to you and you may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause.

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapters 104 or 106, Florida Statutes. You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence.

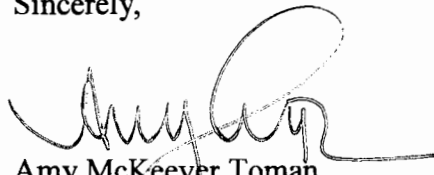
At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

The Report of Investigation, Staff Recommendation, and Notice of Hearing will be mailed to the above address as this letter. Therefore, if your address changes, you must notify this office of your new address. Otherwise, you may not receive these important documents. Failure to receive the documents will not delay the probable cause hearing.

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you unless you waive confidentiality in writing. The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

If you have any questions or need additional information, please contact **Cedric Oliver**, the investigator assigned to this case.

Sincerely,



Amy McKeever Toman
Executive Director

AMT/dam

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

To FEC from Division of Elections

2016 OCT 26 P 3:12

Name: Allen Markelson
Account Number: 67822
Treasurer: Allen Markelson

The Division of Elections hereby provides this notice to the Florida Elections Commission pursuant to Sections 106.07(8)(d), 106.22(7) and 106.25, Florida Statutes. An apparent violation of Chapter 106, F.S., has occurred based upon the candidate's alleged failure to file a report after notice as required by section 106.07(8)(d), Florida Statutes, or failure to notify the filing officer on the prescribed reporting date that no report was to be filed as required by Section 106.07(7), Florida Statutes.

The following report or notice is outstanding after notification:

2016 TR

Sent By: Kristi Reid Bronson
Date: October 25, 2016

KRB

stb

AFFIDAVIT

STATE OF FLORIDA


County of Leon

Kristi Reid Bronson, being duly sworn, says:

1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. Allen Markelson (67822) was a 2016 candidate for the office of State Senator.
5. On June 22, 2016, Mr. Markelson filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. He appointed himself as treasurer. (See attached documents and acknowledgment letter.)
6. The 2016 TR campaign treasurer's report was due on September 22, 2016. On September 23, 2016, the Division mailed Mr. Markelson notification that the 2016 TR treasurer's report had not been filed. (See attached letter.)
7. On October 3, 2016, the Division mailed Mr. Markelson final notification with delivery confirmation that the 2016 TR treasurer's report had not been filed. (See attached letter with delivery confirmation.)
8. Mr. Markelson did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 TR report that no report was to be filed.

9. As of October 25, 2016, Mr. Markelson has not filed the 2016 TR report.

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



Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 25th day of October, 2016.



Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known



RECEIVED
DEPARTMENT OF STATE
2016 JUN 22 AM 9:19

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)

ALLEN MARKELSON

3. Address (include post office box or street, city, state, zip code)

8000 EAST DRIVE #302
NORTH BAY VILLAGE, FLORIDA 33141-4143

4. Telephone

(305) 570-6552

5. E-mail address

JMARKELSON@AOL.COM

6. Office sought (include district, circuit, group number)

STATE SENATE DISTRICT #38

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation REPUBLICAN Party candidate.

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

ALLEN MARKELSON

11. Mailing Address

8000 EAST DRIVE #302

12. Telephone

(305) 570-6552

13. City

NORTH BAY VILLAGE

14. County

DADE

15. State

FLORIDA

16. Zip Code

33141-4143

17. E-mail address

JMARKELSON@AOL.COM

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank

TD BANK

20. Address

9005 BISCAYNE BOULEVARD

21. City

MIAMI

22. County

DADE

23. State

FLORIDA

24. Zip Code

33138

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

06/20/2016

26. Signature of Candidate

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, ALLEN MARKELSON, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

06/20/2016

Date

Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY RECEIVED
DEPARTMENT OF STATE

2016 JUN 22 AM 9:19

I, ALLEN MARKELSON,

candidate for the office of STATE SENATE DISTRICT #38;

have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X



Signature of Candidate

06/20/2016

Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 22, 2016

Allen Markelson
8000 East Drive, #302
North Bay Village, Florida 33141-4143

Dear Mr. Markelson:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Senator, which was placed on file in our office on June 22, 2016. Your name has been placed on the 2016 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **July 1, 2016**. The report will cover the period of June 1-24, 2016 (P1). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

Below is the web address to access the EFS and your user identification number. The enclosed sealed envelope contains your initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on. You, your campaign treasurer, and deputy treasurers are responsible for protecting these passwords from disclosure and are responsible for all filings using these credentials, unless the Division is notified that your credentials have been compromised.

EFS Website Address: <https://efs.dos.state.fl.us>

Identification Number: 67822

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) dos.myflorida.com/elections/



Allen Markelson
June 22, 2016
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains your confidential pin numbers.

Each candidate is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event that password is forgotten or lost. When you enter the campaign account screen, there will be a drop down box where you pick a question (such as *What is your mother's maiden name?*) and supply an answer. All passwords and answers to questions are stored as encrypted data and cannot be viewed by Division staff and given out over the phone. Please notify the Division if your credentials have been compromised.

Timely Filing

All reports filed must be completed and filed through the EFS no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding each primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Electronic Receipts

The person submitting the report on the EFS will be issued an electronic receipt indicating and verifying the report was filed. Each campaign treasurer's report filed by means of the EFS is considered to be under oath by the candidate and campaign treasurer and such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

Allen Markelson
June 22, 2016
Page Three

Instructions and Assistance

An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports. The Division of Elections will also provide assistance to all users by contacting the EFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://dos.myflorida.com/elections/>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/zjs

Enclosures



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

September 23, 2016

Allen Markelson
8000 East Drive # 302
North Bay Village, FL 33141-3141

CAN 67822

Dear Mr. Markelson:

Our records indicate that you have not filed either your termination report or notification that no reportable activity occurred, whichever is applicable. The filing date was September 22, 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 \$50 per day until you file your report. 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



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Final Notice
Delivery Confirmation:

USPS TRACKING # **9114 9014 9645 0630 6774 51**
& CUSTOMER RECEIPT For Tracking or Inquiries go to USPS.com
or call 1-800-222-1811.

October 3, 2016

Allen Markelson
8000 East Drive # 302
North Bay Village, FL 33141-3141

CAN 67822

Dear Mr. Markelson:

A recent review of the Division's records show that the Division has not yet received your termination report or the required notification that no reportable activity occurred, whichever is applicable.

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report or notification 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



USPS Tracking®

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Browse our F



Tracking Number: 9114901496450630677451

Updated Delivery Day: Wednesday, October 5, 2016

Product & Tracking Information

Availab

Postal Product:

Features:
USPS Tracking®

Text Updates

DATE & TIME	STATUS OF ITEM	LOCATION
October 5, 2016 , 8:00 pm	Delivered, In/At Mailbox	MIAMI BEACH, FL 33141

Email Update:

Your item was delivered in or at the mailbox at 8:00 pm on October 5, 2016 in MIAMI BEACH, FL 33141.

October 5, 2016 , 10:44 am	Out for Delivery	MIAMI BEACH, FL 33141
October 5, 2016 , 6:35 am	Arrived at Post Office	MIAMI BEACH, FL 33141
October 5, 2016 , 2:46 am	Departed USPS Facility	OPA LOCKA, FL 33054
October 4, 2016 , 6:11 pm	Arrived at USPS Facility	OPA LOCKA, FL 33054
October 4, 2016 , 4:17 am	Arrived at USPS Facility	VALDOSTA, GA 31601
October 4, 2016 , 2:21 am	Departed USPS Facility	TALLAHASSEE, FL 32301
October 3, 2016 , 7:52 pm	Arrived at USPS Facility	TALLAHASSEE, FL 32301