STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re	: David Wayne Bunk	 Case No.: FEC 16-311
TO:	David Wayne Bunk	Division of Elections
	95142 Wildwood Circle Fernandina Beach, FL 32084	500 S Bronough Street, Room 316 Tallahassee, FL 32399

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, November 16, 2016 at 8:30 am, or as soon thereafter as the parties can be heard, at the following location: Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman

Executive Director Florida Elections Commission November 1, 2016 Please refer to the information below for further instructions related to your particular hearing:

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

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

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

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

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

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

FLORIDA ELECTIONS COMMISSION CASE REPORT

Case Number: FEC-16-311

NAME: DAVID W. BUNK

DATE APPEAL RECEIVED: 8/9/16

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

DATE OF ELECTRONIC RECEIPT: 7/9/16

DATE FILING OFFICER RECEIVED REPORT: 7/9/16

NUMBER OF DAYS LATE: 8

AMOUNT OF FINE: \$550.00

FINE BASED ON: (..) NUMBER OF DAYS

CANDIDATE [X]

POLITICAL PARTY []

PC []

CCE []

(X) 25% of Receipts (...) 25% of Expenditures

STATE [X] DISTRICT []

COUNTY []

CITY []

TOTAL RECEIPTS FOR REPORTING PERIOD: \$2,200.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$51.64

DATE OF FIRST NOTIFICATION: 7/5/16

SUMMARY: David W. Bunk was a candidate for State Representative, District 11 in the 2016 elections. Mr. David E. Cook Jr. was his treasurer.

Mr. Bunk is appealing the fine claiming that unusual circumstances prevented the 2016 P1 Report to be timely filed. According to Mr. Bunk, "In response to the report that was due on July 1, 2016, my campaign treasurer David E. Cook and I had each thought the other had filed this report but when in actuality David E. Cook had to be omitted to Baptist Medical Hospital in Jacksonville, Fl. With a serious infection to his hand which had to be operated on. As soon as I learned of the report not being filed on July 8, 2016, I immediately filed the report on July 9, 2016. This was a harmless mistake."

- The 2016 P1 Report covers the time period from 6/1/16 through 6/24/16.
- The 2016 P1 Queued-Transactions Report reflects that this report was created on 7/9/16 at approximately 9:39 am, before being filed on 7/9/16 at approximately 10:25 am.

PRIOR CASES: None

To whom it may concerw;

I David Wayne Bunk, am a First time candidate running For State Representative distanct 11

In response to the report that was due on July 1, Zone, my camparan treasuren David E. Cuok and I had each thought the other had filed this Treport but when in actuality David E. Cook had to be omitted to Baptist Medical Hospital in Jacksmille, Fr. with a serious intection to his hand which had to be operated on. As soon as I learned of the report not being tiled on July 8, 2014, I immediately tiled the report on July 9, 2016. this was a harmless histoly.

Sincerte, Wayne Burk



FLORIDA DEPARTMENT OF STATE Ken Detzner

Secretary of State

DIVISION OF ELECTIONS

July 11, 2016

Wayne Bunk Candidate for State Representative, District 11 95142 Wildwood Circle Fernandina, FL 32034-2034

CAN 65334

Dear Mr. Bunk:

The campaign treasurer's report that was due on July 1, 2016, was filed on July 9, 2016. By law, you are automatically assessed a late fine of \$550.00.

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

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

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

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

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

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

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

Sincerely,

Kristi Reid Bronson, Chief Bureau of Election Records

cc: David E. Cook Jr., Treasurer



FLORIDA DEPARTMENT OF STATE

Ken Detzner

Secretary of State

DIVISION OF ELECTIONS

July 5, 2016

David E. Cook Jr., Treasurer 751 Wren Drive Fernandina Beach, FL 32034 CAN 65334

Dear Mr. Cook:

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

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

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

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

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

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

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

Sincerely.

Krist Reid Bronson, Chief Bureau of Election Records

cc: Wayne Bunk

Candidate for State Representative, District 11

F	CAMPAIGN TRE	T OF STATE, DIVISI ASURER'S REPORT		ONS	
(1) Wayne Bunk		(2) <u>65</u>	i334	_	
Candidate, Committe or Party N	ame		. Number		
(3) 95142 Wildwood Circle		Fernandina	FL	32034	
Address (number and street) Check box if address has compared to the compared	hanged since last report	City	State	Zip Code	_
☐ Candidate (office sought):☐ Political Committee☐ Committee of Continuous E☐ Party Executive Committee		☐ Check If PC has			
	(5) REPOR	RT IDENTIFIERS			
Cover Period: From 06/01/20	16 To 06	/24/2016	Report Type:	P1	
Original X Ar	nendment	ecial Election Report			
(6) CONTRIBUTIONS THIS REF	(7) EXPENDITURES THIS REPORT				
Cash & Checks	\$500.00	Monetary Expenditu	ıres		\$51.64
Loans	\$1,700.00	Transfers to Office	Account		\$0.00
Total Monetary	\$2,200.00	Total Monetai	ry .		\$51.64
In-Kind	\$0.00	(8) Other Distributio	ns		
·					
It is a first de	Ce gree misdemeanor for any p	ertification person to falsify a public r	ecord (ss.839.13,	F.S.)	· · · · · · · · · · · · · · · · · · ·
I certify that I have examined this rep true, correct and complete	port and it is	I certify that I have e true, correct and co		ort and it is	
Name of Treasurer	Deputy Treasurer	Name of X C	andidate	Chaiman (PC/PT	Y Only
Y		Χ			
Signature	PROTECTION OF THE PROTECTION O	Signature			

ASURER'S REPORT - ITEMIZED CONT UTIONS

Page 1 of 1

Name:

Wayne Bunk

Report: 2016 P1

Period: 06/01/2016

to 06/24/2016

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Contributor Type	Occupation In-Kind Description	Amount Amend
06/17/2016	III PALM 474303 E STATE RD 200 FERNANDINA BEACH, FL 32034	B CHE	REALTY	\$500.00
2 06/20/2016	BUNK WAYNE 95142 WILDWOOD CIRCLE FERNANDINA BEACH, FL 3204	S LOA	RETIRED	\$1,700.00 UPD
* 2	BUNK, WAYNE 95142 WILDWOOD CIRCLE FERNANDINA BEACH, FL 3204	I LOA		\$1,700.00 History 07/13/16

CAMPAIGN TASURER'S REPORT - ITEMIZED EXPENTURES

Page 1 of 1

Name:

Wayne Bunk

Report: 2016 P1

Period: 06/01/2016

to 06/24/2016

** Records in Filed Report **

Seq #	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Туре	Purpose	Amount
1 06/10/2016	BUNK WAYNE 95142 WILDWOOD CIRCLE FERNANDINA BEACH, FL 32034	MON	WIRELESS INTERNET/ NET ZERO	\$27.85
2 06/23/2016	BUNK WAYNE 95142 WILDWOOD CIRCLE FERNANDINA BEACH, FL 32034	MON	UPS / NEXT DAY MAIL	\$23.79

CAMPAIGN ASURER'S REPORT - ITEMIZED DISTOUTIONS

Page 1 of 1

Name:

Wayne Bunk

Report: 2016 P1

Period: 06/01/2016

to 06/24/2016

** Records in Filed Report **

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

CAMPAIGN TR SURER'S REPORT - ITEMIZED FUND

NSFERS

Page 1 of 1

Name:

Wayne Bunk

Report: 2016 P1

Period: 06/01/2016

to 06/24/2016

** Records in Filed Report **

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

Queued Items for 2016-P1

Account: 65334

STR 011 Wayne Bunk

Rpt Seq:

ProcessDescription	Status	Submitter	Created	LastUpdate
Create Pending Report	Processing Complete	65334	7/9/2016 9:39:23 AM	7/9/2016 9:39:23 AM
Review Pending Report	Processing Complete	65334	7/9/2016 10:19:45 AM	7/9/2016 10:19:45 AM
File Pending Report	Processing Complete	65334	7/9/2016 10:25:18 AM	7/9/2016 10:25:18 AM
Review Filed Report	Processing Complete	65334	7/9/2016 10:39:53 AM	7/9/2016 10:41:57 AM
Review Filed Report	Processing Complete	65334	7/9/2016 10:43:07 AM	7/9/2016 10:43:07 AM
Review Filed Report	Processing Complete	65334	7/9/2016 4:42:13 PM	7/9/2016 4:42:13 PM
Review Filed Report	Processing Complete	ejrowlette	7/13/2016 8:54:59 AM	7/13/2016 8:54:59 AM
Amend Filed Report	Processing Complete	65334	7/13/2016 4:47:02 PM	7/13/2016 4:47:02 PM
Review Pending Report	Processing Complete	65334	7/13/2016 4:50:22 PM	7/13/2016 4:50:22 PM
File Pending Report	Processing Complete	65334	7/13/2016 4:51:47 PM	7/13/2016 4:51:47 PM



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Florida Department of State - Division of Elections

Florida Election System Reports

C	andidate/Committee Look	up	Candid	late N	lame: Way	ne Bunl	•				
Name:				Acc	ount: <u>6533</u>	<u> 4</u>					
Election:		V	Date Due	Туре	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
	p		8/26/2016	P7		SNT	0	\$0.00		\$0.00	\$0.00
Acct:	65334		8/19/2016	P6	8/20/2016	SNT	1	\$3.74		\$3.74	\$0.00
Туре:	Candidate	\overline{V}	8/12/2016	P5	8/12/2016			•			
	r		8/5/2016	P4	8/4/2016						
	Search Reset		7/29/2016	P3	8/4/2016	SNT	6	\$20.47		\$20.47	\$0.00
		•	7/15/2016	P2	7/9/2016						
			7/1/2016	P1	7/9/2016	APP	8	\$550.00		\$550.00	\$0.00
			6/10/2016	M5	6/9/2016						
			5/10/2016	M4	5/10/2016						
			4/11/2016	М3	4/11/2016						

HISTORY NOTES Wayne Bunk - 65334

Unique ID Date Recorded Last Edited Date Orginally Recorded By

RE: 2016 P3 report

49170

Received phone call from Mr. & Ms. Bunk saying they could not get into the account. After explaining the password we sent would no longer be valid since someone had already logged in they figured out the password the treasurer changed it to. I guided them through how to open a report and how to enter in the expenditures. I also guided them to the help tab to open the User Manual.

Slb

48787 7/19/2016 9:33:00 AM

7/28/2016 1:04:00 PM

Ejrowlette

Eirowlette

Eirowlette

slbagley

RE: Questions of late fine

I spoke to Mr. Bunk and he was concerned about the \$550 fine letter he received. I told him that he could appeal it with the FEC. I told him to also send us a copy of the letter he sends them so he would not receive further notices. I asked him if he had the calendar of reporting dates I emailed him. He said he did. I told him to stay on top of these reports. Ejr

48647 7/13/2016 9:06:00 AM

Re: Assist with 2016 P1 & 2016 P2 errors

Mr. Bunk called asking about how to correct some errors in these two reports. I looked over the reports and explained how to fix these errors. He was out in the blue berry field and was not near a computer. I told him that when he got near a computer, to call me and I'd assist him in making the changes. Ejr

48511 7/8/2016 1:25:00 PM Ejrowlette

Re: Email to candidate wayne.bunk@gmail.com

Attention Mr. Wayne Bunk, Candidate for State Representative

This email is in reference to our phone conversation earlier today.

I have included a copy of the 2016 Candidate Finacial Reporting Dates to this email.

Please print this out, or keep this information available. As you can see, the reporting dates for your campaign are becoming more frequent.

If you have any questions, please contact me at 850-245-6280.

Erika J. Rowlette Regulatory Specialist II

48510 7/8/2016 1:20:00 PM

Re: Letter of Fail to File

David Cook, Mr. Bunk's treasurer, called and wanted to know what he was to do in response to the "Fail to File" letter he and Candidate Bunk received. I told Mr. Cook that he needed to file the 2016 P1 report and that the next report was due a week from today. I asked him if he had a list of the reporting dates. He told me he did not. I asked if he was near a computer. He told me that he didn't have a computer and that Mr. Bunk did most the reporting. I asked Mr. Cook to have Mr. Bunk call me so I could get him the list of reporting dates.

Mr. Bunk called me back soon afterwards. I asked him if he had a list of the reporting dates. He told me he did not. I asked if he was near a computer so I could direct him to the PDF. He told me he was in a Blue Berry Field. I asked for his email and told him I would email him the list of reporting dates because I did not want him to be late on reporting again. I told him that when he got back indoors, to please file the 2016 P1 report. Ejr

47777 5/19/2016 3:22:00 PM mcchellman

Re 5/11/16 audit - Can and T called and were both on the line. Eventually we determined the Exp RMB listed was paid for through the campaign account and was a MON, not a RMB. I adivsed the report needed to be amended and pointed them to the manual. I advised they could call back if they needed further help.