

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: League of Voters, Extraordinaire

Case No.: FEC 15-517

**TO: Leonard Schmiede, Chair
3024 25th Avenue North
St. Petersburg, FL 33713**

**Jordan Jones & Adam Tanenbaum
Department of State
500 S. Bronough Street
Tallahassee, FL 32399**

NOTICE OF HEARING (ADMINISTRATIVE APPEAL)

A hearing will be held in this case before the Florida Elections Commission on, **August 16, 2016, at 9:00 a.m.**, *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. Each party will have *5 minutes* to present its 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 a party 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.

Amy McKeever Toman
Executive Director
Florida Elections Commission
August 1, 2016

DM

Leonard Schmiede
League of Voters, Extraordinaire
3024 25th Avenue North, St. Petersburg FL 33713
Ph: 727 656-3519, pdata@gmx.com

RECEIVED

2016 JUL 14 A 10: 51

STATE OF FLORIDA
ELECTIONS COMMISSION

July 11, 2016

Attn: Amy M. Toman, Executive Director, Florida Elections Commission
CC: Jordan Jones, Assistant General Counsel, Florida Dept. of State
CC: M. Scott Thomas, Chairman, Florida Elections Commission
CC: fec@myfloridalegal.com

RE: Case No.: FEC 15-517

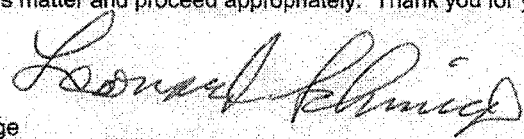
I recently received a proposed Final Recommended Order concerning this matter, and I object to the entry of the proposed Final Recommended Order in Case No.: FEC 15-517 for the following reasons:

1. The March 3, 2016 Order states that "the matter will be set for a hearing..." Contrary to the incorrect assertions in paragraphs 12 and 13 of the proposed Final Recommended Order, the March 3rd Order did not require the League of Voters Extraordinaire (hereinafter referred to as the "League") to request a hearing. Moreover, the Notice of Right to a Hearing served with the March 3rd Order is not part of such Order, and it does not require any action by the League unless it wants to choose between a hearing before an ALJ or the FEC. Therefore, the March 3, 2016 Order does not empower the FEC to revoke the League's registration.
2. If the FEC wanted to move forward with proceedings to revoke the League's status, it was required to set another hearing by the March 3, 2016 Order and provide adequate notice of the time and date of such hearing to the League. Therefore, entry of the proposed Final Recommended Order would violate the League's due process rights under the Florida Administrative Procedure Act.
3. Florida Administrative Code § 1S-2.021(2) lists the reasons to revoke a registration of a political committee such as the League. However, as the League amended its registration to only act as a sponsor of a proposed constitutional amendment by initiative, § 1S-2.021(2)(e) no longer provides a reason to revoke the League's registration, and therefore, such action would violate the Florida Administrative Procedure Act. See the letter from the League dated Aug. 26, 2015 concerning this matter which is also enclosed for your convenient reference.
4. Finally, Florida Statutes § 120.542(4) provides for a variance or waiver, and as the League now only acts as a sponsor of a proposed constitutional amendment by initiative, cancellation of the League's registration would violate principles of fairness as well as its rights to due process.

Enclosed for your convenient reference are a copies of the March 3, 2016 Order and the proposed Final Recommended Order.

Please review this matter and proceed appropriately. Thank you for your consideration.

Sincerely,



Leonard Schmiede
Chairman, League of Voters Extraordinaire

enclosures

RECEIVED

15 AUG 26 PM 4:53

DIVISION OF ELECTIONS
SECRETARY OF STATE

8-26-2015
Kristi Reid Bronson, Chief
Bureau of Election Records
R.A. Gray Bldg., Rm. 316
500 S Bronough St.
Tallahassee, FL 32399

RE: Your letter of July 27th, 2015

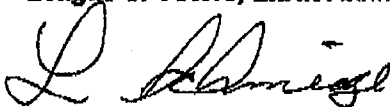
Dear Kristi Reid Bronson, Chief
Bureau of Election Records
By email care of Brandy Hedges at brandy.hedges@dos.myflorida.com
and fax: 850 245 6260

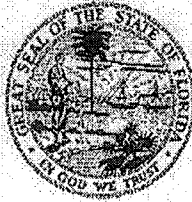
In response to your letter dated July 27, 2015, I wish to make it clear that I do not want to have my committee the League of Voters, Extraordinaire revoked due to insufficient funds raised during a certain period. I thought my letter dated 5-14-2015 made this clear and was also the official request for a hearing.

Your letter refers to your regulatory authority. I believe you have the authority to drop this matter and maintain the active status of my committee without requiring a hearing, however I already requested a hearing in my prior letter and am willing to appear to discuss this matter. Furthermore, the committee is now sponsoring the initiative 15-09 with the ballot title *Minimum Wage Shall Not Be Less Than Ten Dollars An Hour*. As a sponsor of an initiative no financing of any kind is required to maintain my committee as active status. Therefore if you revoked my committee for lack of funds collected you would be violating my constitutional right to offer an amendment without a fee.

In conclusion, I believe once you review the facts of the matter you will realize that the committee (55402) and in fact any committee with an active petition shall remain an active committee indefinitely regardless of whether or not they collected any funds during any period.

Sincerely,
Leonard Schmiege
Chairman,
League of Voters, Extraordinaire (55402)





FLORIDA ELECTIONS COMMISSION

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

March 3, 2016

League of Voters Extraordinaire
Attn: Leonard Schmiede, Chair
3024 25th Avenue North
St. Petersburg, FL 33713

RE: Case No.: FEC 15-517; League of Voters Extraordinaire

Dear Mr. Schmiede:

The Florida Elections Commission at its last regularly scheduled meeting considered the above referenced case and issued the order that is enclosed.

Please let me know if you have any questions.

Sincerely,

/s/ Donna Ann Malphurs
Agency Clerk

/dam

Enclosure: Order

cc: Jordan Jones, Attorney for Division of Elections w/enclosures

16 MAR -3 AM 9:34

STATE OF FLORIDA
ELECTIONS COMMISSION

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: League of Voters Extraordinaire

Case No.: FEC 15-517

ORDER

THIS MATTER came before the Florida Elections Commission (Commission) at its regularly scheduled meeting on February 17, 2016, in Tallahassee, Florida, for the purpose of conducting a hearing not involving disputed issues of material fact, pursuant to Sections 120.69 and 120.57(2), Florida Statutes.

During the hearing, the Commission determined that the matter involves a **disputed** issue of material fact and terminated the hearing.

Therefore, it is

ORDERED that the matter will be set for a hearing involving disputed issues of material fact, pursuant to Section 120.57(1), Florida Statutes, before the Division of Administrative Hearings or before the Commission.

DONE AND ORDERED by the Florida Elections Commission on February 17, 2016.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Leonard Schmiede, League of Voters Extraordinaire, Appellant/Respondent
W. Jordan Jones, Assistant General Counsel, Division of Elections,

NOTICE OF RIGHT TO A HEARING

As the Appellant/Respondent, you may request that the Section 120.57(1), Florida Statutes, hearing involving disputed issues of material fact (also known a *formal hearing*) be held before an administrative law judge (ALJ) in the Division of Administrative Hearings (DOAH) or before the Florida Elections Commission.

You have 30 days from the date this Order is filed with the Commission to make your selection of venue. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To make your selection, 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.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 1, 2016

Amy M. Toman, Executive Director
Florida Elections Commission
Collins Building, Suite 224
107 West Gaines Street
Tallahassee, Florida 32399-1050
amy.toman@myfloridalegal.com

VIA E-MAIL AND REGULAR MAIL

Re: Case No. FEC 15-517—Proposed Recommended Order of Division of Elections

Dear Ms. Toman:

Pursuant to Rules 28-106.215, 28-106.307, Florida Administrative Code, please find enclosed the Division's proposed recommended order in Case Number FEC 15-517. Should you have any questions, please feel free to contact me.

Respectfully,

A handwritten signature in cursive script that reads "W. Jordan Jones".

Jordan Jones
Assistant General Counsel

Enclosure

cc: Leonard Schmiede
League of Voters, Extraordinaire
3024 25th Avenue North
St. Petersburg, Florida 33713
pdata@gmx.com

Office of the General Counsel
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6536 • 850.245.6127 (Fax) DOS.MyFlorida.com

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In re: League of Voters, Extraordinaire

Case No.: FEC 15-517

FINAL RECOMMENDED ORDER

This matter came before the Florida Elections Commission ("Commission") at its regularly scheduled meeting on February 17, 2016, in Tallahassee, Florida, for the purpose of conducting a hearing not involving disputed issues of material fact, pursuant to sections 120.69 and 120.57(2), Florida Statutes. Present at the hearing for the Division of Elections was Jordan Jones, Assistant General Counsel. Leonard Schmiede, representative for the League of Voters, Extraordinaire, did not appear at the hearing. The sole issue before the Commission is whether the Division was correct in notifying the League of the Division's Notice of Intent to Revoke and Final Notice of Intent to Revoke for failing to report at least \$500 in activity during the 2014 calendar year, pursuant to section 106.03, Florida Statutes, and Rule 1S-2.021, Florida Administrative Code.

The Commission hereby enters its Final Recommended Order.

Findings of Fact

1. The League of Voters, Extraordinaire ("League") is a Florida political committee registered with the Division.
2. On March 25, 2015, the Division sent the League a Notice of Intent to Revoke the League's political committee registration due to the League's failure to report at least \$500 in financial activity for the 2014 calendar year, pursuant to Rule 1S-2.021, Florida Administrative Code.
3. On April 10, 2015, the League's chairman, Mr. Leonard Schmiede, responded in writing to the Division, objecting to the proposed revocation of the League and stating in pertinent part as follows:

Your letter states the committee's aggregate reported financial activity during the 2014 calendar year was less than \$500. While this is correct, since then, the committee has raised \$500 in March of 2015 and this is reflected on [that] month's campaign finance report.

4. Based on Mr. Schmiede's April 10, 2015, response to the Division, it is an undisputed fact that the League had less than \$500 financial activity in 2014.

5. On April 16, 2015, the Division sent a Final Notice of Intent to Revoke the League's registration, stating that the explanation provided by Mr. Schmiede was insufficient.

6. On May 14, 2015, Mr. Schmiede responded to the Division's Final Notice of Intent to Revoke and requested a hearing before the Commission.

7. On July 27, 2015, the Division sent the League a letter outlining the process for requesting relief from the requirements of Rule 1S-2.021 in the form of a variance or waiver, pursuant to the requirements of section 120.542, Florida Statutes.

8. On August 26, 2015, Mr. Schmiede responded to the Division's letter, stating that "[i]n response to your letter dated July 27, 2015, I wish to make it clear that I do not want to have my committee the League of Voters, Extraordinaire revoked due to insufficient funds raised during a certain period"

9. On December 23, 2015, the Division forwarded Mr. Schmiede's request for hearing to the Commission, authorizing the Commission to act as presiding officer in an informal hearing pursuant to sections 106.03(7), 120.569, and 120.57(2), Florida Statutes, and Rules 1S-2.021(4)(a), 28-106.102, Florida Administrative Code.

10. The Commission set the hearing date for February 17, 2016, and notified all parties. The notice of hearing stated that "[f]ailure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing."

11. On February 16, 2016, the day before the hearing, Mr. Schmiede emailed the Commission and counsel for the Division to notify them that, due to a foot injury, he would not be attending the hearing. However, at that time he submitted a new document outlining his legal argument.

12. The informal hearing was held on February 17, 2016, with only counsel for the Division present. The Commission found that a disputed issue of material fact had arisen in part due to Mr. Schmiede's newly-submitted document and terminated the proceeding pursuant to section 120.569(1), Florida Statutes, with the intent that a formal hearing should later be

held. In turn, on March 3, 2016, the Commission entered an Order stating that it had terminated the hearing because of the existence of a disputed issue of material fact. The Order stated that “the matter will be set for a hearing involving disputed issues of material fact, pursuant to Section 120.57(1), Florida Statutes, before the Division of Administrative Hearings or before the Commission.”

13. The Order included a “Notice of Right to a Hearing,” which stated that the League could either request that the formal hearing pursuant to section 120.57(1) be held before an Administrative Law Judge at the Division of Administrative Hearings or before the Commission. The Notice also stated that “[y]ou have 30 days from the date this Order is filed with the Commission to make your selection of venue To make your selection, please send a written request to the Commission Clerk”

14. As of July 1, 2016—almost four months after the Commission entered its Order—the League has not filed any response, motion, or other document with the Commission.

Conclusions of Law

15. The Division has the authority to revoke the registration of political committees pursuant to section 106.03, Florida Statutes, and Rule 1S-2.021, Florida Administrative Code.

16. Under Rule 1S-2.021(2)(e), one of the reasons a political committee may be revoked is failure to report at least \$500 of financial activity in an even-numbered calendar year (unless the committee is registered and required to report as the sponsor of a proposed constitutional amendment by initiative).

17. The League has been afforded all due process pursuant to chapter 120. Nonetheless the League has failed to appear at the informal hearing and failed to request a formal hearing or select a venue for such hearing within 30 days of entry of the Commission’s Order, even though the Order specifically gave the League 30 days to select a venue. *See* § 120.57(2)(a)(2.), Fla. Stat. (indicating that the agency must give the parties “*the option*, at a

convenient time and place, to present to the agency or hearing officer written or oral evidence . . .” (emphasis supplied).

18. Since the League has not complied with the Commission’s Order which instructed the League to choose a venue for the formal hearing within 30 days; and since the League has not otherwise, at any time since the informal hearing, chosen a venue, requested the formal hearing, or otherwise submitted any notification or information to the Commission, the Commission concludes that the League has waived a formal hearing. See § 120.569(1), Fla. Stat. (a party can waive its right to a formal hearing); cf. § 120.57(1)(i), Fla. Stat. (“When, in any proceeding conducted pursuant to [section 120.57(1)], a dispute of material fact no longer exists, any party may move the administrative law judge to relinquish jurisdiction to the agency [T]he agency may promptly conduct a proceeding pursuant to subsection (2), if appropriate, but the parties may not raise any issues of disputed fact that could have been raised before the administrative law judge”). In turn, the Commission will proceed under section 120.57(2).

19. The findings of fact and conclusions of law are based on competent substantial evidence.

Recommendation for Final Agency Action

20. The League has waived its right to a formal hearing, and it is undisputed that the League failed to report at least \$500 of financial activity in 2014. Consequently, the Commission concludes that the Division was correct in notifying the League of the Division’s Notice of Intent to Revoke and Final Notice of Intent to Revoke. The Commission also concludes that the Division may proceed with final revocation of the League.

WHEREFORE, based upon the foregoing and a complete review of the record, the Commission enters this Final Recommended Order.

DONE AND ORDERED at Tallahassee, Florida, this ___ day of _____, 2016.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:

Leonard Schmiede, League of Voters Extraordinaire, Appellant/Respondent

W. Jordan Jones, Assistant General Counsel, Division of Elections



Re: FEC 15-517 - Division of Elections Proposed Order
Public Politics

to:
Jones, Jordan, 'Amy Toman'
07/12/2016 06:08 PM

Cc:
"Pullen, Amanda L.", "Tanenbaum, Adam S.", 'Florida Elections Commission'

Hide Details

From: Public Politics <pdata@gmx.com>

To: "Jones, Jordan" <Jordan.Jones@dos.myflorida.com>, 'Amy Toman'
<Amy.Toman@myfloridalegal.com>

Cc: "Pullen, Amanda L." <Amanda.Pullen@dos.myflorida.com>, "Tanenbaum, Adam S."
<Adam.Tanenbaum@dos.myflorida.com>, 'Florida Elections Commission'
<fec@myfloridalegal.com>

4 Attachments



20160711 RE Proposed Order case no FEC 15-517 signed scanned copy.pdf



FEC 15-517 - Division Proposed Final Order.pdf



2015-08-26-Miscellaneous(do not revoke as their is an active petition).pdf 2016-03-03 Scan of Order From FEC.pdf

Attn: Amy M. Toman, Executive Director, Florida Elections Commission
CC: Jordan Jones, Assistant General Counsel, Florida Dept. of State
CC: M. Scott Thomas, Chairman, Florida Elections Commission
CC: fec@myfloridalegal.com

Please see my reply attached as, '20160711 RE Proposed Order case no FEC 15-517 signed scanned copy'
along with relevant materials also attached.

Leonard Schmiede
Chairman,
League of Voters, Extraordinaire

On 7/1/2016 4:39 PM, Jones, Jordan wrote:

Amy,

Please find attached a cover letter with the Division's proposed recommended order. If you have any
questions, please feel free to call. Thanks!

Jordan Jones
Assistant General Counsel
Florida Department of State
500 S. Bronough Street
Tallahassee, FL 32399
(850) 245-6536

The Department of State is committed to excellence.
Please take our Customer Satisfaction Survey.

Leonard Schmiede
League of Voters, Extraordinaire
3024 25th Avenue North, St. Petersburg FL 33713
Ph: 727 656-3519, pdata@gmx.com

July 11, 2016

Attn: Amy M. Toman, Executive Director, Florida Elections Commission
CC: Jordan Jones, Assistant General Counsel, Florida Dept. of State
CC: M. Scott Thomas, Chairman, Florida Elections Commission
CC: fec@myfloridalegal.com

RE: Case No.: FEC 15-517

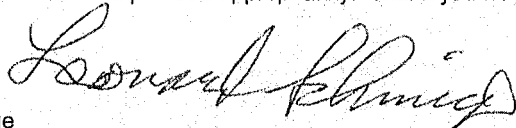
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1. The March 3, 2016 Order states that "the matter will be set for a hearing...." Contrary to the incorrect assertions in paragraphs 12 and 13 of the proposed Final Recommended Order, the March 3rd Order did not require the League of Voters Extraordinaire (hereinafter referred to as the "League") to request a hearing. Moreover, the Notice of Right to a Hearing served with the March 3rd Order is not part of such Order, and it does not require any action by the League unless it wants to choose between a hearing before an ALJ or the FEC. Therefore, the March 3, 2016 Order does not empower the FEC to revoke the League's registration.
2. If the FEC wanted to move forward with proceedings to revoke the League's status, it was required to set another hearing by the March 3, 2016 Order and provide adequate notice of the time and date of such hearing to the League. Therefore, entry of the proposed Final Recommended Order would violate the League's due process rights under the Florida Administrative Procedure Act.
3. Florida Administrative Code § 1S-2.021(2) lists the reasons to revoke a registration of a political committee such as the League. However, as the League amended its registration to only act as a sponsor of a proposed constitutional amendment by initiative, § 1S-2.021(2)(e) no longer provides a reason to revoke the League's registration, and therefore, such action would violate the Florida Administrative Procedure Act. See the letter from the League dated Aug. 26, 2015 concerning this matter which is also enclosed for your convenient reference.
4. Finally, Florida Statutes § 120.542(4) provides for a variance or waiver, and as the League now only acts as a sponsor of a proposed constitutional amendment by initiative, cancellation of the League's registration would violate principles of fairness as well as its rights to due process.

Enclosed for your convenient reference are a copies of the March 3, 2016 Order and the proposed Final Recommended Order.

Please review this matter and proceed appropriately. Thank you for your consideration.

Sincerely,



Leonard Schmiede
Chairman, League of Voters Extraordinaire

enclosures



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 1, 2016

Amy M. Toman, Executive Director
Florida Elections Commission
Collins Building, Suite 224
107 West Gaines Street
Tallahassee, Florida 32399-1050
amy.toman@myfloridalegal.com

VIA E-MAIL AND REGULAR MAIL

Re: Case No. FEC 15-517—Proposed Recommended Order of Division of Elections

Dear Ms. Toman:

Pursuant to Rules 28-106.215, 28-106.307, Florida Administrative Code, please find enclosed the Division's proposed recommended order in Case Number FEC 15-517. Should you have any questions, please feel free to contact me.

Respectfully,

Handwritten signature of W. Jordan Jones in cursive.

Jordan Jones
Assistant General Counsel

Enclosure

cc: Leonard Schmiede
League of Voters, Extraordinaire
3024 25th Avenue North
St. Petersburg, Florida 33713
pdata@gmx.com

Office of the General Counsel
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6536 • 850.245.6127 (Fax) DOS.MyFlorida.com

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In re: League of Voters, Extraordinaire

Case No.: FEC 15-517

FINAL RECOMMENDED ORDER

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The Commission hereby enters its Final Recommended Order.

Findings of Fact

1. The League of Voters, Extraordinaire ("League") is a Florida political committee registered with the Division.
2. On March 25, 2015, the Division sent the League a Notice of Intent to Revoke the League's political committee registration due to the League's failure to report at least \$500 in financial activity for the 2014 calendar year, pursuant to Rule 1S-2.021, Florida Administrative Code.
3. On April 10, 2015, the League's chairman, Mr. Leonard Schmiede, responded in writing to the Division, objecting to the proposed revocation of the League and stating in pertinent part as follows:

Your letter states the committee's aggregate reported financial activity during the 2014 calendar year was less than \$500. While this is correct, since then, the committee has raised \$500 in March of 2015 and this is reflected on [that] month's campaign finance report.

4. Based on Mr. Schmiede's April 10, 2015, response to the Division, it is an undisputed fact that the League had less than \$500 financial activity in 2014.

5. On April 16, 2015, the Division sent a Final Notice of Intent to Revoke the League's registration, stating that the explanation provided by Mr. Schmiede was insufficient.

6. On May 14, 2015, Mr. Schmiede responded to the Division's Final Notice of Intent to Revoke and requested a hearing before the Commission.

7. On July 27, 2015, the Division sent the League a letter outlining the process for requesting relief from the requirements of Rule 1S-2.021 in the form of a variance or waiver, pursuant to the requirements of section 120.542, Florida Statutes.

8. On August 26, 2015, Mr. Schmiede responded to the Division's letter, stating that "[i]n response to your letter dated July 27, 2015, I wish to make it clear that I do not want to have my committee the League of Voters, Extraordinaire revoked due to insufficient funds raised during a certain period"

9. On December 23, 2015, the Division forwarded Mr. Schmiede's request for hearing to the Commission, authorizing the Commission to act as presiding officer in an informal hearing pursuant to sections 106.03(7), 120.569, and 120.57(2), Florida Statutes, and Rules 1S-2.021(4)(a), 28-106.102, Florida Administrative Code.

10. The Commission set the hearing date for February 17, 2016, and notified all parties. The notice of hearing stated that "[f]ailure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing."

11. On February 16, 2016, the day before the hearing, Mr. Schmiede emailed the Commission and counsel for the Division to notify them that, due to a foot injury, he would not be attending the hearing. However, at that time he submitted a new document outlining his legal argument.

12. The informal hearing was held on February 17, 2016, with only counsel for the Division present. The Commission found that a disputed issue of material fact had arisen in part due to Mr. Schmiede's newly-submitted document and terminated the proceeding pursuant to section 120.569(1), Florida Statutes, with the intent that a formal hearing should later be

held. In turn, on March 3, 2016, the Commission entered an Order stating that it had terminated the hearing because of the existence of a disputed issue of material fact. The Order stated that “the matter will be set for a hearing involving disputed issues of material fact, pursuant to Section 120.57(1), Florida Statutes, before the Division of Administrative Hearings or before the Commission.”

13. The Order included a “Notice of Right to a Hearing,” which stated that the League could either request that the formal hearing pursuant to section 120.57(1) be held before an Administrative Law Judge at the Division of Administrative Hearings or before the Commission. The Notice also stated that “[y]ou have 30 days from the date this Order is filed with the Commission to make your selection of venue To make your selection, please send a written request to the Commission Clerk”

14. As of July 1, 2016—almost four months after the Commission entered its Order—the League has not filed any response, motion, or other document with the Commission.

Conclusions of Law

15. The Division has the authority to revoke the registration of political committees pursuant to section 106.03, Florida Statutes, and Rule 1S-2.021, Florida Administrative Code.

16. Under Rule 1S-2.021(2)(e), one of the reasons a political committee may be revoked is failure to report at least \$500 of financial activity in an even-numbered calendar year (unless the committee is registered and required to report as the sponsor of a proposed constitutional amendment by initiative).

17. The League has been afforded all due process pursuant to chapter 120. Nonetheless the League has failed to appear at the informal hearing and failed to request a formal hearing or select a venue for such hearing within 30 days of entry of the Commission’s Order, even though the Order specifically gave the League 30 days to select a venue. *See* § 120.57(2)(a)(2.), Fla. Stat. (indicating that the agency must give the parties “*the option*, at a

convenient time and place, to present to the agency or hearing officer written or oral evidence . . .” (emphasis supplied).

18. Since the League has not complied with the Commission’s Order which instructed the League to choose a venue for the formal hearing within 30 days; and since the League has not otherwise, at any time since the informal hearing, chosen a venue, requested the formal hearing, or otherwise submitted any notification or information to the Commission, the Commission concludes that the League has waived a formal hearing. *See* § 120.569(1), Fla. Stat. (a party can waive its right to a formal hearing); *cf.* § 120.57(1)(i), Fla. Stat. (“When, in any proceeding conducted pursuant to [section 120.57(1)], a dispute of material fact no longer exists, any party may move the administrative law judge to relinquish jurisdiction to the agency [T]he agency may promptly conduct a proceeding pursuant to subsection (2), if appropriate, but the parties may not raise any issues of disputed fact that could have been raised before the administrative law judge”). In turn, the Commission will proceed under section 120.57(2).

19. The findings of fact and conclusions of law are based on competent substantial evidence.

Recommendation for Final Agency Action

20. The League has waived its right to a formal hearing, and it is undisputed that the League failed to report at least \$500 of financial activity in 2014. Consequently, the Commission concludes that the Division was correct in notifying the League of the Division’s Notice of Intent to Revoke and Final Notice of Intent to Revoke. The Commission also concludes that the Division may proceed with final revocation of the League.

WHEREFORE, based upon the foregoing and a complete review of the record, the Commission enters this Final Recommended Order.

DONE AND ORDERED at Tallahassee, Florida, this ___ day of _____, 2016.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:

Leonard Schmiede, League of Voters Extraordinaire, Appellant/Respondent

W. Jordan Jones, Assistant General Counsel, Division of Elections

RECEIVED

15 AUG 26 PM 4:53

DIVISION OF ELECTIONS
SECRETARY OF STATE

8-26-2015
Kristi Reid Bronson, Chief
Bureau of Election Records
R.A. Gray Bldg., Rm. 316
500 S Bronough St.
Tallahassee, FL 32399

RE: Your letter of July 27th, 2015

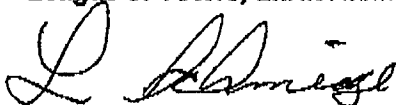
Dear Kristi Reid Bronson, Chief
Bureau of Election Records
By email care of Brandy Hedges at brandy.hedges@dos.myflorida.com
and fax: 850 245 6260

In response to your letter dated July 27, 2015, I wish to make it clear that I do not want to have my committee the League of Voters, Extraordinaire revoked due to insufficient funds raised during a certain period. I thought my letter dated 5-14-2015 made this clear and was also the official request for a hearing.

Your letter refers to your regulatory authority. I believe you have the authority to drop this matter and maintain the active status of my committee without requiring a hearing, however I already requested a hearing in my prior letter and am willing to appear to discuss this matter. Furthermore, the committee is now sponsoring the initiative 15-09 with the ballot title *Minimum Wage Shall Not Be Less Than Ten Dollars An Hour*. As a sponsor of an initiative no financing of any kind is required to maintain my committee as active status. Therefore if you revoked my committee for lack of funds collected you would be violating my constitutional right to offer an amendment without a fee.

In conclusion, I believe once you review the facts of the matter you will realize that the committee (55402) and in fact any committee with an active petition shall remain an active committee indefinitely regardless of whether or not they collected any funds during any period.

Sincerely,
Leonard Schmiege
Chairman,
League of Voters, Extraordinaire (55402)





FLORIDA ELECTIONS COMMISSION

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

March 3, 2016

League of Voters Extraordinaire
Attn: Leonard Schmiede, Chair
3024 25th Avenue North
St. Petersburg, FL 33713

RE: Case No.: FEC 15-517; League of Voters Extraordinaire

Dear Mr. Schmiede:

The Florida Elections Commission at its last regularly scheduled meeting considered the above referenced case and issued the order that is enclosed.

Please let me know if you have any questions.

Sincerely,

/s/ Donna Ann Malphurs
Agency Clerk

/dam

Enclosure: Order

cc: Jordan Jones, Attorney for Division of Elections w/enclosures

15 MAR -3 AM 9:34

STATE OF FLORIDA
ELECTIONS COMMISSION

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: League of Voters Extraordinaire

Case No.: FEC 15-517

ORDER

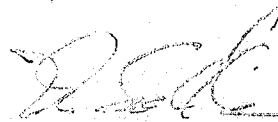
THIS MATTER came before the Florida Elections Commission (Commission) at its regularly scheduled meeting on February 17, 2016, in Tallahassee, Florida, for the purpose of conducting a hearing not involving disputed issues of material fact, pursuant to Sections 120.69 and 120.57(2), Florida Statutes.

During the hearing, the Commission determined that the matter involves a **disputed** issue of material fact and terminated the hearing.

Therefore, it is

ORDERED that the matter will be set for a hearing involving disputed issues of material fact, pursuant to Section 120.57(1), Florida Statutes, before the Division of Administrative Hearings or before the Commission.

DONE AND ORDERED by the Florida Elections Commission on February 17, 2016.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:

Leonard Schmiede, League of Voters Extraordinaire, Appellant/Respondent
W. Jordan Jones, Assistant General Counsel, Division of Elections,

NOTICE OF RIGHT TO A HEARING

As the Appellant/Respondent, you may request that the Section 120.57(1), Florida Statutes, hearing involving disputed issues of material fact (also known a *formal hearing*) be held before an administrative law judge (ALJ) in the Division of Administrative Hearings (DOAH) or before the Florida Elections Commission.

You have 30 days from the date this Order is filed with the Commission to make your selection of venue. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To make your selection, 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.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In re: League of Voters, Extraordinaire /

Case No.: 2016 JUL 11 11 3 22
FEC 15-517 P 3 22

FINAL RECOMMENDED ORDER

This matter came before the Florida Elections Commission ("Commission") at its regularly scheduled meeting on February 17, 2016, in Tallahassee, Florida, for the purpose of conducting a hearing not involving disputed issues of material fact, pursuant to sections 120.69 and 120.57(2), Florida Statutes. Present at the hearing for the Division of Elections was Jordan Jones, Assistant General Counsel. Leonard Schmiede, representative for the League of Voters, Extraordinaire, did not appear at the hearing. The sole issue before the Commission is whether the Division was correct in notifying the League of the Division's Notice of Intent to Revoke and Final Notice of Intent to Revoke for failing to report at least \$500 in activity during the 2014 calendar year, pursuant to section 106.03, Florida Statutes, and Rule 1S-2.021, Florida Administrative Code.

The Commission hereby enters its Final Recommended Order.

Findings of Fact

1. The League of Voters, Extraordinaire ("League") is a Florida political committee registered with the Division.
2. On March 25, 2015, the Division sent the League a Notice of Intent to Revoke the League's political committee registration due to the League's failure to report at least \$500 in financial activity for the 2014 calendar year, pursuant to Rule 1S-2.021, Florida Administrative Code.
3. On April 10, 2015, the League's chairman, Mr. Leonard Schmiede, responded in writing to the Division, objecting to the proposed revocation of the League and stating in pertinent part as follows:

Your letter states the committee's aggregate reported financial activity during the 2014 calendar year was less than \$500. While this is correct, since then, the committee has raised \$500 in March of 2015 and this is reflected on [that] month's campaign finance report.

4. Based on Mr. Schmiede's April 10, 2015, response to the Division, it is an undisputed fact that the League had less than \$500 financial activity in 2014.

5. On April 16, 2015, the Division sent a Final Notice of Intent to Revoke the League's registration, stating that the explanation provided by Mr. Schmiede was insufficient.

6. On May 14, 2015, Mr. Schmiede responded to the Division's Final Notice of Intent to Revoke and requested a hearing before the Commission.

7. On July 27, 2015, the Division sent the League a letter outlining the process for requesting relief from the requirements of Rule 1S-2.021 in the form of a variance or waiver, pursuant to the requirements of section 120.542, Florida Statutes.

8. On August 26, 2015, Mr. Schmiede responded to the Division's letter, stating that "[i]n response to your letter dated July 27, 2015, I wish to make it clear that I do not want to have my committee the League of Voters, Extraordinaire revoked due to insufficient funds raised during a certain period"

9. On December 23, 2015, the Division forwarded Mr. Schmiede's request for hearing to the Commission, authorizing the Commission to act as presiding officer in an informal hearing pursuant to sections 106.03(7), 120.569, and 120.57(2), Florida Statutes, and Rules 1S-2.021(4)(a), 28-106.102, Florida Administrative Code.

10. The Commission set the hearing date for February 17, 2016, and notified all parties. The notice of hearing stated that "[f]ailure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing."

11. On February 16, 2016, the day before the hearing, Mr. Schmiede emailed the Commission and counsel for the Division to notify them that, due to a foot injury, he would not be attending the hearing. However, at that time he submitted a new document outlining his legal argument.

12. The informal hearing was held on February 17, 2016, with only counsel for the Division present. The Commission found that a disputed issue of material fact had arisen in part due to Mr. Schmiede's newly-submitted document and terminated the proceeding pursuant to section 120.569(1), Florida Statutes, with the intent that a formal hearing should later be

held. In turn, on March 3, 2016, the Commission entered an Order stating that it had terminated the hearing because of the existence of a disputed issue of material fact. The Order stated that “the matter will be set for a hearing involving disputed issues of material fact, pursuant to Section 120.57(1), Florida Statutes, before the Division of Administrative Hearings or before the Commission.”

13. The Order included a “Notice of Right to a Hearing,” which stated that the League could either request that the formal hearing pursuant to section 120.57(1) be held before an Administrative Law Judge at the Division of Administrative Hearings or before the Commission. The Notice also stated that “[y]ou have 30 days from the date this Order is filed with the Commission to make your selection of venue To make your selection, please send a written request to the Commission Clerk”

14. As of July 1, 2016—almost four months after the Commission entered its Order—the League has not filed any response, motion, or other document with the Commission.

Conclusions of Law

15. The Division has the authority to revoke the registration of political committees pursuant to section 106.03, Florida Statutes, and Rule 1S-2.021, Florida Administrative Code.

16. Under Rule 1S-2.021(2)(e), one of the reasons a political committee may be revoked is failure to report at least \$500 of financial activity in an even-numbered calendar year (unless the committee is registered and required to report as the sponsor of a proposed constitutional amendment by initiative).

17. The League has been afforded all due process pursuant to chapter 120. Nonetheless the League has failed to appear at the informal hearing and failed to request a formal hearing or select a venue for such hearing within 30 days of entry of the Commission’s Order, even though the Order specifically gave the League 30 days to select a venue. *See* § 120.57(2)(a)(2.), Fla. Stat. (indicating that the agency must give the parties “*the option*, at a

convenient time and place, to present to the agency or hearing officer written or oral evidence . . .” (emphasis supplied).

18. Since the League has not complied with the Commission’s Order which instructed the League to choose a venue for the formal hearing within 30 days; and since the League has not otherwise, at any time since the informal hearing, chosen a venue, requested the formal hearing, or otherwise submitted any notification or information to the Commission, the Commission concludes that the League has waived a formal hearing. *See* § 120.569(1), Fla. Stat. (a party can waive its right to a formal hearing); *cf.* § 120.57(1)(i), Fla. Stat. (“When, in any proceeding conducted pursuant to [section 120.57(1)], a dispute of material fact no longer exists, any party may move the administrative law judge to relinquish jurisdiction to the agency [T]he agency may promptly conduct a proceeding pursuant to subsection (2), if appropriate, but the parties may not raise any issues of disputed fact that could have been raised before the administrative law judge”). In turn, the Commission will proceed under section 120.57(2).

19. The findings of fact and conclusions of law are based on competent substantial evidence.

Recommendation for Final Agency Action

20. The League has waived its right to a formal hearing, and it is undisputed that the League failed to report at least \$500 of financial activity in 2014. Consequently, the Commission concludes that the Division was correct in notifying the League of the Division’s Notice of Intent to Revoke and Final Notice of Intent to Revoke. The Commission also concludes that the Division may proceed with final revocation of the League.

WHEREFORE, based upon the foregoing and a complete review of the record, the Commission enters this Final Recommended Order.

DONE AND ORDERED at Tallahassee, Florida, this ___ day of _____, 2016.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:

Leonard Schmiede, League of Voters Extraordinaire, Appellant/Respondent

W. Jordan Jones, Assistant General Counsel, Division of Elections

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In re: League of Voters, Extraordinaire /

Case No.: FEC 15-517

FINAL RECOMMENDED ORDER

This matter came before the Florida Elections Commission ("Commission") at its regularly scheduled meeting on February 17, 2016, in Tallahassee, Florida, for the purpose of conducting a hearing not involving disputed issues of material fact, pursuant to sections 120.69 and 120.57(2), Florida Statutes. Present at the hearing for the Division of Elections was Jordan Jones, Assistant General Counsel. Leonard Schmiede, representative for the League of Voters, Extraordinaire, did not appear at the hearing. The sole issue before the Commission is whether the Division was correct in notifying the League of the Division's Notice of Intent to Revoke and Final Notice of Intent to Revoke for failing to report at least \$500 in activity during the 2014 calendar year, pursuant to section 106.03, Florida Statutes, and Rule 1S-2.021, Florida Administrative Code.

The Commission hereby enters its Final Recommended Order.

Findings of Fact

1. The League of Voters, Extraordinaire ("League") is a Florida political committee registered with the Division.
2. On March 25, 2015, the Division sent the League a Notice of Intent to Revoke the League's political committee registration due to the League's failure to report at least \$500 in financial activity for the 2014 calendar year, pursuant to Rule 1S-2.021, Florida Administrative Code.
3. On April 10, 2015, the League's chairman, Mr. Leonard Schmiede, responded in writing to the Division, objecting to the proposed revocation of the League and stating in pertinent part as follows:

Your letter states the committee's aggregate reported financial activity during the 2014 calendar year was less than \$500. While this is correct, since then, the committee has raised \$500 in March of 2015 and this is reflected on [that] month's campaign finance report.

4. Based on Mr. Schmiede's April 10, 2015, response to the Division, it is an undisputed fact that the League had less than \$500 financial activity in 2014.

5. On April 16, 2015, the Division sent a Final Notice of Intent to Revoke the League's registration, stating that the explanation provided by Mr. Schmiede was insufficient.

6. On May 14, 2015, Mr. Schmiede responded to the Division's Final Notice of Intent to Revoke and requested a hearing before the Commission.

7. On July 27, 2015, the Division sent the League a letter outlining the process for requesting relief from the requirements of Rule 1S-2.021 in the form of a variance or waiver, pursuant to the requirements of section 120.542, Florida Statutes.

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10. The Commission set the hearing date for February 17, 2016, and notified all parties. The notice of hearing stated that "[f]ailure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing."

11. On February 16, 2016, the day before the hearing, Mr. Schmiede emailed the Commission and counsel for the Division to notify them that, due to a foot injury, he would not be attending the hearing. However, at that time he submitted a new document outlining his legal argument.

12. The informal hearing was held on February 17, 2016, with only counsel for the Division present. The Commission found that a disputed issue of material fact had arisen in part due to Mr. Schmiede's newly-submitted document and terminated the proceeding pursuant to section 120.569(1), Florida Statutes, with the intent that a formal hearing should later be

held. In turn, on March 3, 2016, the Commission entered an Order stating that it had terminated the hearing because of the existence of a disputed issue of material fact. The Order stated that “the matter will be set for a hearing involving disputed issues of material fact, pursuant to Section 120.57(1), Florida Statutes, before the Division of Administrative Hearings or before the Commission.”

13. The Order included a “Notice of Right to a Hearing,” which stated that the League could either request that the formal hearing pursuant to section 120.57(1) be held before an Administrative Law Judge at the Division of Administrative Hearings or before the Commission. The Notice also stated that “[y]ou have 30 days from the date this Order is filed with the Commission to make your selection of venue To make your selection, please send a written request to the Commission Clerk”

14. As of July 1, 2016—almost four months after the Commission entered its Order—the League has not filed any response, motion, or other document with the Commission.

Conclusions of Law

15. The Division has the authority to revoke the registration of political committees pursuant to section 106.03, Florida Statutes, and Rule 1S-2.021, Florida Administrative Code.

16. Under Rule 1S-2.021(2)(e), one of the reasons a political committee may be revoked is failure to report at least \$500 of financial activity in an even-numbered calendar year (unless the committee is registered and required to report as the sponsor of a proposed constitutional amendment by initiative).

17. The League has been afforded all due process pursuant to chapter 120. Nonetheless the League has failed to appear at the informal hearing and failed to request a formal hearing or select a venue for such hearing within 30 days of entry of the Commission’s Order, even though the Order specifically gave the League 30 days to select a venue. *See* § 120.57(2)(a)(2.), Fla. Stat. (indicating that the agency must give the parties “*the option*, at a

convenient time and place, to present to the agency or hearing officer written or oral evidence . . .” (emphasis supplied).

18. Since the League has not complied with the Commission’s Order which instructed the League to choose a venue for the formal hearing within 30 days; and since the League has not otherwise, at any time since the informal hearing, chosen a venue, requested the formal hearing, or otherwise submitted any notification or information to the Commission, the Commission concludes that the League has waived a formal hearing. *See* § 120.569(1), Fla. Stat. (a party can waive its right to a formal hearing); *cf.* § 120.57(1)(i), Fla. Stat. (“When, in any proceeding conducted pursuant to [section 120.57(1)], a dispute of material fact no longer exists, any party may move the administrative law judge to relinquish jurisdiction to the agency [T]he agency may promptly conduct a proceeding pursuant to subsection (2), if appropriate, but the parties may not raise any issues of disputed fact that could have been raised before the administrative law judge”). In turn, the Commission will proceed under section 120.57(2).

19. The findings of fact and conclusions of law are based on competent substantial evidence.

Recommendation for Final Agency Action

20. The League has waived its right to a formal hearing, and it is undisputed that the League failed to report at least \$500 of financial activity in 2014. Consequently, the Commission concludes that the Division was correct in notifying the League of the Division’s Notice of Intent to Revoke and Final Notice of Intent to Revoke. The Commission also concludes that the Division may proceed with final revocation of the League.

WHEREFORE, based upon the foregoing and a complete review of the record, the Commission enters this Final Recommended Order.

DONE AND ORDERED at Tallahassee, Florida, this ____ day of _____, 2016.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:

Leonard Schmiede, League of Voters Extraordinaire, Appellant/Respondent

W. Jordan Jones, Assistant General Counsel, Division of Elections



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 1, 2016

Amy M. Toman, Executive Director
Florida Elections Commission
Collins Building, Suite 224
107 West Gaines Street
Tallahassee, Florida 32399-1050
amy.toman@myfloridalegal.com

VIA E-MAIL AND REGULAR MAIL

Re: Case No. FEC 15-517—Proposed Recommended Order of Division of Elections

Dear Ms. Toman:

Pursuant to Rules 28-106.215, 28-106.307, Florida Administrative Code, please find enclosed the Division's proposed recommended order in Case Number FEC 15-517. Should you have any questions, please feel free to contact me.

Respectfully,

A handwritten signature in cursive script that reads "W. Jordan Jones".

Jordan Jones
Assistant General Counsel

Enclosure

cc: Leonard Schmiede
League of Voters, Extraordinaire
3024 25th Avenue North
St. Petersburg, Florida 33713
pdata@gmx.com

Office of the General Counsel
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6536 • 850.245.6127 (Fax) DOS.MyFlorida.com

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In re: League of Voters, Extraordinaire /

Case No.: FEC 15-517

FINAL RECOMMENDED ORDER

This matter came before the Florida Elections Commission ("Commission") at its regularly scheduled meeting on February 17, 2016, in Tallahassee, Florida, for the purpose of conducting a hearing not involving disputed issues of material fact, pursuant to sections 120.69 and 120.57(2), Florida Statutes. Present at the hearing for the Division of Elections was Jordan Jones, Assistant General Counsel. Leonard Schmiede, representative for the League of Voters, Extraordinaire, did not appear at the hearing. The sole issue before the Commission is whether the Division was correct in notifying the League of the Division's Notice of Intent to Revoke and Final Notice of Intent to Revoke for failing to report at least \$500 in activity during the 2014 calendar year, pursuant to section 106.03, Florida Statutes, and Rule 1S-2.021, Florida Administrative Code.

The Commission hereby enters its Final Recommended Order.

Findings of Fact

1. The League of Voters, Extraordinaire ("League") is a Florida political committee registered with the Division.
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held. In turn, on March 3, 2016, the Commission entered an Order stating that it had terminated the hearing because of the existence of a disputed issue of material fact. The Order stated that “the matter will be set for a hearing involving disputed issues of material fact, pursuant to Section 120.57(1), Florida Statutes, before the Division of Administrative Hearings or before the Commission.”

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14. As of July 1, 2016—almost four months after the Commission entered its Order—the League has not filed any response, motion, or other document with the Commission.

Conclusions of Law

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17. The League has been afforded all due process pursuant to chapter 120. Nonetheless the League has failed to appear at the informal hearing and failed to request a formal hearing or select a venue for such hearing within 30 days of entry of the Commission’s Order, even though the Order specifically gave the League 30 days to select a venue. *See* § 120.57(2)(a)(2.), Fla. Stat. (indicating that the agency must give the parties “*the option*, at a

convenient time and place, to present to the agency or hearing officer written or oral evidence . . .” (emphasis supplied).

18. Since the League has not complied with the Commission’s Order which instructed the League to choose a venue for the formal hearing within 30 days; and since the League has not otherwise, at any time since the informal hearing, chosen a venue, requested the formal hearing, or otherwise submitted any notification or information to the Commission, the Commission concludes that the League has waived a formal hearing. *See* § 120.569(1), Fla. Stat. (a party can waive its right to a formal hearing); *cf.* § 120.57(1)(i), Fla. Stat. (“When, in any proceeding conducted pursuant to [section 120.57(1)], a dispute of material fact no longer exists, any party may move the administrative law judge to relinquish jurisdiction to the agency [T]he agency may promptly conduct a proceeding pursuant to subsection (2), if appropriate, but the parties may not raise any issues of disputed fact that could have been raised before the administrative law judge”). In turn, the Commission will proceed under section 120.57(2).

19. The findings of fact and conclusions of law are based on competent substantial evidence.

Recommendation for Final Agency Action

20. The League has waived its right to a formal hearing, and it is undisputed that the League failed to report at least \$500 of financial activity in 2014. Consequently, the Commission concludes that the Division was correct in notifying the League of the Division’s Notice of Intent to Revoke and Final Notice of Intent to Revoke. The Commission also concludes that the Division may proceed with final revocation of the League.

WHEREFORE, based upon the foregoing and a complete review of the record, the Commission enters this Final Recommended Order.

DONE AND ORDERED at Tallahassee, Florida, this ___ day of _____, 2016.

M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:

Leonard Schmiede, League of Voters Extraordinaire, Appellant/Respondent

W. Jordan Jones, Assistant General Counsel, Division of Elections

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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: League of Voters Extraordinaire

Case No.: FEC 15-517

ORDER

THIS MATTER came before the Florida Elections Commission (Commission) at its regularly scheduled meeting on February 17, 2016, in Tallahassee, Florida, for the purpose of conducting a hearing not involving disputed issues of material fact, pursuant to Sections 120.69 and 120.57(2), Florida Statutes.

During the hearing, the Commission determined that the matter involves a **disputed** issue of material fact and terminated the hearing.

Therefore, it is

ORDERED that the matter will be set for a hearing involving disputed issues of material fact, pursuant to Section 120.57(1), Florida Statutes, before the Division of Administrative Hearings or before the Commission.

DONE AND ORDERED by the Florida Elections Commission on February 17, 2016.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:

Leonard Schmiede, League of Voters Extraordinaire, Appellant/Respondent
W. Jordan Jones, Assistant General Counsel, Division of Elections,

NOTICE OF RIGHT TO A HEARING

As the Appellant/Respondent, you may request that the Section 120.57(1), Florida Statutes, hearing involving disputed issues of material fact (also known a *formal hearing*) be held before an administrative law judge (ALJ) in the Division of Administrative Hearings (DOAH) or before the Florida Elections Commission.

You have 30 days from the date this Order is filed with the Commission to make your selection of venue. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To make your selection, 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.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: League of Voters Extraordinaire

Case No.: FEC 15-517

TO: League of Voters Extraordinaire
Leonard Schmiede, Chair
3024 25th Avenue North
St. Petersburg, FL 33713

Adam S. Tanenbaum, Esquire
Department of State - General Counsel
500 S Bronough Street
Tallahassee, FL 32399

NOTICE OF HEARING (INFORMAL HEARING ON APPEAL OF NOTICE OF INTENT TO REVOKE)

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

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

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

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

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

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

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

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

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

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



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DEIZNER
Secretary of State

December 23, 2015

Amy M. Toman, Esquire
Executive Director
Florida Elections Commission
Collins Building, Suite 224
107 West Gaines Street
Tallahassee, Florida 32399-1050

2015 DEC 28 P 4: 07

**Re: Request for Hearing Pursuant to sections 120.57(2)
and 106.03(7), Florida Statutes—League of Voters,
Extraordinaire (#55402)**

Dear Ms. Toman:

A registered Florida political committee—League of Voters, Extraordinaire—has requested a hearing before the Florida Elections Commission regarding a final notice of intent to cancel that political committee's registration that was issued by the Division of Elections.

The Division notified League of Voters, Extraordinaire, of its intent to cancel the committee's registration because it had failed to report at least \$500 in financial activity in 2014. Section 120.569, Florida Statutes, gives the political committee the right to a hearing. After review of League of Voters, Extraordinaire's hearing request, the Department of State has determined that there are no disputed issues of material fact, and it has not requested an administrative law judge from the Division of Administrative Hearings. In turn, the requested hearing instead should be conducted pursuant to sections 120.569 and 120.57(2), Florida Statutes.

Section 106.03(7), Florida Statutes, and rule 1S-2.021(4)(a), Florida Administrative Code, entitle League of Voters, Extraordinaire, to have its hearing before the Florida Elections Commission. In turn, the Department of State authorizes the Florida Elections Commission to act as presiding officer in this matter. See rule 28-106.102, Fla. Admin. Code. Please conduct the appropriate hearing under the applicable statutory and administrative provisions, including chapter 28-106 of the Florida Administrative Code, and ensuring proper notice to Leonard Schmiede, the political committee's chairman and registered agent. The Commission then

Amy M. Toman, Esquire
December 23, 2015
Page 2

should report its recommended disposition to the Department of State, pursuant to section 120.57(2)(b)7, after which the Division will enter a final order.

It is our understanding that you will contact Mr. Schmiede to make arrangements as to a time and date for the hearing and to advise him about any procedures in place for him to make any written submissions. Please find enclosed the relevant documents for this matter, including Mr. Schmiede's request for a hearing

Respectfully,



Adam S. Tanenbaum
General Counsel

Enclosures

cc: Mr. Leonard Schmiede
League of Voters, Extraordinaire
3024 25th Avenue North
St. Petersburg, Florida 33713



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 25, 2015

Leonard Schmiede, Chairperson and Registered Agent
League of Voters, Extraordinaire (55402)
3024 25th Avenue North
Saint Petersburg, Florida 33713

RE: NOTICE OF INTENT TO REVOKE

Dear Mr. Schmiede:

Pursuant to Section 106 03(7), Florida Statutes, and Rule 1S-2.021, Florida Administrative Code, you are hereby notified of the Division's intent to revoke the registration of this political committee based on the following:

The committee's aggregate reported financial activity during the 2014 calendar year was less than \$500.

If you object to this revocation you must provide documentation showing that the committee's registration should not be revoked. Documentation must be provided within 30 days of the date of this letter to the Department of State, Division of Elections, Bureau of Election Records, The R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

If you have any questions, please call (850) 245-6280.

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/mcc

Enclosure



Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) election.dos.state.fl.us
Promoting Florida's History and Culture VivaFlorida.org



4-10-2015

Kristi Reid Bronson, Chief
Bureau of Election Records
R.A. Gray Bldg., Rm. 316
500 S Bronough St.
Tallahassee, FL 32399

RECEIVED
DEPARTMENT OF
2015 APR 16 AM 8:45
DIVISION OF ELECTIONS

Via Facsimile: 850 245 6259 *E MAIL*

RE: NOTICE OF INTENT TO REVOKE

Dear Kristi Bronson,

I object to the revocation of the political pac, named the League of Voters, Extraordinaire(55402).

Your letter states the committee's aggregate reported financial activity during the 2014 calendar year was less than \$500. While this is correct, since then, the committee has raised \$500 in March of 2015 and this is reflected on the that month's campaign finance report.

In conclusion please do not revoke the registration of League of Voters, Extraordinaire.

Thank you.

Sincerely,



Leonard Schmiede
727 656 3519
Chairman, League of Voters, Extraordinaire



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 16, 2015

Leonard Schmiede, Registered Agent
League of Voters, Extraordinaire (55402)
3024 25th Avenue North
Saint Petersburg, Florida 33713

RE: FINAL NOTICE OF INTENT TO REVOKE

Dear Mr. Schmiede:

The Division is in receipt of your letter dated April 10, 2015, in response to the Division's Notice of Intent to Revoke. The Division has determined the explanation to be insufficient and will proceed with the revocation of the committee's certification.

If you object to this revocation you must file a request for hearing within 30 days of the date of this final notice of intent to revoke. The request must be filed with the Department of State, Division of Elections, Bureau of Election Records, The R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250 and will be forwarded to the Florida Elections Commission for a hearing based upon the notice and any supporting documentation.

If you desire a personal appearance before the Commission, you must include in your request for hearing a separate request for a personal appearance. Failure to file a request for a hearing constitutes a waiver of your right to a hearing and will cause a final order to be entered revoking the committee's certification.

If you have any questions, please call (850) 245-6280.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristi Reid Bronson".

Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/zjs

Enclosure



Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) election.dos.state.fl.us
Promoting Florida's History and Culture VivaFlorida.org



RECEIVED
15 MAY 14 PM 4:17
DIVISION OF ELECTIONS
SECRETARY OF STATE

Fax cover page, 3 pages including cover page.

Attn: Kristi Bronson

Date: 5/14/2015

Please confirm receipt of three legible pages, including this cover sheet by calling

Leonard Schmiede at 727 656 3519

The attached information will also be mailed today by US postal service.

Thank You

5-14-2015

Kristi Reid Bronson, Chief
Bureau of Election Records
R.A. Gray Bldg , Rm. 316
500 S Bronough St.
Tallahassee, FL 32399

RECEIVED
DEPARTMENT OF
2015 MAY 19 AM 9:35
DIVISION OF ELECTIONS

Via Facsimile: 850 245 6260 & usps

RE: FINAL NOTICE OF INTENT TO REVOKE

Dear Kristi Bronson,

I object to the revocation of the political pac, named the League of Voters, Extraordinaire(55402). I request a hearing in person. **See separate request for a hearing attached.**

Your letter states the committee's aggregate reported financial activity during the 2014 calendar year was less than \$500. While this is correct, since then, the committee has raised \$500 in March of 2015 and this is reflected on that month's campaign finance report. Furthermore, our committee requested an advisory opinion from the division of elections on 8-15-2014 and a substantial portion of our fundraising strategy depends on this advisory opinion. We asked for the opinion to be expedited so we could put our strategy into effect for the General Election of 11-4-2014. However, we have heard nothing on this save for a single phone from Jordan Jones, Assistant General Counsel, actually on the day of the general election. Mr. Jones explained that a written opinion would be forthcoming (This conversation took place more than six months ago) However, as of today no advisory opinion has been issued or forwarded to us. As to another point, we plan to launch an initiative and I have just today sent our proposed petition language to Mr. Alexander Mosca for format approval. I believe this would make the revocation a moot point, but I am willing to take that up with the Florida elections commission during the requested hearing. I understand if the committee is revoked that it is a trivial matter to reform another committee of the same name, and I further understand certain bureaucratic requirements are needed to keep your records up to date. However, in this case I think it would be simpler to cancel the revocation of this committee.

Sincerely,



Leonard Schmiege
727 656 3519
Chairman, League of Voters, Extraordinaire (55402)

RECEIVED
15 MAY 14 PM 4:17
DIVISION OF ELECTIONS
SECRETARY OF STATE

5-14-2015

Kristi Reid Bronson, Chief
Bureau of Election Records
R.A Gray Bldg., Rm. 316
500 S Bronough St.
Tallahassee, FL 32399

Via Facsimile: 850 245 6260 & usps

RE: Request for Hearing with Florida Elections Commission.

Dear Kristi Bronson,

I object to the revocation of the political pac, named the League of Voters, Extraordinaire(55402) I am requesting a hearing in person. I understand that upcoming hearings are scheduled for August 18th, and 19th, and again in November. I plan to be traveling overseas during the month of August and therefore request to be scheduled for the November hearing if that is possible

I would like to reserve the right to submit supporting documentation for the hearing after the hearing date is set

Sincerely,



Leonard Schmiede
727 656 3519
Chairman,
League of Voters, Extraordinaire (55402)

RECEIVED

15 MAY 14 PM 4:17

DIVISION OF ELECTIONS
SECRETARY OF STATE

5-14-2015

Kristi Reid Bronson, Chief
Bureau of Election Records
R.A Gray Bldg., Rm. 316
500 S Bronough St.
Tallahassee, FL 32399

Via Facsimile: 850 245 6260 & usps

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Sincerely,



Leonard Schmiede
727 656 3519
Chairman, League of Voters, Extraordinaire (55402)

RECEIVED
DEPARTMENT
2015 MAY 19 AM 9:35
DIVISION OF ELECTIONS

5-14-2015

Kristi Reid Bronson, Chief
Bureau of Election Records
R.A. Gray Bldg., Rm. 316
500 S Bronough St.
Tallahassee, FL 32399

Via Facsimile: 850 245 6260 & usps

RE: Request for Hearing with Florida Elections Commission

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I would like to reserve the right to submit supporting documentation for the hearing after the hearing date is set.

Sincerely,



Leonard Schmiede
727 656 3519
Chairman,
League of Voters, Extraordinaire (55402)



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 27, 2015

Leonard Schmiede, Registered Agent
League of Voters, Extraordinaire (55402)
3024 25th Avenue North
Saint Petersburg, Florida 33713

Re: Request for information regarding variance and waiver

Dear Mr. Schmiede:

In your recent correspondence to the Department of State, you inquired about the possibility of relief from the requirements of rule 1S-2.021, Florida Administrative Code. Pursuant to section 120.542(4), Florida Statutes, and rule 28-104.006, Florida Administrative Code, the Department advises you that the remedies of variance and waiver are available when a person subject to an agency rule "demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of [the] rule would create a substantial hardship or would violate principles of fairness," § 120.542(2), Fla. Stat.

I include copies of section 120.542 and rule 28-104.006 with this letter for your consideration. If you need additional information, please contact Brandy Hedges at the address and telephone number indicated below, or by email at brandy.hedges@dos.myflorida.com. Ms. Hedges is the agency clerk for the Department, so you would file with her a petition for variance or waiver regarding one of the Department's rules.

If the Department does not receive such a petition from you within 30 days of the date of this letter, it will presume that you do not intend to file a petition, and it will proceed accordingly.

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/zjs

Enclosures



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
Promoting Florida's History and Culture VivaFlorida.org



120.542, Florida Statutes Variances and waivers.—

(1) Strict application of uniformly applicable rule requirements can lead to unreasonable, unfair, and unintended results in particular instances. The Legislature finds that it is appropriate in such cases to adopt a procedure for agencies to provide relief to persons subject to regulation. A public employee is not a person subject to regulation under this section for the purpose of petitioning for a variance or waiver to a rule that affects that public employee in his or her capacity as a public employee. Agencies are authorized to grant variances and waivers to requirements of their rules consistent with this section and with rules adopted under the authority of this section. An agency may limit the duration of any grant of a variance or waiver or otherwise impose conditions on the grant only to the extent necessary for the purpose of the underlying statute to be achieved. This section does not authorize agencies to grant variances or waivers to statutes or to rules required by the Federal Government for the agency's implementation or retention of any federally approved or delegated program, except as allowed by the program or when the variance or waiver is also approved by the appropriate agency of the Federal Government. This section is supplemental to, and does not abrogate, the variance and waiver provisions in any other statute.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

(3) The Governor and Cabinet, sitting as the Administration Commission, shall adopt uniform rules of procedure pursuant to the requirements of s. 120.54(5) establishing procedures for granting or denying petitions for variances and waivers. The uniform rules shall include procedures for the granting, denying, or revoking of emergency and temporary variances and waivers. Such provisions may provide for expedited timeframes, waiver of or limited public notice, and limitations on comments on the petition in the case of such temporary or emergency variances and waivers.

(4) Agencies shall advise persons of the remedies available through this section and shall provide copies of this section, the uniform rules on variances and waivers, and, if requested, the underlying statute, to persons who inquire about the possibility of relief from rule requirements.

(5) A person who is subject to regulation by an agency rule may file a petition with that agency, with a copy to the committee, requesting a variance or waiver from the agency's rule. In addition to any requirements mandated by the uniform rules, each petition shall specify:

- (a) The rule from which a variance or waiver is requested.
- (b) The type of action requested.
- (c) The specific facts that would justify a waiver or variance for the petitioner.
- (d) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.

(6) Within 15 days after receipt of a petition for variance or waiver, an agency shall provide notice of the petition to the Department of State, which shall publish notice of the petition in the first available issue of the Florida Administrative Register. The notice shall contain the name of the petitioner, the date the petition was filed, the rule number and nature of the rule from which variance or waiver is sought, and an explanation of how a copy of the petition can be obtained. The uniform rules shall provide a means for interested persons to provide comments on the petition.

(7) Except for requests for emergency variances or waivers, within 30 days after receipt of a petition for a variance or waiver, an agency shall review the petition and request submittal of all additional information that the agency is permitted by this section to require. Within 30 days after receipt of such additional information, the agency

shall review it and may request only that information needed to clarify the additional information or to answer new questions raised by or directly related to the additional information. If the petitioner asserts that any request for additional information is not authorized by law or by rule of the affected agency, the agency shall proceed, at the petitioner's written request, to process the petition.

(8) An agency shall grant or deny a petition for variance or waiver within 90 days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. A petition not granted or denied within 90 days after receipt of a completed petition is deemed approved. A copy of the order granting or denying the petition shall be filed with the committee and shall contain a statement of the relevant facts and reasons supporting the agency's action. The agency shall provide notice of the disposition of the petition to the Department of State, which shall publish the notice in the next available issue of the Florida Administrative Register. The notice shall contain the name of the petitioner, the date the petition was filed, the rule number and nature of the rule from which the waiver or variance is sought, a reference to the place and date of publication of the notice of the petition, the date of the order denying or approving the variance or waiver, the general basis for the agency decision, and an explanation of how a copy of the order can be obtained. The agency's decision to grant or deny the petition shall be supported by competent substantial evidence and is subject to ss. 120.569 and 120.57. Any proceeding pursuant to ss. 120.569 and 120.57 in regard to a variance or waiver shall be limited to the agency action on the request for the variance or waiver, except that a proceeding in regard to a variance or waiver may be consolidated with any other proceeding authorized by this chapter.

(9) Each agency shall maintain a record of the type and disposition of each petition, including temporary or emergency variances and waivers, filed pursuant to this section.

History.—s 12, ch. 96-159, s 5, ch 97-176; s 37, ch 2010-102; s 5, ch 2013-14.

28-104.006 Request for Information.

(1) When a person inquires of the agency about the possibility of relief from any rule requirements or the remedies available pursuant to Section 120.542, F.S., the agency shall provide the information required by Section 120.542(4), F.S., within 15 days of the inquiry.

(2) In its response to a request for information, the agency shall indicate the name, address and e-mail address of the appropriate contact person for additional information and shall indicate how a petition for variance or waiver is filed with the agency.

Rulemaking Authority 14 202, 120.54(5)(b)8, F.S. Law Implemented 120.542(4) F.S. History--New 4-1-97, Amended 2-5-13.

Jones, Jordan

From: Hedges, Brandy M
Sent: Wednesday, August 26, 2015 4:46 PM
To: Bronson, Kristi R; Fugett, David A.
Cc: Jones, Jordan
Subject: FW: Response to your letter of July 27, 2015

FYI – email below from Mr. Schmiede

Brandy Hedges
Executive Assistant I
Office of the General Counsel
Florida Department of State
850-245-6513

Note: This response is provided for reference only and does not constitute a formal legal opinion or representation from the sender or the Department of State. Parties should refer to the Florida Statutes and applicable case law, and/or consult an attorney to represent their interests before relying upon the information provided.

In addition, Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records. Public records are available to the public and media upon request, unless the information is subject to a specific statutory exemption. Therefore, any information that you send to this address, including your contact information, may be subject to public disclosure

The Department of State is committed to excellence
Please take our [Customer Satisfaction Survey](#).

From: Leonard (League of Voters E) [mailto:pdata@gmx.com]
Sent: Wednesday, August 26, 2015 4:42 PM
To: Hedges, Brandy M.
Subject: Response to your letter of July 27, 2015

8-26-2015
Kristi Reid Bronson, Chief
Bureau of Election Records
R.A. Gray Bldg., Rm. 316
500 S Bronough St.
Tallahassee, FL 32399

RE: Your letter of July 27th, 2015

Dear Kristi Reid Bronson, Chief
Bureau of Election Records
By email care of Brandy Hedges at brandy.hedges@dos.myflorida.com
and fax: 850 245 6260

In response to your letter dated July 27, 2015, I wish to make it clear that I do not want to have my committee the League of Voters, Extraordinaire revoked due to insufficient funds raised during a certain period. I thought my letter dated 5-14-2015 made this clear and was also the official request for a hearing.

Your letter refers to your regulatory authority. I believe you have the authority to drop this matter and maintain the active status of my committee without requiring a hearing, however I already requested a hearing in my prior letter and am willing to appear to discuss this matter. Furthermore, the committee is now sponsoring the initiative 15-09 with the ballot title *Minimum Wage Shall Not Be Less Than Ten Dollars An Hour*. As a sponsor of an initiative no financing of any kind is required to maintain my committee as active status. Therefore if you revoked my committee for lack of funds collected you would be violating my constitutional right to offer an amendment without a fee.

In conclusion, I believe once you review the facts of the matter you will realize that the committee (55402) and in fact any committee with an active petition shall remain an active committee indefinitely regardless of whether or not they collected any funds during any period.

Sincerely,
Leonard Schmiede
Chairman,
League of Voters, Extraordinaire (55402)