In Re: Maria Lorts Sachs		Case No.: FEC 17-064	
TO:	Mark Herron, Esquire	Division of Elections	
	Messer Caparello PA	500 S Bronough Street, Room 316	
	Post Office Box 15579	Tallahassee, FL 32399	
	Tallahassee, FL 32317		

# **NOTICE OF HEARING (INFORMAL HEARING)**

A hearing will be held in this case before the Florida Elections Commission on August 26, 2020 at 8:30 am, EST, or as soon thereafter as the parties can be heard.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video or teleconference. Enclosed you will find additional details on joining the video conference via GoToWebinar, 9-Digit Meeting ID 602-468-659, or via teleconference by dialing (866) 901-6455 and entering the meeting access code 515-462-864, when prompted. If you wish to speak before the Commission, you will need to appear by webcam and will be sworn in remotely. Please be advised that the Commission will consider multiple cases, so you will need to wait until your case is considered. If you have any questions, please contact Commission staff at (850) 922-4539.

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 motions to dismiss 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 motions to dismiss 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. 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.

Tim Vaccaro

Executive Director Florida Elections Commission August 13, 2020

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 **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.



# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050 Telephone: (850) 922-4539 · Facsimile: (850) 921-0783 FEC@mvfloridalegal.com · www.fec.state.fl.us



# Commission Meeting August 26, 2020at 8:30AM via GoToWebinar and OpenVoice

In order to participate in the public portion of the August 26, 2020, Florida Elections Commission meeting, please follow the instructions below:

- A. GoToWebinar Remote Video Conferencing
  - 1. Open your web browser and search GoToWebinar or enter www.gotowebinar.com
  - 2. Select Join A Webinar in the upper right corner of the website
  - 3. Enter the 9-digit Webinar ID: 602-468-659 And your email address
  - 4. Register your name and email address
  - 5. You will automatically join to the meeting as an attendee. Attendees are muted and can choose to their webcam.
- B. OpenVoice Teleconference
  - 1. Call 1-866-901-6455
  - 2. Enter Audio Access Code 515-462-864
  - 3. You will automatically join the meeting as an attendee. Attendees are muted.

While this is a public meeting and advanced registration is not mandatory, we ask that if you plan to attend via Video Conference or Teleconference, that you notify our office in advance. This will give the Commission the opportunity to organize the agenda as efficiently as possible. It will be the goal of the Commission to hear cases in which parties are present, first, in order to reduce the standby time of the parties in attendance.

You can call or email our office of your intent to participate or of any questions you may have regarding this meeting. Please provide the case number(s) when contacting our office.

Thank you,

**Commission Staff** 

In Re	: Maria Lorts Sachs	Case No.: FEC 17-064
TO:	Mark Herron, Esquire	Division of Elections
	Messer Caparello PA	500 S Bronough Street, Room 31
	Post Office Box 15579	Tallahassee, FL 32399
	Tallahassee, FL 32317	

### **NOTICE OF HEARING (INFORMAL HEARING)**

A hearing will be held in this case before the Florida Elections Commission on August 26, 2020 at 8:30 am, EST, or as soon thereafter as the parties can be heard.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video conference only. Prior to the meeting, the Commission office will send you a set of participant instructions, which will include login information for the meeting. Please be advised that the Commission will consider multiple cases that day, so you will need to wait until your case is considered. If you have questions, please contact Commission staff at (850) 922-4539.

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 motions to dismiss 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 motions to dismiss 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. 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.

Tim Vaccaro

Executive Director Florida Elections Commission July 28, 2020

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 **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.

In Re:	Maria Lorts Sachs	Case No.: FEC 17-064 /
то:	Mark Herron, Esquire Messer Caparello PA PO Box 15579 Tallahassee, FL 32317	Division of Elections 500 S Bronough Street, Room 316 Tallahassee, FL 32399

# NOTICE OF CANCELLATION OF HEARING (INFORMAL HEARING)

You are hereby notified that the previously scheduled **hearing for March 24-25, 2020 is cancelled**. It is anticipated that your case will be heard at the next regularly scheduled meeting, which is currently set for May 2020. A Notice of Hearing will be mailed approximately 14 days prior to the hearing date indicating the exact date, time, and location.

Tim Vaccaro

Executive Director Florida Elections Commission March 12, 2020

In Re: Maria Lorts Sachs		Case No.: FEC 17-064	
то:	Mark Herron, Esquire Messer Caparello PA PO Box 15579 Tallahassee, FL 32317	Division of Elections 500 S Bronough Street, Room 316 Tallahassee, FL 32399	

#### NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, March 24, 2020 at 1:00 p.m., or as soon thereafter as the parties can be heard, at the following location: House Office Building, 404 South Monroe Street, Room 28-H, Tallahassee, Florida 32399. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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.

Tim Vaccaro

Executive Director Florida Elections Commission March 9, 2019

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.

In Re: Maria Lorts Sacns		Case No.: FEC 17-064	
то:	Mark Herron, Esquire Messer Caparello P.A. PO Box 15579 Tallahassee, FL 32317	Division of Elections 500 S Bronough Street, Room Tallahassee, FL 32399	316

#### NOTICE OF CANCELLATION OF HEARING (INFORMAL HEARING)

You are hereby notified that the previously scheduled hearing for November 19, 2019 is cancelled. It is anticipated that your case will be heard at the next regularly scheduled meeting which is currently scheduled for March 24-25, 2020 in Tallahassee. A Notice of Hearing indicating the exact date and time will be mailed to the address on file approximately 14 days prior to the hearing date.

Tim Vaccaro

Executive Director Florida Elections Commission November 5, 2019

In Re: Maria Lorts Sachs		Case No.: FEC 17-064 /
TO:	Mark Herron, Esquire Messer Caparello P.A. PO Box 15579 Tallahassee, FL 32317	Division of Elections 500 S Bronough Street, Room 316 Tallahassee, FL 32399

# **NOTICE OF HEARING (INFORMAL HEARING)**

A hearing will be held in this case before the Florida Elections Commission on, **November 19, 2019 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.** Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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.

Tim Vaccaro

Executive Director Florida Elections Commission November 1, 2019

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.

In Re: Maria Lorts Sachs		Case No.: FEC 17-064 /	
то:	Mark Herron, Esquire Messer Caparello PA PO Box 15579 Tallahassee, FL 32317	Division of Elections 500 S Bronough Street, Room 316 Tallahassee, FL 32399	

#### NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **August 13, 2019 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.** Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

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

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**If you 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.

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

See further instructions on the reverse side.

Tim Vaccaro

Executive Director Florida Elections Commission July 29, 2019

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.

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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.

FILED

19 MAY 31 AM 10: 34

STATE OF FLORIDA

ELECTIONS COMMISSION

# STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

Florida Elections Commission, Petitioner,

Case No.: FEC 17-064

Maria Lorts Sachs Respondent.

v.

# ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on May 14, 2019, in Tallahassee, Florida.

On July 26, 2018, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds there is **probable cause** to charge Respondent with the following violation:

## Count 1:

On or about October 11, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because she had not received funds, made contributions, or expended reportable funds during the 2016 M9 reporting period.

The Commission further finds there is no probable cause to charge Respondent with violating Section 106.19(1)(c), Florida Statutes.

**DONE AND ORDERED** by the Florida Elections Commission on May 14, 2019.

Joni Alexis Poitier, Vice Chair Florida Elections Commission

Copies furnished to: Eric M. Lipman, General Counsel Mark Herron, Attorney for Respondent Division of Elections, Complainant

#### NOTICE OF RIGHT TO A HEARING

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

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

Third, you may request a <u>formal hearing</u> held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable

Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

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

EEC 17 044

Case No.: FEC 17-064
Division of Elections 500 S Bronough Street, Room 31 Tallahassee, FL 32399

#### NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, May 14, 2019 at 9:30 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. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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.

Tim Vaccaro

Executive Director Florida Elections Commission April 30, 2019

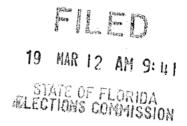
If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact 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.



In Re:	<b>Maria Lorts Sachs</b>		Case No.:	FEC 17-064
		/		

# ORDER CONTINUING CASE

**THIS MATTER** was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on February 26, 2019, in Tallahassee, Florida.

Respondent made an Ore Tenus Motion to Continue. After considering Respondent's Ore Tenus Motion to Continue, the presentments of the parties at the hearing, and staff's objection to Respondent's motion, the Commission **GRANTED** Respondent's Ore Tenus Motion to Continue.

THIS MATTER is continued until the next available meeting of the Florida Elections

Commission. No further continuances shall be granted without good cause shown.

DONE AND ORDERED by the Florida Elections Commission on February 26, 2019.

M. Scott Thomas, Chairman Florida Elections Commission

Copies furnished to: Eric M. Lipman, General Counsel Mark Herron, Attorney for Respondent Division of Elections, Complainant

DEC 15 064

in Re: Maria Lorts Sacns		Case No.: FEC 17-064	
то:	Mark Herron, Esquire Messer Caparello PA PO Box 15579	Division of Elections 500 S Bronough Street, Room 316 Tallahassee, FL 32399	

### NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **February 26, 2019 at 9:30 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.** Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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.

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

See further instructions on the reverse side.

Tallahassee, FL 32317

Tim Vaccaro, J.D.

Executive Director Florida Elections Commission February 11, 2019

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.

18 DEC -4 PM 1: 13

STATE OF FLORIDA &LECTIONS COMMISSION

# STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re: Ma	<b>Maria Lorts Sachs</b>	Case No.:	FEC 17-064
		1	

# **ORDER CONTINUING CASE**

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on November 15, 2018, in Tallahassee, Florida.

Respondent filed a Request for a Continuance. The Commission reviewed Respondent's request and considered staff's response. Respondent's request was **GRANTED**.

THIS MATTER is continued until the next available meeting of the Florida Elections

Commission. No further continuances shall be granted without good cause shown.

**DONE AND ORDERED** by the Florida Elections Commission on November 15, 2018.

M. Scott Thomas, Chairman Florida Elections Commission

Copies furnished to: Eric M. Lipman, General Counsel Mark Herron, Attorney for Respondent Division of Elections, Complainant

DEC 15 04

In Re: Maria Lorts Sacns		Case No.: FEC 17-004
TO:	Mark Herron, Esquire Messer Caparello PA PO Box 15579 Tollahassaa, FL 22217	Division of Elections 500 S Bronough Street, Room 316 Tallahassee, FL 32399
	Tallahassee, FL 32317	

# NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, November 15, 2018 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:

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**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.

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See further instructions on the reverse side.

Eric M. Lipman

General Counsel for Executive Director Florida Elections Commission October 29, 2018

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.

In Re:	Maria Lorts Sachs		Case No.:	FEC 17-064
		,		

# STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is probable cause to charge Respondent with violating Section 106.07(7), Florida Statutes, and no probable cause to charge Respondent with violating Section 106.19(1)(c), Florida Statutes. Based upon a thorough review of the Report of Investigation submitted on July 9, 2018, the following facts and law support this staff recommendation.

- 1. On February 7, 2017, the Florida Elections Commission ("Commission") received a referral from the Division of Elections ("Division") alleging that Maria Lorts Sachs ("Respondent") violated Chapter 106, Florida Statutes.
- 2. Respondent served in the State Senate from 2010 through 2016. She was a candidate for State Senate, District 34, in the 2018 election. Respondent withdrew her candidacy on October 13, 2016. (ROI Exhibit 3)<sup>1</sup>
- 3. Respondent's initial Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form ("DS-DE 9") was filed with the Division on November 13, 2015. Respondent's second DS-DE 9 appointing herself as her own campaign treasurer was filed with the Division on September 26, 2016. (ROI Exhibits 1 and 2)
- 4. On July 27, 2017, the Executive Director sent Respondent notification that Commission staff would investigate the following sections of law:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because she had not received funds, made contributions, or expended reportable funds during the following reporting period:

2016 M9

<sup>1</sup> The Report of Investigation shall be referred to herein as "ROI."

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when she failed to file a report on the prescribed reporting date for the following reporting period:

#### 2016 M9

- 5. By letter dated November 16, 2015, Kristi Reid Bronson, Chief, Bureau of Election Records, notified Respondent that her name had been placed on the 2018 active candidate list. The letter advised Respondent that all candidates who file reports with the Division are required to use the electronic filing system ("EFS") and provided Respondent with a user identification number and initial password to access the EFS. (ROI Exhibit 9, page 1)<sup>2</sup>
- 6. Ms. Bronson's November 16, 2015 letter further advised Respondent that all of the Division's publications and reporting forms were available on the Division's website and directed Respondent to print a copy of the *Candidate and Campaign Treasurer Handbook* ("Handbook") and the *Calendar of Reporting Dates* as well as other documents. (ROI Exhibit 9, page 3)

# Sections 106.07(7) and 106.19(1)(c), Florida Statutes.

- 7. The Division's referral alleged that Respondent failed to timely file a 2016 M9 Report or a notice of no reportable activity for the 2016 M9 reporting period.
  - 8. Section 106.07(7), Florida Statutes, provides:

Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate or political committee not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date. (Emphasis added)

9. Respondent's 2016 M9 Report covering the dates of September 1, 2016, through September 30, 2016, was due on October 11, 2016. Respondent failed to timely file a 2016 M9 Report or notice of no reportable activity. (ROI Exhibit 8; Attachment A)

<sup>&</sup>lt;sup>2</sup> Kristi Reid Bronson is now known as Kristi Reid Willis.

- 10. On October 13, 2016, the Division sent Respondent notification that she had not filed a 2016 M9 Report or notice that no reportable activity occurred, whichever was applicable. (ROI Exhibit 4)
- 11. On December 9, 2016, the Division sent Respondent a second notification that she had not filed a 2016 M9 Report or notice that no reportable activity occurred, whichever was applicable. (ROI Exhibit 5)
- 12. On January 6, 2017, the Division sent a letter to Respondent marked "Final Notice." The notification stated that the Division had not yet received Respondent's 2016 M9 Report or notice that no reportable activity occurred, whichever was applicable. The Division's January 6, 2017 letter was confirmed delivered on January 9, 2017. (ROI Exhibit 6)
- 13. Investigator Wade subpoenaed copies of Respondent's campaign account records. Respondent's campaign account records show that Respondent had no reportable financial activity during the 2016 M9 reporting period. (ROI Exhibit 7)
- 14. On June 29, 2017, Respondent filed a notice of no activity for the 2016 M9 reporting period, 261 days late. (ROI Exhibit 8)
- 15. Based on the information above, it appears Respondent was not required to file a 2016 M9 Report. It also appears Respondent failed to notify the filing officer in writing on the prescribed due date for the 2016 M9 Report that she would not be filing a report because she did not receive funds, make contributions, or expend any reportable funds during the 2016 M9 reporting period.
- 16. "Probable Cause" is defined as a reasonable ground of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. Schmitt v. State, 590 So.2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. Department of Highway Safety and Motor Vehicles v. Favino, 667 So.2d 305, 309 (Fla. 1st DCA 1995).
- 17. The above facts show Respondent was a candidate for State Senate, District 34, in the 2018 election. Respondent withdrew her candidacy on October 13, 2016. Respondent's 2016 M9 Report covering the dates of September 1, 2016, through September 30, 2016, was due on October 11, 2016. Respondent failed to timely file a 2016 M9 Report or a notice of no reportable activity for the 2016 M9 reporting period.
- 18. The above facts also show that on October 13, 2016, December 9, 2016, and January 6, 2017, the Division sent Respondent notification that she had not filed her 2016 M9 Report or notice that no reportable activity occurred, whichever was applicable. Copies of Respondent's campaign account records for the 2016 M9 reporting period showed that Respondent had no financial activity during the 2016 M9 reporting period. Therefore, Respondent was not required to file a 2016 M9 Report. However, Respondent was required to file a notice of no reportable activity for the 2016 M9 reporting period which she failed to do until June 29, 2017.

Based on the foregoing, I recommend the Commission find probable cause to charge Respondent with the following violation:

# Count 1:

On or about October 11, 2016, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because she had not received funds, made contributions, or expended reportable funds during the 2016 M9 reporting period.

I further recommend the Commission find no probable cause to charge Respondent with violating Section 106.19(1)(c), Florida Statutes.

Respectfully submitted on July 2018.

Eric M. Lipman General Counsel

I have reviewed this Staff Recommendation on the bay of July 2018.

Amy McKeever Toman Executive Director

#### AFFIDAVIT

#### STATE OF FLORIDA

## County of Leon

## Kristi Reid Bronson, being duly sworn, says:

- 1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
- 2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
- 3. I am of legal age and competent to testify to the matters stated herein.
- 4. Maria Lorts Sachs (65031) was a 2018 candidate for the office of State Senator.
- 5. On November 13, 2015, Senator Sachs filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. She appointed Zachary Learner as treasurer. (See attached documents and acknowledgment letter.)
- 6. On September 26, 2016, Senator Sachs appointed herself as deputy campaign treasurer for her candidacy. (See attached documents and acknowledgment letter.)
- 7. On October 11, 2016, Mr. Learner resigned as Senator Sachs' treasurer. On October 11, 2016, the Division mailed Senator Sachs a letter noting she must appoint a successor for her primary treasurer. (See attached documents.)
- 8. The 2016 M9 campaign treasurer's report was due on October 11, 2016. On October 13, 2016, the Division mailed Senator Sachs notification that the 2016 M9 treasurer's report had not been filed. (See attached letter.)
- 9. On October 13, 2016, Senator Sachs withdrew her candidacy from the 2018 election cycle. (See attached document and acknowledgment letter.)
- 10. On December 9, 2016, the Division mailed Senator Sachs notification that the 2016 M9 treasurer's report had not been filed. (See attached letter.)

ATTACHMENT A, Pager

- 11. On January 6, 2017, the Division mailed Senator Sachs final notification with delivery confirmation that the 2016 M9 treasurer's report had not been filed. (See attached letter with delivery confirmation.)
- Senator Sachs did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 M9 report that no report was to be filed.
- 13. As of February 3, 2017, Senator Sachs has not filed the 2016 M9 report.

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

Sworn to (or affirmed) and subscribed before me this 3rd day

of February, 2017.

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known

Donnas. Brown

# FLORIDA ELECTIONS COMMISSION REPORT OF INVESTIGATION Case No.: FEC 17-064

Respondent: Maria Lorts Sachs

Counsel for Respondent: Mark Herron

**Complainant:** Division of Elections Counsel for Complainant: None

Pursuant to Section 106.25, Florida Statutes, on February 7, 2017, the Florida Elections Commission (Commission) received information from the Division of Elections (Division) that Respondent violated Chapter 106, Florida Statutes. Commission staff, therefore, investigated whether Respondent violated the following statutes:

Section 106.07(7), Florida Statutes, failure of a candidate who did not receive any contributions or make any expenditures during a reporting period to notify timely the filing officer, in writing, that no report is being filed; and

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

# I. Preliminary Information:

- 1. Respondent was a 2018 candidate for the office of State Senate. She served in the Florida Senate from 2010 through 2016. On November 13, 2015, Respondent file her Appointment of Campaign Treasurer and Designation of Campaign Depository form (DS-DE 9) with the Division. She appointed Zachary Learner as treasurer<sup>1</sup>. To review the DS-DE 9 form, refer to Exhibit 1.
- 2. On September 26, 2016, Respondent filed another DS-SE 9 form, appointing herself as the deputy treasurer. To review the amended DS-DE 9 form, refer to Exhibit 2.
- 3. On October 13, 2016, Respondent withdrew her candidacy from the 2018 election cycle. To review her withdrawal letter, refer to Exhibit 3.

1

- 4. Mark Herron represented Respondent during this investigation.
- 5. Complainant is the Division.

ROI (07/16)

6. Kristi Willis, Chief, Bureau of Election Records, served as Respondent's filing

<sup>&</sup>lt;sup>1</sup> On October 11, 2016, Mr. Learner filed a letter of resignation with the Division.

officer.

# II. Alleged Violation of Section 106.07(7), Florida Statutes:

- 7. I investigated whether Respondent violated this section of the election laws by not timely filing a written notice with the filing officer that no report would be filed.
- 8. According to Complainant, Respondent did not file her 2016 M9 Report nor did she file a written notice that there was no reportable activity. The 2016 M9 Report covered the period from September 1, 2016 through September 30, 2016. The report was due on October 11, 2016.
- 9. On October 13, 2016, the Division mailed Respondent a notification letter that the 2016 M9 Report had not been filed. The letter reads, "Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable." To review the notification letter, refer to Exhibit 4.
- 10. Although Division records show that Respondent withdrew on October 13, 2016, the 2016 M9 Report was already two days past due.
- 11. On December 9, 2016, the Division mailed Respondent a second notification that the 2016 M9 Report had not been filed. The language was similar to the initial letter. To review the second notice, refer to Exhibit 5.
- 12. On January 6, 2017, the Division mailed a "final notice" with delivery confirmation. To review the final notice and the delivery confirmation, refer to Exhibit 6.
- 13. Respondent did not provide a response to the referral. A questionnaire affidavit was emailed to Respondent's attorney; however, the affidavit was not returned.
- 14. I subpoenaed bank records from the campaign depository, Centennial Bank f/k/a Regent Bank. Bank records show that there was no reportable activity during the M9 reporting period. To review bank records, refer to Exhibit 7.
- 15. According to Ms. Willis, Respondent's filing officer, Respondent filed a notice of no activity on June 29, 2017—261 days late. To review the email from Ms. Willis and Respondent's filing history, refer to Exhibit 8.
- 16. No record of Respondent having previously violated this section of the election laws was found.

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

- 17. I investigated whether Respondent violated this section of the election laws by falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes.
  - 18. To review information pertaining to this section of law refer to paragraphs 8

## through 15.

19. No record of Respondent having previously violated this section of the election laws was found.

# IV. FEC History:

20. Respondent has previously appeared before the Commission on one occasion. In FEC 14-023, the Commission found probable cause on Sections 106.0701(1) and 106.0701(4), Florida Statutes; however, no fine was assessed and the case was dismissed.

#### **Conclusion:**

- 21. On July 9, 2018, I interviewed Mr. Herron, Respondent's attorney, by telephone. Mr. Herron stated that he would wait until he received a copy of the Report of Investigation before he made any final comments.
- On November 16, 2015, the Division mailed Respondent a letter informing her that her name had been placed on the 2018 active candidate list. The letter informs the reader that all the Division's publications and reporting forms are available on their website. The letter reads, "It is your responsibility to read, understand and follow the requirements of Florida's election laws." The letter also advises the reader to "print a copy of the following documents: Chapters 104 and 106, Florida Statutes, Candidate and Campaign Treasurer Handbook, Calendar of Reporting Dates, and Rule 1S-2.017, Florida Administrative Code." To review the letter from the Division, refer to Exhibit 9. To review relevant pages from the Handbook, refer to Exhibit 10.
- 23. On November 13, 2015, Respondent filed her Statement of Candidate form certifying that she had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. To review the Statement of Candidate form, refer to Exhibit 11.

Respectfully submitted on July 9, 2018.

Margie B. Wade

**Investigation Specialist** 

# Current address of Respondent

# **Current address of Complainant**

The Honorable Maria Lorts Sachs 8185 Bridle Path Delray Beach, Florida 33496 Division of Elections 500 S Bronough Street, Room 316 Tallahassee, Florida 32399

# Current Address of Respondent's Atty.:

Mark Herron, Esquire Messer & Caparello, PA Post Office Box 1579 Tallahassee, Florida 32317

# Name and Address of Filing Officer:

Kristi Willis, Chief Bureau of Election Records 500 S. Bronough Street, Room 316 Tallahassee, Florida 32399

Copy furnished to:

David Flagg, Investigations Manager

# FLORIDA ELECTIONS COMMISSION

# REPORT OF INVESTIGATION Maria Lorts Sachs -- FEC 17-064

LIST OF EXHIBITS								
Exhibits #s	Description of Exhibits							
Exhibit 1	DS-DE 9							
Exhibit 2	Amended DS-DE 9							
Exhibit 3	Withdrawal Letter							
Exhibit 4	Notification Letter							
Exhibit 5	Second Notice							
Exhibit 6	Final Notice							
Exhibit 7	Bank Records							
Exhibit 8	Email from Ms. Willis and Filing History							
Exhibit 9	Acknowledgement Letter							
Exhibit 10	Relevant Pages from Handbook							
Exhibit 11	Statement of Candidate Form							

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

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

(PLEASE PRINT OR TYPE)

DEPARTMENT OF STATE

2015 NOV 13 AM 9:55

DIVISION OF ELECTIONS.
TAL ... AHASSEE, FL

NOTE: This form must be on file with the qualifying officer before opening the campaign account.									OFFICE	E USE	ON
1. CHECK APPROPRIATE Initial Filing of Form	reasu	ırer/De	puty [	Deposito	ory 🔲	Office		Pa			
2. Name of Candidate (in	his order	: First, Middle, L	.ast)	3	. Addr	ess (includ	e post offic	e box or s	treet, city,	state,	zip
Maria Lorts Sachs	•				code) 1000 Lowry Street						
4. Telephone 5. E-mail address				Delray Beach, Florida 33483							
(561 ) 945-8800 maria@mariasachs.com											
Office sought (include district, circuit, group number)     Florida State Senate District 34					7. If a candidate for a <u>nonpartisan</u> office, check if applicable:  My intent is to run as a Write-In candidate						
8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a											
Write-In No	Party Affi	liation 🗵	Demo	crati	С			Pa	rty can	didate.	
9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer											
10. Name of Treasurer or D	eputy Tr	easurer						-			
Zachary Learner											
11. Mailing Address								12. Tele	phone		
PO Box 30295								( 954	866-59	04	
13. City 14. County			15. State		16. Zip Code 17. E-r		17. E-ma	mail address			
Ft. Lauderdale	ard	FL		33303 zlearner@zac			@zacha	arylearnerpa.com			
18. I have designated the following bank as my				Z F	rimary	Depositor	у 🛚	Seconda	ry Deposit	ory	
19. Name of Bank					Addres						
Regent Bank				568	Yama	ato Road			r		
21. City	22. County	•			23. State			24. Zip Code			
33Boca Raton Palm Beach				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		Florida			33431		
UNDER PENALTIES OF PERJU		LARE THAT I HAVE OF CAMPAIGN DE		Y AND	THAT 1	THE FACTS S	STATED IN IT			EASURI	ER AI
25. Date 11/12/15				26. Signature of Candidates  X Denue falls Leaves							
27. Treasure	r's Acce	ptance of App	ointmen	t (fill i	n the b	olanks and	check the	appropriat	e block)		
I, Zachary Learner							, do he	eby accer	ot the appo	intmen	ıt
(Please Print or Type Name)											
designated above as:											
Date.	2/15	<b>5</b>	<u>X</u>	Sign	ature o	of Campaig	pr Treasur	er or Depu	ity Treasur	er	

EXHIBIT \_\_\_\_\_\_

LERECEIVE)

2016 SEP 26 AM 10: 49

ONVISION OF LEEDING

APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES

	OR CANDIDATES 6.021(1), F.S.)		,			ı		
(PLEASE PR	RINT OR TYPE)							
NOTE: This form must be officer before opening the		lifying					OFFICE	USE ONLY
1. CHECK APPROPRIATE I								
Initial Filing of Form	Re-filing to Change:		reasurer/E		Deposito		Office	Party
2. Name of Candidate (in th	iis order: First, Middle, L	.ast)	3. Add		le post offic	e box or s	street, city, s	tate, zip
Maria Lorts Sachs			1000	Lowry Str				
	5. E-mail address		Deira	y Beach, F	33483			
(561 ) 945-8800 n	naria@marialsachs.	com						
6. Office sought (include dis Florida State Senate, Dis		ber)		7. If a cand applicat	ole:		i <u>san</u> office, s a Write-In	
8. If a candidate for a partis	san office, check block	k and fill	in name	of party as	applicable	: My inte	ent is to run	as a
	arty Affiliation	Democ				Pa		
9. I have appointed the foll	owing person to act a	s my	Can	npaign Trea	surer 🔀	Deput	ty Treasurer	
10. Name of Treasurer or De	eputy Treasurer							
Maria Lorts Sachs								
11. Mailing Address						12. Telep	phone	
1000 Lowry Street,	•					(561)	945-880	0
13. City	14. County	15. Sta		Zip Code	17. E-mai	address		
Delray Beach	Palm Beach	FI	334	83	maria@n	narialsad	chs.com	
18. I have designated the fo	ollowing bank as my	Z		ry Depositor	y 🖸	Seconda	ıry Depositor	Ŋ
19. Name of Bank	-	' 1	20. Addr		_			
Regent Bank			568 Yan	nato Road				
21. City	22. County			23. State			24. Zip Co	de
Boca Raton	Palm Beach			FI		لــــــا	33431	
UNDER PENALTIES OF PERJURY DESIG	Y, I DECLARE THAT I HAVE SNATION OF CAMPAIGN DE	READ THE POSITORY	FOREGO! AND THAT	NG FORM FO	RAPPOINTM BTATED IN IT	ENT OF CA	MPAIGN TRE	ASURER AND
25. Date 10	20016		26, Signa	ature of Can	didate		OA)	,
27. Treasurer	's Acceptance of Appo	ointment		blanks and	check the	aporopriat	e block)	
1.	Maria Lorts Sac		(1	,	1/		ot the appoin	itment
	(Please Print or Type I	Name)		. /	<del>7</del> /(	$\Sigma /$		
designated above as:	Campaign 1	Treasurer		Doputy Fre	nsurer.	$X_{-}$		
-LIN 10	2016	X	(	/ X)	grxe!		-	
Date			Signature	of Campaig	gn Treasure	er or Depu	ity Treasure	Г

EXHIBIT 2



Tallahassee, Florida 32399-1100





#### SENATOR MARIA LORTS SACHS

Deputy Democratic Whip 34th District

Florida Division of Elections Room 316, R.A. Gray Building Tallahassee, FL 32399-0250 October 13, 2016

Re. 2018 Election Cycle

To Whom it May Concern,

I, Maria Lorts Sachs, do hereby withdraw my name as a candidate for the 2018 Election Cycle.

Please confirm receipt of same.

Thank you.

Very Trube Yours,

Senator Maria Lorts Sachs

San Committee

16 OCT | 3 AM | 1: 15

SECRETARY OF STATE

REPLY TO:

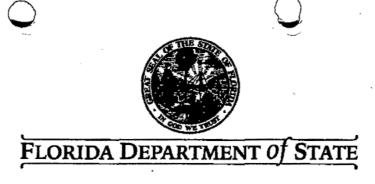
☐ Delray Beach City Hall, 100 NW 1st Avenue, Deiray Beach, Florida 33444 (561) 279-1427 FAX: (561) 279-1429 ☐ 216 Senate Office Building, 404 South Monroe Street, Tallahassoe, Florida 32399-1100 (850) 487-5034

Senate's Website: www.fisenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

EXHIBIT \_\_\_ 3 page ( 2) 2



Governor

KEN DETZNER Secretary of State

October 13, 2016

The Honorable Maria Lorts Sachs (65031) 1000 Lowry Street Delray Beach, Florida 33483

Dear Senator Sachs:

This will acknowledge receipt of the letter informing us of your withdrawal as a 2018 candidate for the office of State Senator, District Thirty-Four. This information was placed on file in our office on October 13, 2016.

Pursuant to Section 106.141, Florida Statutes, all candidates must, within 90 days of withdrawing their candidacy, dispose of all funds on deposit in the campaign account. You are required to file a 90-day termination report no later than **January 11**, 2017. You are not required to close the campaign prior to the due date; however, you must have written checks disposing of all surplus funds by this date.

You may file your report in the Electronic Filing System (EFS) at any time prior to the deadline once you have disposed of all funds. In order to file your termination report prior to the due date, you will need to change the cover period, which has been defaulted to an ending period of January 11, 2017, in the EFS (see attached example).

If you have any questions, please contact this office at (850) 245-6280.

Sincerely,

Kristi Reid Bronson, Chief Bureau of Election Records

KRB/mcc

Attachment



Governor

KEN DETZNER Secretary of State

October 13, 2016

The Honorable Maria Sachs (65031) 1000 Lowry Street Delray Beach, Florida 33483

Dear Senator Sachs:

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 file date was October 11, 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:
  - o \$50 for the first 3 days late
  - o \$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 Election 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,



#### FLORIDA DEPARTMENT OF STATE

#### Ken Detzner Secretary of State

#### DIVISION OF ELECTIONS

Second Notice

December 9, 2016

Maria Lorts Sachs 1000 Lowry Street Delray Beach, FL 33483-3483

CAN 65031

Dear Senator Sachs:

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 October 11, 2016.

We mailed, via regular mail, the first notice of the failure to file the above-mentioned report or notification to the address on file with our office on October 12, 2016.

The first notice which we provided to you specifically explained the automatic fine provisions in the law (s. 106.07(8)(b), Fla. Stat.) for failure to file a required report. Such fines are continuing to accrue for a late-filed report. Also, that notice explained that if no reportable activity occurred for the report date(s), you are still required to provide notification in writing that no reportable activity occurred. Our initial notice further indicated that, 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,



#### FLORIDA DEPARTMENT OF STATE

# Ken Detzner

Secretary of State

#### DIVISION OF ELECTIONS

Final Notice

USPS TRACKING #

9114 9014 9645 0956 1026 37 For Tracking or inquiries go to USPS.com or call 1-800-222-1811.

Delivery Confirmation:

RECEIPT

January 6, 2017

Maria Lorts Sachs 1000 Lowry Street Delray Beach, FL 33483-3483

CAN 65031

Dear Senator Sachs:

A recent review of the Division's records show that the Division has not yet received the belowreferenced campaign treasurer's report or the required notification that no reportable activity occurred, whichever is applicable, during the following cover period:

<u>Year</u>	Report	Cover Period
2016	MQ	9/1/16 - 9/30/16

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

# Track USPS package

9114901496450956102637

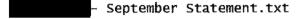
Track

USPS package #9114901496450956102637 www.usps.com

Delivered: Monday, January 9, 2017 1:52 PM

Process	sed	In transit	Delivered			
DATE	TIME	LOCATION	STATUS			
1/9/2017	1:52 PM	Delray Beach, FL, United States	Delivered, in/at mailbox			
1/8/2017	10:04 AM	Delray Beach, FL, United States	Arrived at USPS facility			
1/8/2017	9:13 AM	West Palm Beach, FL, United States	Departed USPS facility			
1/8/2017	2:44 AM	West Palm Beach, FL, United States	Arrived at USPS facility			
1/7/2017	9:37 PM		In transit to destination			

Show less shipping details ^



PAGE:

1

ACCOUNT:

09/30/2016

MARIA SACHS CAMPAIGN ACCOUNT FLORIDA STATE SENATE DISTRICT 34 ZACHARY LEARNER CAMPAIGN TREASURER PO BOX 30295 FT LAUDERDALE FL 33303

Ε

WE WOULD LIKE TO EXTEND A WARM WELCOME TO FORMER REGENT BANK CUSTOMERS AND EXPRESS OUR COMMITMENT TO MAKING THE TRANSITION TO STONEGATE BANK AS SMOOTH AS POSSIBLE

BUSINESS CHECKING ACCOUNT

LAST STATEMENT 08/31/16 28,865.20

MINIMUM BALANCE

28,865.20

**CREDITS** 

.00

EXHIBIT 7 page 1 92

Page 1

	~	September	Statement.	txt
--	---	-----------	------------	-----

28,865.20

DEBITS

.00

THIS STATEMENT 09/30/16

28,865.20

INTEREST	_	*	_	-	Ι	N	Т	Ε	R	Ε	S	Т	_	-	-	_			-	_	
----------	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	--	--	---	---	--

AVERAGE LEDGER BALANCE:

.00 INTEREST EARNED:

.00

INTEREST PAID THIS PERIOD:

.00 DAYS IN PERIOD:

ANNUAL PERCENTAGE YIELD EARNED:

.00%

- - - ITEMIZATION OF OVERDRAFT AND RETURNED ITEM FEES - - -

*	1	TOTAL FOR	1	TOTAL
*	1	THIS PERIOD	1	YEAR TO DATE
*				*
* TOTAL OVERDRAFT FEES:	1	\$.00	1	\$.00
*				*
* TOTAL RETURNED ITEM FEES:	I	\$.00	1	\$.00

- END OF STATEMENT -

우

Page 2

EXHIBIT 7 page 2 2 2

#### Margie Wade

From:

Willis, Kristi R. (Bronson) < Kristi.Willis@DOS.MyFlorida.com>

Sent:

Tuesday, June 26, 2018 4:13 PM

To:

Margie Wade

Subject:

RE: 65031

Yes, the M9 was filed on 6-29-17 as a waiver.

From: Margie Wade [mailto:Margie.Wade@myfloridalegal.com]

Sent: Tuesday, June 26, 2018 8:50 AM

To: Willis, Kristi R. (Bronson) < Kristi Willis@DOS. MyFlorida.com>

Subject: 65031

#### Hi Kristi,

I need additional information to complete the report on a referral from your office regarding Ms. Sachs (65031).

- Did Ms. Sachs ever file her 2016 M9 Report?
- 2. If yes, when (on what date) did Ms. Sachs file the report?
- 3. If Ms. Sachs filed a report, please provide a copy of the report.
- 4. Do you consider the report complete?

Thank you for your assistance in this matter.

## Margie B.Wade

Investigation Specialist Florida Elections Commission 107 West Gaines Street, Suite 224 Tallahassee, Florida 32399 850.922.4539 ex. 113 (phone) 850.921.0783 (fax)

> The Department of State is committed to excellence. Please take our <u>Customer Satisfaction Survey</u>.

> > EXHIBIT 8 page 1 1 2



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# Florida Department of State - Division of Elections

#### Florida Election System Reports

C	andidate/Comm	ittee Look	up	Candida	ate Na	me: Maria	Lorts Sa	ichs				
Name:					Acco	u <b>nt</b> : <u>65031</u>						
Election:				Date Due	Туре	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
	FUNDALAMA		~	1/11/2017	TR	2/22/2017	CLO	0	\$966.30		\$966.30	\$966.30
Acct:	65031			10/11/2016	M9	6/29/2017	CLO	261	\$0.00		\$0.00	\$0.00
Type:	Candidate		~	9/12/2016	8M	9/12/2016						
				8/10/2016	M7	8/10/2016						
	Search	Reset.		7/11/2016	M6	6/30/2016						
	Name of the last o	-		6/10/2016	M5	6/10/2016						
				5/10/2016	M4	5/10/2016						
				4/11/2016	МЗ	4/11/2016						
				3/10/2016	M2	3/10/2016						
				2/10/2016	M1	2/10/2016						
				1/11/2016	M12	1/11/2016						
				12/10/2015	M11	12/10/2015						



Governor

KEN DETZNER
Secretary of State

November 16, 2015

The Honorable Maria Lorts Sachs 1000 Lowry Street Delray Beach, Florida 33483

Dear Senator Sachs:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Senator, which was placed on file in our office on November 13, 2015. Your name has been placed on the 2018 active candidate list.

#### Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **December 10, 2015**. The report will cover the period of November 1-30, 2015 (M11). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

#### Credentials and Sign-ons

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

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

Identification Number: 65031



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

EXHIBIT 9 page 1 #3

Maria Sachs November 16, 2015 Page Two

#### Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains confidential pin numbers for you. By copy of this letter, a confidential pin number to access the EFS was sent to your treasurer.

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

#### Timely Filing

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

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

#### **Electronic Receipts**

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

Maria Sachs November 16, 2015 Page Three

#### Instructions and Assistance

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

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

Please let me know if you need additional information.

Sincerely,

Kristi Reid Bronson, Chief

Bureau of Election Records

KRB/zjs

Enclosures

pc: Zachary Learner, Treasurer

2016
Candidate
& Campaign
Treasurer
• Handbook

Florida Department of State Division of Elections R. A. Gray Building, Room:316 500 South Bronough Street Tallahassee, FL 32399-0250 850.245:6240

(Rev. 01/22/16)

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# Chapter 1: Background

The information contained in this publication is intended as a quick reference guide only and is current upon publication. To the extent that this handbook covers material beyond that contained in law or rule, the Division of Elections (Division) offers such material to candidates as Chapters 97-106, guidelines. Florida Statutes, the Constitution of the State of Florida, Division of Elections' opinions and rules, Attorney General opinions, county charters, city charters and ordinances, and other sources should be reviewed in their entirety for complete information regarding campaign financing and qualifying.

In addition, the following publications produced by the Division should be reviewed for further information:

- State Qualifying Handbook
- Candidate Petition Handbook
- Candidate Electronic Filing System
   User's Guide
- Calendar of Reporting Dates

All forms and publications mentioned in this handbook are available on the Division's website at:

http://dos.myflorida.com/elections/formspublications/ Other helpful websites are:

Florida Elections Commission:

http://www.fec.state.fl.us

Florida Elected Officials:

http://dos.myflorida.com/elections/con tacts/elected-officials/

Florida Supervisors of Elections:

http://dos.myflorida.com/elections/contact s/supervisor-of-elections/

Florida Association of City Clerks:

http://www.floridaclerks.org

Florida Attorney General:

http://myfloridalegal.com

**Federal Election Commission:** 

http://www.fec.gov

# Chapter 16: Filing Campaign Reports

Each campaign treasurer designated by a candidate shall file regular reports of all contributions received and all expenditures made by or on behalf of such candidate.

The candidate and his or her campaign treasurer shall certify as to the correctness of each report. Each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer or candidate who willfully certifies the correctness of any report while knowing that such report is incorrect, false or incomplete commits a misdemeanor of the first degree.

(Section <u>106.07</u>, F.S.)

#### Where to File

A campaign treasurer is required to file campaign treasurer's reports with the officer with whom the candidate registers.

Candidates filing reports with the Division are required to file by means of the <u>Electronic Filing System</u>. If the candidate's filing officer is other than the Division, contact the appropriate filing officer to find out the requirements.

The web address for filing online with the Division is: <a href="https://efs.dos.state.fl.us/">https://efs.dos.state.fl.us/</a> (Section 106.07(2), F.S.)

#### When to File

Reports must be filed on the 10th day following the end of each calendar month from the time the candidate registers, except that if the 10th day occurs on a Saturday, Sunday or legal holiday, the report shall be filed on the next business day that is not a Saturday, Sunday or legal holiday.

A statewide candidate must file reports:

- On the 60th day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4th day immediately preceding the general election.
- On the 10th day immediately preceding the general election, and each day thereafter, with the last daily report being filed the 5th day immediately preceding the general election.

All other candidates must file reports on the 60th day immediately preceding the primary election and bi-weekly on each Friday thereafter through and including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before the primary election and the general election.

For candidates that file with the Division, see the "Reporting Dates Calendar" at:

http://dos.myflorida.com/elections/formspublications/publications/ An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure must file a single report of all contributions and expenditures on the 4th day immediately preceding the primary election. (See Chapter 18, Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee.)

Unless the electronic filing requirements of Section 106.0705, Florida Statutes, apply, reports shall be filed no later than 5 p.m. of the day designated. A report postmarked by the U.S. Postal Service no later than midnight of the day designated is deemed timely filed. A report received by the filing officer within 5 days after the designated due date that was delivered by the U.S. Postal Service is deemed timely filed unless it has a postmark indicating the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing or a receipt from an established courier company, which bears a date on or before the date on which the report is due, is proof of mailing in a timely manner. Reports filed with the Division through the Electronic Filing System (EFS) are due no later than midnight, Eastern Time, of the due date.

> (Sections <u>106.07</u>, <u>106.0705</u> and <u>106.141</u>, F.S.)

# **Penalty for Late Filing**

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first three days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is

greater, for the period covered by the late report. However, for the reports immediately preceding the primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For a candidate's termination report, the fine shall be \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater for the period covered by the late report. All fines must be paid from the candidate's personal funds - not campaign funds.

(Section 106.07(2) and (8), F.S.)

#### Notice of No Activity

In any reporting period during which a candidate has not received funds or made any expenditures, the filing of the required report for that period is waived. However, the candidate must notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date. (A notice of no activity filed with the Division must be filed electronically using the EFS.) The next report filed must specify that the report covers the entire period between the last submitted report and the report being filed.

(Section 106.07, F.S.)

# Incomplete Reports

If a campaign treasurer files a report that is deemed incomplete, it shall be accepted on a conditional basis. The campaign treasurer will be notified by the filing officer as to why the report is incomplete. The campaign treasurer must file an addendum to the incomplete report within seven days of notification. The addendum must include all necessary information to complete the report.

(Section 106.07(2), F.S.)

and endorser, date and amount of each loan.

 Statement of each contribution, rebate, refund, or other receipts not listed in 1. through 3. above.

(Sections <u>106.07(4)</u> and 112.312(21), F.S.)

## **Reporting Total Sums**

Each campaign treasurer's report required by <u>Chapter 106</u>, F.S., shall contain the total sums of all loans, in-kind contributions, and other receipts by or for such candidate, and total sums of all expenditures made by such candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

(Section 106.07, F.S.)

# **Reporting Contributions**

Each report must contain:

- Full name, address, specific occupation, amount, and date of each person making a contribution. Reports must provide as clear a description as practicable of the principal type of business conducted for corporations contributing. The principal type of business or the occupations are not required if the contribution is \$100 or less, or from a relative provided the relationship is reported.
- Name, address, amount, and date of each political committee making any transfer of funds.
- Full name, address, specific occupation, principal place of business of the lender

### **Returning Contributions**

Contributions *must be returned* to the contributor *if*:

- A candidate receives a contribution in excess of the limitations provided by law.
- A candidate with opposition in an election receives a contribution on the day of that election or less than five days prior to the date of that election.
- A candidate receives a contribution once he or she is elected, defeated, becomes unopposed, or withdraws his or her candidacy.

If the contribution to be returned has not been deposited into the campaign account, report the contribution as a contribution returned using form <u>DS-DE 02</u>.

If the contribution has been deposited into the campaign account:

- Report the contribution; and
- Write a check from the campaign account to the contributor for the amount of the contribution and report this on the itemized contribution report using the contribution type "Refund."

# STATEMENT OF CANDIDATE

(Section 106.023, F.S.) (Please print or type) DEFICIENCE ONLY
DEFARTMENT OF STATE

2016 NOV 13 AM 9: 55

DIVISION OF ELECTIONS
TALL AHASSEE, FL

I, Maria Lorts Sachs
candidate for the office of Florida State Senate District 34
have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

Signature of Candidate

11/12/2015 Date

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

DS-DE 84 (05/11)

EXHIBIT \_\_\_\_\_



#### FLORIDA ELECTIONS COMMISSION

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

www.fec.state.fl.us; fec@myfloridalegal.com

July 27, 2017

Mark Herron. Esquire Messer & Caparello PA P.O. Box 1579 Tallahassee, FL 32317

RE: Case No.: FEC 17-064; Respondent: Maria Lorts Sachs

Dear Mr. Herron:

On February 7, 2017, the Florida Elections Commission received a complaint alleging that your client violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violations:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because she had not received funds, made contributions, or expended reportable funds during the following reporting period:

2016 M9

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when she failed to file a report on the prescribed reporting date for the following reporting period:

2016 M9

When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will make a written recommendation (Staff Recommendation or SR) to the Commission as to whether there is probable cause to charge respondent with violating Chapters 104 or 106, Florida Statutes. You will have an opportunity to respond to both the ROI and the SR. The Commission will then hold

one or more hearings to determine whether the alleged violations occurred and, if so, the amount of the fine to be imposed. You and the complainant will receive notice at least 14 days before any hearing at which your case is to be considered.

Please note that all documents related to this matter will be mailed to the above address unless you **notify us of a new address**. Also, please remember that complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 or 106, Florida Statutes, are **confidential** until the Commission finds probable cause or no probable cause.

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website (<u>www.fec.state.fl.us</u>). If you have additional questions, please contact Samantha Spore, the investigator assigned to this case.

Sincerely,

Amy McKeever Toman Executive Director

AMT/enr



Re: Maria Sachs 17-064

Cindy Lowell

to:

Donna Malphurs (Donna.Malphurs@myfloridalegal.com)

06/28/2017 02:57 PM

Hide Details

From: Cindy Lowell <clowell@lawfla.com>

To: "Donna Malphurs (Donna.Malphurs@myfloridalegal.com)"

<Donna.Malphurs@myfloridalegal.com>

#### 1 Attachment



NOA.pdf

Please see attached Notice of Appearance in the above-referenced matter. Thank you.

Cindy Lowell

Legal Assistant to Mark Herron Robert J. Telfer III

MESSER A CAPARELLO, P.A.

2618 Centennial Place Tallahassee, FL 32308 Phone: 850-222-0720

#### STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

FEC Case No. 17-064

In re: Maria Lorts Sachs, Respondent.

#### NOTICE OF APPEARANCE

The undersigned is appearing as attorney for Maria Lorts Sachs, in connection with the above-referenced complaint. Please serve copies of all pleadings, motions, correspondence, or other papers relating to this matter on the undersigned at the address set forth below.

Respectfully submitted on this 28th day of June, 2017, by:

\_\_\_\_/s/\_\_\_\_\_

MARK HERRON Florida Bar Number: 0199737

Messer Caparello, P.A. Post Office Box 15579

Tallahassee, FL 32317 Telephone: (850) 222-0720

Facsimile: (850) 558-0659 Email: mherron@lawfla.com

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing notice of appearance was filed via electronic mail to the Agency Clerk, Florida Elections Commission, Room 224, The Collins Building, 107 West Gaines Street, Tallahassee, FL 32399-1050, on this 28th day of June, 2017.

/s/	
-----	--

# DIVISION OF ELECTIONS FEC NOTICE FORM

RECEIVED

To FEC from Division of Elections

2017 FEB - 7 P 3:11

STATE OF FLORIDA

Name:

Maria Lorts Sachs

**Account Number:** 

65031

Treasurer:

Maria Lorts Sachs

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

The following report or notice is outstanding after notification:

2016 M9

Sent By:

Kristi Reid Bronson

Date:

February 3, 2017

LP.

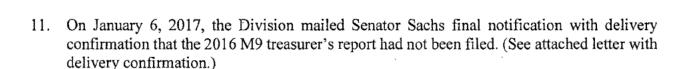
#### **AFFIDAVIT**

#### STATE OF FLORIDA

#### County of Leon

#### Kristi Reid Bronson, being duly sworn, says:

- 1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
- 2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
- 3. I am of legal age and competent to testify to the matters stated herein.
- 4. Maria Lorts Sachs (65031) was a 2018 candidate for the office of State Senator.
- 5. On November 13, 2015, Senator Sachs filed the Appointment of Campaign Treasurer and Designation of Campaign Depository with the Division. She appointed Zachary Learner as treasurer. (See attached documents and acknowledgment letter.)
- 6. On September 26, 2016, Senator Sachs appointed herself as deputy campaign treasurer for her candidacy. (See attached documents and acknowledgment letter.)
- 7. On October 11, 2016, Mr. Learner resigned as Senator Sachs' treasurer. On October 11, 2016, the Division mailed Senator Sachs a letter noting she must appoint a successor for her primary treasurer. (See attached documents.)
- 8. The 2016 M9 campaign treasurer's report was due on October 11, 2016. On October 13, 2016, the Division mailed Senator Sachs notification that the 2016 M9 treasurer's report had not been filed. (See attached letter.)
- 9. On October 13, 2016, Senator Sachs withdrew her candidacy from the 2018 election cycle. (See attached document and acknowledgment letter.)
- 10. On December 9, 2016, the Division mailed Senator Sachs notification that the 2016 M9 treasurer's report had not been filed. (See attached letter.)



- 12. Senator Sachs did not notify the Division of Elections prior to or on the prescribed reporting date for the 2016 M9 report that no report was to be filed.
- 13. As of February 3, 2017, Senator Sachs has not filed the 2016 M9 report.

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

Signature of Affiant Durish

Sworn to (or affirmed) and subscribed before me this 3<sup>rd</sup> day of February, 2017.

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known \_

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

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

(PLEASE PRINT OR TYPE)

officer before opening the campaign account.

DEPARTMENT OF STATE

2015 NOV 13 AM 9: 55

DIVISION OF ELECTIONS TAL .. AHASSEE, FL

of Campaign Treasurer or Deputy Treasurer

NOTE: This form must be on file with the qualifying OFFICE USE ON 1. CHECK APPROPRIATE BOX(ES): X Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office 2. Name of Candidate (in this order: First, Middle, Last) 3. Address (include post office box or street, city, state, zip Maria Lorts Sachs 1000 Lowry Street Delray Beach, Florida 33483 4. Telephone 5. E-mail address maria@mariasachs.com (561 ) 945-8800 6. Office sought (include district, circuit, group number) 7. If a candidate for a nonpartisan office, check if Florida State Senate District 34 applicable: My intent is to run as a Write-In candidate 8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a Democratic No Party Affiliation Write-In Party candidate. 9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer Name of Treasurer or Deputy Treasurer Zachary Learner 12. Telephone 11. Mailing Address PO Box 30295 (954) 866-5904 16. Zip Code 17. E-mail address 13. City 14. County 15. State 33303 Ft. Lauderdale Broward zlearner@zacharylearnerpa.com Primary Depository 18. I have designated the following bank as my Secondary Depository 20. Address 19. Name of Bank Regent Bank 568 Yamato Road 23. State 21. City 22. County 24. Zip Code 33Boca Raton Florida Palm Beach 33431 UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER A DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE. 25. Date 26. Signature of Candidate (OSSIS) 27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block) Zachary Learner , do hereby accept the appointment (Please Print or Type Name) designated above as: Campaign Treasurer Deputy Treasurer.



(Section 106.023, F.S.) (Please print or type) PEFARTMENT OF STATE

2015 NOV 13 AM 9: 55

DIVISION OF ELECTIONS

TAL AHASSEE. FL

# I. Maria Lorts Sachs

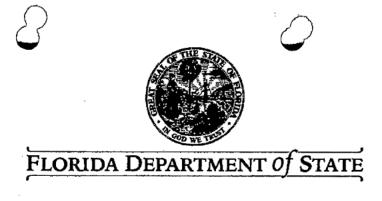
candidate for the office of Florida State Senate District 34

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

Signature of Candidate

11/12/2015 Date

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



RICK SCOTT Governor

KEN DETZNER
Secretary of State

November 16, 2015

The Honorable Maria Lorts Sachs 1000 Lowry Street Delray Beach, Florida 33483

Dear Senator Sachs:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of State Senator, which was placed on file in our office on November 13, 2015. Your name has been placed on the 2018 active candidate list.

#### Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **December 10, 2015**. The report will cover the period of November 1-30, 2015 (M11). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

## Credentials and Sign-ons

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

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

Identification Number: 65031





Maria Sachs November 16, 2015 Page Two

#### Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains confidential pin numbers for you. By copy of this letter, a confidential pin number to access the EFS was sent to your treasurer.

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

#### **Timely Filing**

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

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

#### Electronic Receipts

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

Maria Sachs November 16, 2015 Page Three

#### **Instructions and Assistance**

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

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

Please let me know if you need additional information.

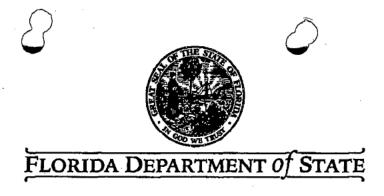
Sincerely,

Kristi Reid Bronson, Chief Bureau of Election Records

KRB/zjs

**Enclosures** 

pc: Zachary Learner, Treasurer



Governor

KEN DETZNER
Secretary of State

September 27, 2016

The Honorable Maria Lorts Sachs (65031) 1000 Lowry Street Delray Beach, Florida 33483

Dear Senator Sachs:

Your appointment as deputy campaign treasurer for your candidacy for State Senator was filed in this office on September 26, 2016. Enclosed is a security envelope containing your confidential pin number to access the Division's Electronic Filing System (EFS) for submitting campaign treasurer's reports.

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

If you have questions concerning your campaign account or the EFS, you may call the Help Desk at (850) 245-6280.

Sincerely,

Kristi Reid Bronson, Chief Bureau of Election Records

KRB/ia

Enclosure

Kristi Reid Bronson
Department of State, Division of Elections
Bureau of Election Records
Room 316, R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

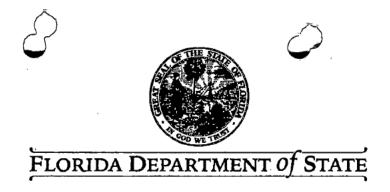


To Whom it May Concern:

I have resigned as treasurer for Maria Sachs, candidate for State Senate in district 34. The candidate has been informed of my resignation.

Best Regards,

Zachary Learner



RICK SCOTT Governor KEN DETZNER Secretary of State

October 11, 2016

Honorable Maria Sachs Candidate for State Senate (65031) 1000 Lowry Street Delray Beach, Florida 33483

Dear Senator Sachs:

We are in receipt of Zachary Learner's resignation as campaign treasurer. Pursuant to Section 106.021(2), Florida Statutes, candidates shall appoint a successor and certify the name and address of the successor in the manner provided in the case of an original appointment.

Please complete the enclosed Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees (Form DS-DE 6) and return it to the Division of Elections at the address listed below. This form can also be downloaded from our website at:

http://dos.myflorida.com/media/693239/dsde6.pdf

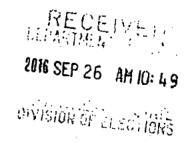
If you have any questions, or if we may be of further assistance to you at any time, please contact (850) 245-6280.

Sincerely,

Kristi Reid Bronson, Chief Bureau of Election Records

KRB/dsb

Enclosure(s)



APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES

	<b>FOR CANDIDATES</b> 106.021(1), F.S.)	•			
(PLEASE	PRINT OR TYPE)				
NOTE: This form must officer before opening t	t be on file with the qualifying the campaign account.	OFFICE USE ONLY			
1. CHECK APPROPRIAT					
Initial Filing of Form	' '	Treasurer/Deputy Depository Office Party			
2. Name of Candidate (in	n this order: First, Middle, Last)	<ol> <li>Address (include post office box or street, city, state, zlp code)</li> </ol>			
Maria Lorts Sachs		1000 Lowry Street			
4. Telephone	5. E-mail address	Delray Beach, Ft 33483			
(561 ) 945-8800	maria@marialsachs.com				
- ,	district, circuit, group number)	7. If a candidate for a <u>nonpartisan</u> office, check if			
Florida State Senate,	District 34	applicable:			
		My intent is to run as a Write-In candidate.			
8. If a candidate for a pa	<u>artisan</u> office, check block and fil	i in name of party as applicable: My intent is to run as a			
☐ Write-in ☐ No	o Party Affiliation 🛛 Demo	peratic Party candidate.			
	following person to act as my ,	Campaign Treasurer Deputy Treasurer			
10. Name of Treasurer or	Deputy Treasurer				
Maria Lorts Sachs					
11. Mailing Address		12. Telephone			
1000 Lowry Street,		( 561 ) 945-8800			
13. City	14. County 15. St	. (			
Defray Beach	Palm Beach FI	33483 maria@marialsachs.com			
18. I have designated th	ne following bank as my	Primary Depository Secondary Depository			
19. Name of Bank		20. Address			
Regent Bank		568 Yamato Road			
21. City	22. County	23. State 24. Zip Code			
Boca Raton	Palm Beach	F   33431			
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACES STATED IN 11 ARE TRUE.					
25. Date		26. Signature of Candidate			
Dar 10	20/6	x Alled State			
27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)					
27. Treasu	rer's Acceptance of Appointmen	t (fill in the blanks and check the appropriate block)			
27. Treasu	Maria Lorts Sachs	it (fill in the blanks and check the appropriate block)			
l,					
27. Treasu	Maria Lorts Sachs	de hereby accept the appointment			
l,	Maria Lorts Sachs (Please Print or Type Name)	hereby accept the appointment			



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

(PLEASE F	PRINT OR TYPE)	- 1	,						
NOTE: This form must	•	alifying							
officer before opening th	e campaign account.						OFFIC	E USE	ONLY
1. CHECK APPROPRIATE	BOX(ES):								
Initial Filing of Form	Re-filing to Change	: 🔲 Tr	easurer/[	Deputy [	Deposito	ory 🔲	Office		Party
2. Name of Candidate (in	this order: First, Middle, L	.ast)	3. Add code)	dress (includ	de post offic	ce box or s	treet, city,	state,	zip
.4. Telephone	5. E-mail address		7						
( )						,	_		
6. Office sought (include of	district, circuit, group num	ber)		7. If a can	didate for a	a <u>nonparti</u>	san office	, che	k if
			l	applical					
			- 1		My intent	is to run as	s a Write-I	n cand	lidate.
8. If a candidate for a par	tisan office, check block	k and fill	in name	of party as	applicable	: My inte	ent is to ru	n as a	
Write-In No	Party Affiliation					Pa	rty can	didate.	
9. I have appointed the fo	ollowing person to act a	s my	Can	npaign Trea	surer	Deput	y Treasure	er	
10. Name of Treasurer or D	Deputy Treasurer								
11. Mailing Address						12. Telep	hone		
-									
13. City	14. County	15. Stat	e 16.	Zip Code	17. E-mai	address			
•				•					
18. I have designated the	following bank as my		Prima	ry Deposito	у 🗆	Seconda	ry Deposit	ory	
19. Name of Bank			20. Addre	ess	7.7.2				
21. City	22. County			23. State			24, Zip C	ode	
UNDER PENALTIES OF PERJU								EASUR	ER AND
25. Date	IGNATION OF CAMPAIGN DEF			ature of Can		ARE TRUE.			+,-
20. Date				ature or Carr	uluale				
			<u>X</u>						
27. Treasure	er's Acceptance of Appo	intment	(fill in the	blanks and	check the	appropriate	e block)		
I,					, do her	eby accept	the appoi	ntmen	t
	(Please Print or Type N	Name)	_	7	_				
designated above as:	Campaign T	reasurer		Deputy Tre	asurer.				
		Χ							
Date	)	5	Signature	of Campaig	n Treasure	er or Deput	y Treasure	er	

Rule 1S-2.0001, F.A.C.



RICK SCOTT Governor KEN DETZNER Secretary of State

October 13, 2016

The Honorable Maria Sachs (65031) 1000 Lowry Street Delray Beach, Florida 33483

Dear Senator Sachs:

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 file date was October 11, 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:
  - o \$50 for the first 3 days late
  - o \$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 Election 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.





#### SENATOR MARIA LORTS SACHS

Deputy Democratic Whip 34th District

Florida Division of Elections Room 316, R.A. Gray Building Tallahassee, FL 32399-0250 COMMITTEES:
Higher Education, Vice Chair
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Communications, Energy, and Public Utilities
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security
Regulated Industries

October 13, 2016

Re. 2018 Election Cycle

To Whom it May Concern,

I, Maria Lorts Sachs, do hereby withdraw my name as a candidate for the 2018 Election Cycle.

Please confirm receipt of same.

Thank you.

Very Truba Yours.

Senator Maria Lorts Sachs

SECTION.

16 OCT 13 AM 11: 15

SECRETARY OF STATE

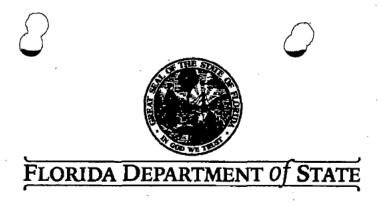
REPLY TO:

☐ Delrey Beach City Hall, 100 NW 1st Avenue, Delrey Beach, Florida 33444 (561) 279-1427 FAX: (561) 279-1429 ☐ 216 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5034

Senate's Website: www.fisenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



RICK SCOTT Governor KEN DETZNER Secretary of State

October 13, 2016

The Honorable Maria Lorts Sachs (65031) 1000 Lowry Street Delray Beach, Florida 33483

Dear Senator Sachs:

This will acknowledge receipt of the letter informing us of your withdrawal as a 2018 candidate for the office of State Senator, District Thirty-Four. This information was placed on file in our office on October 13, 2016.

Pursuant to Section 106.141, Florida Statutes, all candidates must, within 90 days of withdrawing their candidacy, dispose of all funds on deposit in the campaign account. You are required to file a 90-day termination report no later than **January 11, 2017.** You are not required to close the campaign prior to the due date; however, you must have written checks disposing of all surplus funds by this date.

You may file your report in the Electronic Filing System (EFS) at any time prior to the deadline once you have disposed of all funds. In order to file your termination report prior to the due date, you will need to change the cover period, which has been defaulted to an ending period of January 11, 2017, in the EFS (see attached example).

If you have any questions, please contact this office at (850) 245-6280.

Sincerely,

Kristi Reid Bronson, Chief Bureau of Election Records

KRB/mcc

Attachment



## FLORIDA DEPARTMENT OF STATE

#### Ken Detzner Secretary of State

#### **DIVISION OF ELECTIONS**

#### Second Notice

December 9, 2016

Maria Lorts Sachs 1000 Lowry Street Delray Beach, FL 33483-3483

CAN 65031

Dear Senator Sachs:

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 October 11, 2016.

We mailed, via regular mail, the first notice of the failure to file the above-mentioned report or notification to the address on file with our office on October 12, 2016.

The first notice which we provided to you specifically explained the automatic fine provisions in the law (s. 106.07(8)(b), Fla. Stat.) for failure to file a required report. Such fines are continuing to accrue for a late-filed report. Also, that notice explained that if no reportable activity occurred for the report date(s), you are still required to provide notification in writing that no reportable activity occurred. Our initial notice further indicated that, 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.



#### FLORIDA DEPARTMENT OF STATE

#### Ken Detzner Secretary of State

#### DIVISION OF ELECTIONS

**Final Notice** 

USPS TRACKING # & CUSTOMER 9114 9014 9645 0956 1026 37

**Delivery Confirmation:** 

& CUSTOME RECEIPT For Tracking or inquiries go to USPS.com or call 1-800-222-1811.

January 6, 2017

Maria Lorts Sachs 1000 Lowry Street Delray Beach, FL 33483-3483

CAN 65031

Dear Senator Sachs:

A recent review of the Division's records show that the Division has not yet received the belowreferenced campaign treasurer's report or the required notification that no reportable activity occurred, whichever is applicable, during the following cover period:

<u>Year</u>	Report	Cover Period
2016	MQ	9/1/16 - 9/30/16

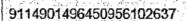
The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

# Track USPS package



Track

USPS package #9114901496450956102637 www.usps.com

Delivered: Monday, January 9, 2017 1:52 PM

Processed		In transit	Delivered
DATE	TIME	LOCATION	STATUS
1/9/2017	1:52 PM	Delray Beach, FL, United States	Delivered, in/at mailbox
1/8/2017	10:04 AM	Delray Beach, FL, United States	Arrived at USPS facility
1/8/2017	9:13 AM	West Palm Beach, FL, United States	Departed USPS facility
1/8/2017	2:44 AM	West Palm Beach, FL, United States	Arrived at USPS facility
1/7/2017	9:37 PM		In transit to destination

Show less shipping details A