

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Russell M. Thompson

Case No.: FEC 16-285

TO: Russell M. Thompson
7771 West Oakland Park Blvd.
Atrium West - Suite 216
Sunrise, FL 33351

Brenda C. Snipes, SOE
Broward County SOE
115 S. Andrews Avenue, Room 102
Ft. Lauderdale, FL 33301

NOTICE OF HEARING (AUTOMATIC FINE)

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

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

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

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

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

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

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

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

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

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

**FLORIDA ELECTIONS COMMISSION
CASE REPORT**

Case Number: FEC-16-285

NAME: **RUSSELL M. THOMPSON**

DATE APPEAL RECEIVED: 08/01/16

DATE REPORT DUE: 07/01/16 (2016 P1)

DATE OF ELECTRONIC RECEIPT: 07/06/16

DATE FILING OFFICER RECEIVED REPORT: 07/06/16

NUMBER OF DAYS LATE: 5

AMOUNT OF FINE: \$1,150.00

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$25,123.53

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$8,477.00

DATE OF FIRST NOTIFICATION: 07/11/16

SUMMARY: Russell M. Thompson was a candidate for Broward County Court Judge, Group 21 in the 2016 elections. Rodney K. Longman was his treasurer.

Russell Thompson is appealing the fine claiming that he had unusual circumstances. According to Mr. Thompson, his wife, Jerri Thompson, was having medical issues that required his attention. He states that he was away from his office for much of this time and was unable to transmit the P1 report from his home. Mr. Thompson has provided a letter from his wife's physician, Everold Haffizulla, M.D.

- The 2016 P1 Original Report covers the period from 06/01/16-06/24/16; it was due on 07/01/16.
- The 2016 P1 Filing History shows that it was filed on 07/06/16.
- Russell Thompson reported receiving 2 contributions, while making 4 expenditures.

PRIOR CASES: None.

CANDIDATE [X]	STATE []
PC []	DISTRICT []
CCE []	COUNTY [X]
POLITICAL PARTY []	CITY []

Law Offices of Russell M. Thompson

7771 W. Oakland Park Boulevard

Atrium West - Suite 216

Sunrise, Florida 33351

Phone (954) 316-8988 • Fax (954) 316-8985

E-Mail: rthompson@rmtlawfirm.com

RECEIVED

2016 AUG - 11 A 10:49

STATE OF FLORIDA
ELECTIONS COMMISSION

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Certificate No.: 7015 0640 0000 1992 6561

July 27, 2016

Florida Elections Commission
107 West Gains Street, Suite 224
Tallahassee, Florida 32399-1050

Ladies and Gentlemen:

The purpose of this correspondence is to appeal the \$1,150.00 fine imposed by the Broward County Supervisor of Elections on July 11, 2016, pursuant to Section 106.07(8)(b), Florida Statutes (see Exhibit A). The fine was imposed because the Campaign Treasurer's Report (P1) for my campaign, which was due on July 1, 2016, covering the period June 1 to June 24, 2016, was not received by the office until July 6, 2016, five (5) days after the due date (see Exhibit B).

With respect to this appeal, the unusual circumstances surrounding the failure to file on the designated due date are as follows:

When the P1 report was due to be filed my wife, Jerri Thompson was having medical issues that required my attention and supervision. I was away from my office for much of the period of time in question. I was unable to transmit the P1 report from my home. I have provided a letter from her doctor, Everold Haffizulla, M.D. (see Exhibit C).

As soon as I received the letter indicated the P1 report was past due, I promptly filed it. This is my first late filing. I have also put procedures in place to prevent this from occurring again. Adding to the confusion, this was the first partial month report and was due sooner than previous reports (it was due on the 1st of the month and not the 10th).

Consistent with the provisions of Section 106.07(8)(c), Florida Statute, I respectfully requests that the amount of the fine imposed be waived in whole or in part for the reasons set forth above.

July 27, 2016
Florida Elections Commission
Page No. 2

I trust that this filing complies with the requirements of Section 106.07(8)(c), Florida Statutes. If the Commission has any additional questions or concerns regarding this appeal, please let me know.

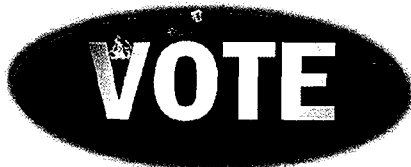
I hereby swear and affirm that the foregoing explanation of the circumstances surrounding the imposition of this fine is true and correct.

Sincerely,

A handwritten signature in black ink, appearing to read 'Russell Miller Thompson', with a long, sweeping horizontal line extending to the right.

Russell Miller Thompson, Esq.
Candidate for Broward County Court Judge, Group 21

cc: Broward Supervisor of Elections



WITH CONFIDENCE

Dr. Brenda C. Snipes
Broward County Supervisor of Elections
Broward Governmental Center
115 S. Andrews Avenue, Room 102
Fort Lauderdale, FL 33301
954-357-7050
www.browardsoe.org

MEMORANDUM

To: Russell Miller Thompson, Candidate
County Judge, Group 21

Thru: Brenda C. Snipes, Ed. D.
Supervisor of Elections

From: Andrea C. Perri
Public Services Director/Candidate Qualifying Officer

Date: July 11, 2016

Subject: Treasurer's Report

Your Campaign Treasurer's Report (P1) which was due July 1, 2016, covering the period June 1 to June 24, 2016 was not received until July 6, 2016. According to Section 106.07(8)(b), Florida Statutes, a fine of \$50 per day for the first three days late and \$500 each day thereafter, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report shall be assessed. **Therefore, you are fined \$1,150.00 for the 5 (five) days that the Report was late.**

The fine shall be paid to the Supervisor of Elections within 20 days of receipt of this notice unless appealed to the Florida Elections Commission, 107 West Gaines Street, Suite 224, Tallahassee, FL 32399-1050. Section 106.7(8)(c), Florida Statutes, provides for appealing or disputing the assessed fine by submitting a notice of appeal in writing to the Florida Elections Commission within 20 days of the date of receipt of the notice of payment due, stating any unusual circumstances surrounding the failure to file on the designated due date. A failure to file such notice will constitute a waiver of the right of appeal.

Moreover, the notice of appeal must be accompanied by any and all supporting evidence you wish the Commission to consider in making its determination. Examples of such evidence that the Florida Elections Commission will consider are: 1) an affidavit attesting, in specific detail, to a timely mailing; 2) an affidavit or letter from the post office documenting a mailing problem; or 3) an affidavit or statement from an attending physician or a hospital bill, setting forth specific dates, if there is a health-related reason as to why your report was not timely filed.

Exhibit "A"

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Russell Miller Thompson

Name

(2) 7771 W. Oakland Park Blvd. #216

Address (number and street)

Sunrise, FL 33351

City, State, Zip Code

☐ Check here if address has changed

(3) ID Number: 14

OFFICE USE ONLY
ONLINE SUBMISSION
[1111070]

Submitted on:

7/6/2016 09:04:50 (eastern)

(4) Check appropriate box(es):

☒ Candidate Office Sought: County Court Judge, Grp. 21

☐ Political Committee (PC)

☐ Electioneering Communications Org. (ECO)

☐ Party Executive Committee (PTY)

☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded

☐ Check here if PTY has disbanded

☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 6 / 1 / 2016 To 6 / 24 / 2016 Report Type: P1

☒ Original

☐ Amendment

☐ Special Election Report

(6) Contributions This Report

Cash & Checks \$, 25 , 123 . 53

Loans \$, , 0 . 00

Total Monetary \$, 25 , 123 . 53

In-Kind \$, , 0 . 00

(7) Expenditures This Report

Monetary Expenditures \$, 8 , 477 . 00

Transfers to Office Account \$, , 0 . 00

Total Monetary \$, 8 , 477 . 00

(8) Other Distributions

\$, , 0 . 00

(9) TOTAL Monetary Contributions To Date

\$, 65 , 543 . 53

(10) TOTAL Monetary Expenditures To Date

\$, 36 , 005 . 64

(11) Certification

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete:

(Type name)

☐ Individual (only for IE or electioneering comm.) ☐ Treasurer ☐ Deputy Treasurer

X

Signature

(Type name)

☐ Candidate ☐ Chairperson (only for PC and PTY)

X

Signature

Exhibit "B"

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Russell Miller Thompson (2) I.D. Number 14

6/1/2016 6/24/2016
(3) Cover Period 6/1/2016 through 6/24/2016 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
6/9/2016 / /	Glasser, Lori Ann 8028 NW 41 Court Sunrise, FL 33351	I retired	CH			\$100.00
1						
6/15/2016 / /	Thompson, Russell Miller 6270 NW 105 Way Parkland, FL 33076	S lawyer	CH			\$25,023.53
2						
/ /						
/ /						
/ /						
/ /						
/ /						
/ /						
/ /						
/ /						
/ /						
/ /						

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name Russell Miller Thompson (2) I.D. Number 14
 (3) Cover Period 6/1/2016 through 6/24/2016 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
6/6/2016 / /	Pratt, Mike 2640 Coolidge Street Hollywood, FL 33020	road signs	MO		\$1,975.00
1					
6/24/2016 / /	Hunter, Walter 2337 NW 15 Court Ft. Lauderdale, FL 33311	gotv	MO		\$2,500.00
2					
6/22/2016 / /	SMDG, Inc., 833 Kings Hwy. Woodbury, NY 08096	walking cards	MO		\$1,790.00
3					
6/15/2016 / /	Pratt, Mike 2640 Coolidge Street Hollywood, FL 33020	road signs	MO		\$2,212.00
4					
/ /					
/ /					
/ /					
/ /					
/ /					

Everold E. Haffizulla, M.D.
Board Certified Family Medicine

Jason M. Haffizulla, M.D.
Board Certified Internal Medicine

Medical Associates of Tamarac, P.A.

7875 W. Commercial Boulevard
Tamarac, FL 33351
(954) 726-0099 • Fax (954) 726-0047
www.meditam.net

Katrina Liska, P.A.-C
Certified Physician Assistant

Hannah M. Kozak, P.A.-C
Certified Physician Assistant

Nigam H. Parikh, M.D.
Internal Medicine

Kristin D. Chai, M.D.
Rheumatology/Internal Medicine

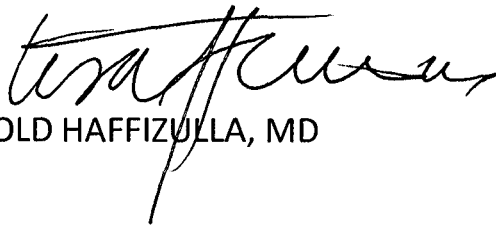
JULY 26, 2016

TO WHOM IT MAY CONCERN:

JERRI THOMPSON IS MY PATIENT AND IS CURRENTLY UNDER MY CARE.

FROM THE MIDDLE OF JUNE 2016 UNTIL THE FIRST WEEK OF JULY 2016
HER MEDICAL CONDITION REQUIRED THE CLOSE SUPERVISION AND ATTENTION
OF HER HUSBAND, RUSSELL THOMPSON.

SINCERELY,



EVEROLD HAFFIZULLA, MD

Exhibit "C"

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Russell Miller Thompson

Name

(2) 7771 W. Oakland Park Blvd. #216

Address (number and street)

Sunrise, FL 33351

City, State, Zip Code

☐ Check here if address has changed

OFFICE USE ONLY
ONLINE SUBMISSION

[1111070]

Submitted on:

7/6/2016 09:04:50 (eastern)

(3) ID Number: 14

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☐ Party Executive Committee (PTY)

☐ Independent Expenditure (IE) (also covers an individual making electioneering communications)

☐ Check here if PC or ECO has disbanded

☐ Check here if PTY has disbanded

☐ Check here if no other IE or EC reports will be filed

(5) Report Identifiers

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I certify that I have examined this report and it is true, correct, and complete:

(Type name)

☐ Individual (only for IE or electioneering comm.) ☐ Treasurer ☐ Deputy Treasurer

X

Signature

(Type name)

☐ Candidate ☐ Chairperson (only for PC and PTY)

X

Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Russell Miller Thompson (2) I.D. Number 14

6/1/2016 6/24/2016

(3) Cover Period / / through / / (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
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1							
6/15/2016 / /	Thompson, Russell Miller 6270 NW 105 Way Parkland, FL 33076	S	lawyer	CH			\$25,023.53
2							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name Russell Miller Thompson

(2) I.D. Number 14

(3) Cover Period 6/1/2016 through 6/24/2016

(4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
6/6/2016 / /	Pratt, Mike 2640 Coolidge Street Hollywood, FL 33020	road signs	MO		\$1,975.00
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4					
/ /					
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