

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **MaryLynn Magar**

Case No.: **FEC 16-863**

TO: MaryLynn Magar
P.O. Box 4152
Tequesta, FL 33469

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

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **May 17, 2017 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Augustus B. Turnbull Conference Center, 555 West Pensacola Street, Room 214, Tallahassee, Florida 32301**

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
May 1, 2017

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

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

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

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

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

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

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

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: **FEC-16-863**

NAME: MARY LYNN MAGAR

DATE APPEAL RECEIVED: 10/25/16

DATE REPORT DUE: 10/7/16 (2016 G3)

DATE OF ELECTRONIC RECEIPT: 10/10/16

DATE FILING OFFICER RECEIVED REPORT: 10/10/16

NUMBER OF DAYS LATE: 3

AMOUNT OF FINE: \$150.00

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$4,600.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$21,927.01

DATE OF FIRST NOTIFICATION: 10/10/16

SUMMARY: Mary Lynn Magar was a candidate for State Representative, District 82 in the 2016 elections. Juan Cocuy was her treasurer.

Ms. Magar is appealing the fine claiming that unusual circumstances existed that caused the 2016 G3 Report to be untimely filed. According to Ms. Magar, "Due to Hurricane Matthew the office was closed Thursday and Friday, October 7th and the 8th. The report was immediately filed on the following Monday, October 10th when the office reopened".

- The 2016 G3 Report covers the time period from 9/17/16 through 9/30/16.
- The 2016 G3 Queued-Transactions Report reflects that this report was created on 10/10/16 at approximately 1:22 pm, before being filed on 10/10/16 at approximately 1:24 pm.

PRIOR CASES: None.

CANDIDATE <input checked="" type="checkbox"/>	STATE <input checked="" type="checkbox"/>
PC <input type="checkbox"/>	DISTRICT <input type="checkbox"/>
CCE <input type="checkbox"/>	COUNTY <input type="checkbox"/>
POLITICAL PARTY <input type="checkbox"/>	CITY <input type="checkbox"/>



Fw: Fine Appeal

Florida Elections Commission to: Erin Riley
Sent by: Donna Malphurs

10/26/2016 09:52 AM

----- Forwarded by Donna Malphurs/OAG on 10/26/2016 09:52 AM -----

From: Nicole Byrd <NByrd@templetonco.com>
To: "FEC@myfloridalegal.com" <FEC@myfloridalegal.com>
Date: 10/25/2016 03:25 PM
Subject: Fine Appeal

Good afternoon,

Please find enclosed the attached letter for the treasury report dated 09/17/16 – 09/30/16.

This is an appeal for the late fee.

Thank you,

Nicole Byrd
Accounting Specialist
Templeton & Company, LLP
12400 A South Shore Blvd.
Wellington, FL 33414
T: (561)798-9988, ext 252
F: (561)793-9632
nbyrd@templetonco.com
www.templetonco.com

PRIVILEGED AND CONFIDENTIAL

This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon this communication is strictly prohibited. Moreover, any such disclosure shall not compromise or waive the attorney-client, accountant-client, or other privileges as to this communication or otherwise. If you have received this communication in error, please contact me at the above email address.

DISCLAIMER REGARDING THIS COMMUNICATION

Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, Templeton & Company LLP would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope



and limits of the desired consultation services.

Campaign Treasury Rpt G3.pdf



Florida Elections Commission

107 West Gaines Street, Ste. 224

Tallahassee, FL 32399-0150

October 24, 2016

Re: Campaign Treasury Report G3

To whom it may concern;

The campaign treasury report type G3 was due on October 7, 2016 for the dates of 09/17/16 – 09/30/16.

Due to Hurricane Matthew the office was closed Thursday and Friday, October 7th and the 8th. The report was immediately filed on the following Monday, October 10th when the office reopened.

Due to these events out of my control, I am appealing the late fine assessed.

Sincerely,

MaryLynn Magar

Candidate for State Representative, District 82



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

October 17, 2016

Mary Lynn Magar
Candidate for State Representative, District 82
Post Office Box 4152
Tequesta, FL 33469-3469

CAN 64528

Dear Representative Magar:

The campaign treasurer's report that was due on October 7, 2016, was filed on October 10, 2016. By law, you are automatically assessed a late fine of \$150.00.

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

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

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

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

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

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

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

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

cc: Juan Cocuy, Treasurer



FLORIDA DEPARTMENT OF STATE

Ken Detzner

Secretary of State

DIVISION OF ELECTIONS

October 10, 2016

Juan Cocuy, Treasurer
12400-A South Shore Boulevard
Wellington, FL 33414-3414

CAN 64528

Dear Mr. Cocuy:

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 7, 2016.

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

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

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

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

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

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

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

cc: Mary Lynn Magar
Candidate for State Representative, District 82

**FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY**

(1) Mary Lynn Magar (2) 64528
Candidate, Committee or Party Name I.D. Number

(3) Post Office Box 4152 Tequesta FL 33469
Address (number and street) City State Zip Code
 Check box if address has changed since last report

(4) Check appropriate box(es):
 Candidate (office sought):
 Political Committee Check If PC has DISBANDED
 Committee of Continuous Existence Check If CCE has DISBANDED
 Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 09/17/2016 To 09/30/2016 Report Type: G3
 Original Amendment Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$4,600.00
Loans	\$0.00
<i>Total Monetary</i>	\$4,600.00
In-Kind	\$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$21,927.01
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$21,927.01

(8) Other Distributions

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

Name of Treasurer Deputy Treasurer

X
Signature

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

Name of Candidate Chairman (PC/PTY Only)

X
Signature

Name: Mary Lynn Magar

Report: 2016 G3

Period: 09/17/2016

to 09/30/2016

** Records in Filed Report **

Seq #	Full Name (Last, Suffix, First, Middle)	Contributor	Occupation	Amount
Date	Street Address & City, State, Zip	Type	In-Kind Description	Amend
1	MERCK & CO., INC. 8050 MICROSOFT WAY, STE. 306 CHARLOTTE, NC 28273	B CHE	PHARMACEUTICAL	\$500.00
09/20/2016				
2	BODNAR JR., PAUL V. 18510 SE LAKESIDE DR TEQUESTA, FL 33469	I CHE	RAILROAD CONSULTANT	\$100.00
09/21/2016				
3	PALM BEACH KENNEL CLUB 1111 N CONGRESS AVENUE WEST PALM BEACH, FL 33409	B CHE	ENTERTAINMENT	\$1,000.00
09/22/2016				
4	ROONEY JR., PATRICK J. 6659 AUDBON TRACE WAY WEST PALM BEACH, FL 33412	I CHE	COMPANY PRESIDENT	\$500.00
09/22/2016				
5	LOVE, JOSEPH B. 1111 N CONGRESS AVENUE WPB, FL 33409	I CHE	CONSULTANT	\$500.00
09/22/2016				
6	BRASWELL, LINDA 2329 NE 13TH CT JENSEN BEACH, FL 34957	I CHE	BAIL BONDSMEN	\$200.00
09/22/2016				
7	LEVINE, DAVID S. 8841 SE ELDORADO WAY HOBE SOUND, FL 33455	I CHE	RETIRED	\$75.00
09/22/2016				
8	BARCA, JOHN 1150 NE PINE HILL TERRACE JENSEN BEACH, FL 34957	I CHE	REAL ESTATE	\$100.00
09/22/2016				
9	DENTON, NITA G. 950 S KANNER HWY UNIT 503 STUART, FL 34994	I CHE	ATTORNEY	\$100.00
09/22/2016				
10	CAPPS, J. BLAKE 8686 SE ALABAMA PLACE HOBE SOUND, FL 33455	I CHE	PRESIDENT	\$500.00
09/22/2016				
11	AMERMAN, NADEZDHA 478 TEQUESTA DRIVE UNIT 2130 TEQUESTA, FL 33469	I CHE	RETIRED	\$50.00
09/23/2016				
12	SMITH, J. MICHAEL 8692 SE N. PASSAGE WAY TEQUESTA, FL 33469	I CHE	RETIRED	\$500.00
09/23/2016				
13	MCKECHNIE, DIANE 8129 DOUBLETREE DR. HOBE SOUND, FL 33455	I CHE	RETIRED	\$150.00
09/23/2016				
14	WOLF, ERIC 8509 SE RETREAT DRIVE HOBE SOUND, FL 33455	I CHE	RETIRED	\$25.00
09/23/2016				
15	HUDOCK, JOHN M. 4916 SW LAKE GROVE CIRCLE PALM CITY, FL 34990	I CHE	RETIRED	\$100.00
09/23/2016				
16	BAKKEDDAHL, THOMAS 1062 SW PINE TREE LANE PALM CITY, FL 34990	I CHE	ATTORNEY	\$100.00
09/27/2016				
17	ROSARI, AMY 308 BRANCH HILL PARK NICEVILLE, FL 32578	I CHE	RETIRED	\$100.00
09/28/2016				

Name: Mary Lynn Magar

Report: 2016 G3

Period: 09/17/2016 to 09/30/2016

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend
1 09/20/2016	LOWE'S 3620 SOUTHEAST FEDERAL HWY STUART, FL 34997	MON	CAMPAIGN EXPENSE	\$12.51
2 09/21/2016	TEMPLETON AND COMPANY, INC. 222 LAKEVIEW AVE., STE 1200 WEST PALM BEACH, FL 33401	MON	CONSULTING	\$1,050.00
3 09/21/2016	PIRYX 144 2ND ST. 1ST FLOOR SAN FRANCISCO, CA 94105	MON	BANK SERVICE CHARGES	\$4.50
4 09/21/2016	HARRY & THE NATIVES 11910 SOUTHEAST FEDERAL HWY. HOBE SOUND, FL 33455	MON	CAMPAIGN EXPENSE	\$504.74
5 09/23/2016	FRONT LINE STRATEGIES, INC. PO BOX 1491 TALLAHASSEE, FL 32302	MON	TV SHOOT	\$9,750.00
6 09/23/2016	BOLDUC SAMANTHA 308 NW AVENS STREET PORT ST. LUCIE, FL 34983	MON	CAMPAIGN MANAGER	\$1,000.00
7 09/26/2016	FRONT LINE STRATEGIES, INC. PO BOX 1491 TALLAHASSEE, FL 32302	MON	CAMPAIGN EXPENSE	\$6,350.00
8 09/27/2016	PIRYX 144 2ND ST. 1ST FLOOR SAN FRANCISCO, CA 94105	MON	BANK SERVICE CHARGES	\$4.50
9 09/28/2016	STAPLES 201 NORTH US1 UNIT D12 JUPITER, FL 33477	MON	CAMPAIGN SUPPLIES	\$200.44
10 09/29/2016	STAPLES 201 NORTH US1 UNIT D12 JUPITER, FL 33477	MON	CAMPAIGN SUPPLIES	\$150.32
11 09/29/2016	SEABREEZE PUBLICATIONS 1102 WEST INDIANTOWN RD., STE. 5 JUPITER, FL 33458	MON	CAMPAIGN EXPENSE	\$2,900.00

ID:

CAMPAIGN TREASURER'S REPORT - ITEMIZED DISTRIBUTIONS

Name: Mary Lynn Magar

Report: 2016 G3

Period: 09/17/2016 to 09/30/2016

** Records in Filed Report **

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

ID:

CAMPAIGN TREASURER'S REPORT - ITEMIZED FUND TRANSFERS

Name: Mary Lynn Magar

Report: 2016 G3

Period: 09/17/2016

to 09/30/2016

**** Records in Filed Report ****

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

Queued Items for 2016-G3

Account: 64528
Rpt Seq: 27

STR 082 Mary Lynn Magar

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	64528	10/10/2016 1:22:56 PM	10/10/2016 1:22:56 PM
Process Uploaded File	Processing Complete	64528	10/10/2016 1:22:56 PM	10/10/2016 1:22:56 PM
File Pending Report	Processing Complete	64528	10/10/2016 1:24:20 PM	10/10/2016 1:24:20 PM



[search](#) | [directory](#) | [contact us](#) | [411](#) | [subscribe](#) | [tour](#) | [help](#)

Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Mary Lynn Magar

Name:

Account: 64528

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
2/6/2017	TR	1/27/2017						
11/4/2016	G7	11/4/2016						
10/28/2016	G6	10/28/2016						
10/21/2016	G5	10/21/2016						
10/14/2016	G4	10/14/2016						
10/7/2016	G3	10/10/2016	APP	3	\$150.00		\$150.00	\$0.00
9/23/2016	G2	9/22/2016						
9/9/2016	G1	9/9/2016						
8/26/2016	P7	8/26/2016						
8/19/2016	P6	8/19/2016						
8/12/2016	P5	8/12/2016						
8/5/2016	P4	8/5/2016						
7/29/2016	P3	7/28/2016						
7/15/2016	P2	7/15/2016						
7/1/2016	P1	7/1/2016						
6/10/2016	M5	6/6/2016						
5/10/2016	M4	5/10/2016						
4/11/2016	M3	4/11/2016						
3/10/2016	M2	3/8/2016						
2/10/2016	M1	2/10/2016						
1/11/2016	M12	1/7/2016						
12/10/2015	M11	12/7/2015						
11/10/2015	M10	11/9/2015						
10/13/2015	M9	10/12/2015						
9/10/2015	M8	9/3/2015						
8/10/2015	M7	8/7/2015						
7/10/2015	M6	7/10/2015						
6/10/2015	M5	6/4/2015						
5/11/2015	M4	5/1/2015						
4/10/2015	M3	4/2/2015						
3/10/2015	M2	3/4/2015						
2/10/2015	M1	2/9/2015						