

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: David Yeager

Case No.: FEC 16-044

TO: David Yeager
218 Magellan Circle
Minneola, FL 34715

Christina Stidham, City Clerk
City of Minneola
P.O. Box 678
Minneola, FL 34755

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **May 18, 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
May 3, 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-16-044

NAME: **DAVID W. YEAGER**

DATE APPEAL RECEIVED: 02/11/16

DATE REPORT DUE: 10/30/15 (2015 G4)

DATE OF HAND DELIVERED RECEIPT: 11/5/15

DATE FILING OFFICER RECEIVED REPORT: 11/5/15

NUMBER OF DAYS LATE: 5

AMOUNT OF FINE: \$750.00

FINE BASED ON: NUMBER OF DAYS 25% OF RECEIPTS 25% OF EXPENDITURES

TOTAL RECEIPTS FOR REPORTING PERIOD: \$3,000.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$2,056.50

DATE OF FIRST NOTIFICATION: 11/20/15

SUMMARY: David Yeager was a candidate for Mayor, Seat 3 in the 2015 elections. NoraAnn Seecharan was his treasurer.

Mr. David Yeager is appealing the fine and has requested a hearing.

- The 2015 G4 Original Report covers the period from 10/17/15-10/29/15; it was due on 10/30/15.
- The 2015 G4 Original Report shows that it was hand delivered on 11/5/15.
- David Yeager reported receiving 1 contribution, while making 2 expenditures.
- The City of Minneola City Clerk's office included notes that pertain to the 2015 G4 report. It notes that Mr. Yeager turned in the campaign report and stated he was out of town.

** I was unable to reach Mr. Yeager by telephone. **

PRIOR CASES: None.

CANDIDATE <input checked="" type="checkbox"/>	STATE <input 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 checked="" type="checkbox"/>



ER

P.O. Box 391
Minneola, FL 34755

Incident Management Solutions

Tel: 866-734-5796
Fax: 352-242-4592

David Yeager
218 Magellan Circle
Minneola, Florida 34715

Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, Florida 32399-1050

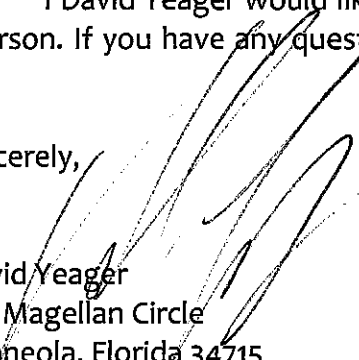
RE: Notice of Appeal

RECEIVED
2016 FEB - 11 P 12: 10

To Whom It May Concern:

I David Yeager would like to have a hearing for my Notice of Appeal for Mayor Seat 3 in person. If you have any questions, please don't hesitate to call at 321-228-2234 or 352-242-9621.

Sincerely,


David Yeager
218 Magellan Circle
Minneola, Florida 34715
Cell: 352-228-2234
Phone: 352-242-9621
Fax: 352-242-4592



City of Minneola

"Discover the Possibilities"

November 20, 2015

Mr. David W. Yeager
218 Magellan Circle
Minneola, FL 34715

Re: Late Campaign Treasure's Report
Certified Mail # 7015 0640 0007 4098 8289

Dear Mr. Yeager

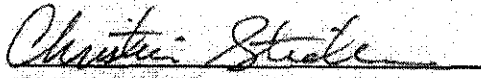
The Campaign Treasurer's Report (G4) which was due October 30, 2015 was received on November 5, 2015. According to Florida Statutes Section 106.07 the fine shall be \$50.00 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding the primary and general election, the fine shall be \$500.00 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. For the G4 Campaign Treasure's Report, the fine shall be \$500.00 per day for each late day, not to exceed 25% of the receipts or expenditures, whichever is greater, for the period covered by the late report.

Your fine of \$750.00 must be paid to the City of Minneola, within 20 days of the receipt of this notice unless appealed to the Florida Elections Commission.

Florida Statutes Section 106.07 provides for appealing or disputing the assessed fine by submitting a notice of appeal in writing within 20 days of receipt of the notice of payment due, stating definite unusual circumstances surrounding the failure to file on the designated due date. This notice must include any and all supporting evidence. Failing to timely file such notice will constitute a waiver of the right of appeal.

Should you desire a hearing before the commission, you must so state in the notice of appeal. If no request is made, the Commission's determination shall be based upon the notice and supporting evidence, but a hearing will be provided if solicited. The City of Minneola City Clerk's Office must be notified in writing of your intention to file an appeal with the Commission.

Sincerely,



Christina Slidham
City Clerk
City of Minneola

Encl:

City of Minneola



City Of Minneola
800 N. US Hwy 27
Minneola, FL 34715
Phone: 352-394-3598
Fax: 352-394-7201

Date: 11/20/2015

BILL TO *David W. Yeager*
218 Magellan Cir.
Minneola, FL 34715

NOTES

DATE	DESCRIPTION	AMOUNT
11/05/2015	Late Filing Campaign Treasure's Report G-4	\$750.00
		AMOUNT DUE
		\$750.00

MAKE CHECKS PAYABLE TO:
CITY OF MINNEOLA
PO BOX 678
MINNEOLA FL 34755

THANK YOU FOR YOUR BUSINESS!

Christina Stidham, CPM

City of Minneola | City Clerk | Assistant to City Manager

Discover the Possibilities

800 North U.S. Highway 27 | Minneola, FL 34715

P.O. Box 678 | Minneola, FL 34755

T: 352.394.3598 x2100 | F: 352.394.7201 | E: cstidham@minneola.us

W: www.minneola.us

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

----- Message from Christina Stidham <cstidham@minneola.us> on Wed, 16 Dec 2015 18:47:14 -0500

To: "david@imsfl.com"
<david@imsfl.com>

Subject: Notice of Appeal

Mayor Yeager,

I received your "Notice of Appeal" letter this week. However, I am unable to schedule the hearing with the Florida Elections Commission on your behalf. You will need to file a notice of appeal with the Commission Agency Clerk within 20 days of the date you received my letter regarding the \$750.00 late filing fine. The letter receipt returned states you received the letter on December 2, 2015. Therefore the deadline to file a notice of appeal and request a hearing with the Commission is December 22, 2015. I suggest calling their office to get more specific information on what needs to be included when filing your appeal.

Commission contact information:

Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, Florida 32399-1050
(850) 922-4539

I have also copied the information below from the Florida Elections Commission website to assist you with your notice of appeal and request for hearing. Please let me know if I can assist you further.

Sincerely,
Christina Stidham

My filing officer has fined me for filing my campaign report late. How do I appeal the automatic fine to the Florida Elections Commission?

To appeal a fine imposed pursuant to Section 106.07(8), 106.0703(7)(c) or 106.29(2)(c), Florida Statutes, the candidate, chairman of a political committee, or treasurer of an electioneering

communications organization shall file a notice of appeal. The notice of appeal shall be filed with the Agency Clerk, and a copy filed with the filing officer, within 20 days of the appealing party's receipt of notice that a fine is being imposed. The notice of appeal shall contain:

- a. The name, address, and telephone number of the appealing party;
- b. A copy of the notice of imposition of fine issued by the filing officer; and
- c. A request for hearing if a personal appearance before the Commission is desired.

If no hearing request is made, the appeal shall be decided solely on the documents submitted by the appealing party and Commission staff.

Failure to timely file a notice of appeal shall result in waiver of the right to appeal the fine and a final order upholding the fine shall be entered by the Chairman of the Commission without further notice. Unless good cause is shown, the Commission will not consider at the hearing any written document unless the party offering the document has filed it with the Agency Clerk at least 10 days before the hearing.

Will the filing officer waive my fine if I provide him with credible evidence of unusual circumstances?

No. Only the Commission can waive the fine. The filing officer's duty is to notify a candidate or committee of the failure to file a report, to determine the amount of the fine based upon the formula provided by statute, and to notify the candidate or committee of the amount of the fine due. *See* Division of Elections Opinion 00-04.

What happens to my appeal if I do not request a hearing?

When the Agency Clerk receives your notice of appeal, she will send you a letter explaining unusual circumstances and requesting that you send written evidence of unusual circumstances. If no hearing request is made, the appeal shall be decided solely on the documents submitted by the appealing party and Commission staff. At the meeting, the Commission will review all written evidence you submitted and decide the appeal. Unless good cause is shown, the Commission will not consider at the hearing any written document unless the party offering the document has filed it with the Agency Clerk at least 10 days before the hearing.

Christina Stidham, CPM

City of Minneola | City Clerk | Assistant to City Manager

Discover the Possibilities

800 North U.S. Highway 27 | Minneola, FL 34715

P.O. Box 678 | Minneola, FL 34755

T: 352.394.3598 x2100 | F: 352.394.7201 | E: cstidham@minneola.us

W: www.minneola.us

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

08 December 2015

City of Minneola
P.O. Box 678
Minneola, FL 34755

Subject: Notice of Appeal

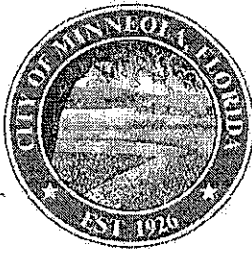
To whom it may concern:

Please accept this letter as my request for a hearing with the Commission in regards to the late filing of the Campaign Treasure's Report for the amount of \$750.00 for this past year (2015) campaign for the Mayoral election.

Please inform me of the date and time of the hearing for the appeal.

Submitted Respectfully,

David Yeager



City of Minneola
"Discover the Possibilities"

November 20, 2015

Mr. David W. Yeager
218 Magellan Circle
Minneola, FL 34715

Re: Late Campaign Treasurer's Report
Certified Mail # 7015 0640 0007 4098 8289

Dear Mr. Yeager

The Campaign Treasurer's Report (G4) which was due **October 30, 2015** was received on **November 5, 2015**. According to Florida Statutes Section 106.07 the fine shall be \$50.00 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 the reports immediately preceding the primary and general election, the fine shall be \$500.00 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. For the G4 Campaign Treasurer's Report, the fine shall be \$500.00 per day for each late day, not to exceed 25% of the receipts or expenditures, whichever is greater, for the period covered by the late report.

Your fine of **\$750.00** must be paid to the City of Minneola, within 20 days of the receipt of this notice unless appealed to the Florida Elections Commission.

Florida Statutes Section 106.07 provides for appealing or disputing the assessed fine by submitting a notice of appeal in writing within 20 days of receipt of the notice of payment due, stating definite unusual circumstances surrounding the failure to file on the designated due date. This notice must include any and all supporting evidence. Failing to timely file such notice will constitute a waiver of the right of appeal.

~~Should you desire a hearing before the commission, you must so state in the notice of appeal. If no request is made, the Commission's determination shall be based upon the notice and supporting evidence, but a hearing will be provided if solicited. The City of Minneola City Clerk's Office must be notified in writing of your intention to file an appeal with the Commission.~~

Sincerely,

Christina Stidham
City Clerk
City of Minneola

Encl:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed for:

David Yeager
 218 Magellan Cir.
 Minneola, FL 34715



9590 9403 0676 5196 9344 78

2. Article Number (Transfer from service label)

7015 0640 0007 4098 8289

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

- Agent
- Addressee

B. Received by (Printed Name)

12-2-15

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Registered Mail
- Registered Mail Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation®
- Signature Confirmation Restricted Delivery

US Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

UNITED STATES POSTAL SERVICE



First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

* Sender: Please print your name, address, and ZIP+4® in this box *

City of Minneola, City Clerk
 800 N. U.S. Hwy 2-7
 Minneola, FL 34715

USPS TRACKING#



7155021590 7403 0676 5196 9344 78

4th

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) David W. Yeager
Name

(2) 218 Magellan Circle
Address (number and street)
Minneola, Florida 34715
City, State, Zip Code

City of Minneola
OFFICE USE ONLY
Received

NOV 05 2015

City Clerk's Office

Check here if address has changed

(3) ID Number: _____

(4) Check appropriate box(es):

- Candidate Office Sought: Mayor Seat 3
- 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 10 / 17 / 2015 To 10 / 29 / 2015 Report Type: 4

- Original
- Amendment
- Special Election Report

(6) Contributions This Report

Cash & Checks \$, 3 , 000 . 00

Loans \$, , .

Total Monetary \$, 3 , 200 . 00

In-Kind \$, , .

(7) Expenditures This Report

Monetary Expenditures \$, 2 , 056 . 50

Transfers to Office Account \$, , .

Total Monetary \$, 2 , 056 . 50

(8) Other Distributions
\$, , .

(9) TOTAL Monetary Contributions To Date
\$, 3 , 200 . 00

(10) TOTAL Monetary Expenditures To Date
\$, 2 , 151 . 50

(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) Nora Ann Seecharan

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

X Nora Ann Seecharan
Signature

(Type name) David Yeager

Candidate Chairperson (only for PC and PTY)

X _____
Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name David W. Yeager (2) I.D. Number _____

(3) Cover Period 10 / 17 / 2015 through 10 / 29 / 2015 (4) Page 2 of 3

(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
10 / 19 / 2015	Advanced Remediation Solutions	B	David Yeager owner	che			\$ 3,000. ⁰⁰
/ /							
/ /							
/ /							
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/ /							
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/ /							
/ /							
/ /							

*City of Minnesota
Received
NOV 05 2015
City Clerk's Office*

City of Minneola
Received

NOV 05 2015

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name David Yeager

(2) I.D. Number City Clerk's Office

(3) Cover Period 10 / 17 / 2015 through 10 / 29 / 2015

(4) Page 3 of 4

(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
10 / 21 / 15	United States Postoffice 131 W. Washington St. Minneola, FL		Stamps		\$ 1,575.00
10 / 20 / 15	First Priority Printing 13900 CR 485 Suite #107 #243 Clermont, FL		Post Cards		\$ 481.50
/ /					
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/ /					

City of Minneola
Received
NOV 05 2015
City Clerk's Office

Minneola
City Clerk

rec. 11/5/15
by Mr. Yeager
at City Council Meeting
containing the Rpt.

David Yeager, Seat 3

10/19/15 Rec. Campaign Treasurer rpt 10/19/15 w/o contributions/expenditures pages called Mr. Y. - he said no changes to acct this report and that he will bring in version of rpt form. 1:50pm

10/19/15 Brought in new Campaign Treasurer rpt to reflect correct info + replace wrong info

11/5/15 W. Yeager turned in campaign report and stated he was out of town

11/20/15 Disabled late rpt letter - after getting direction from Lake Co. Sup. of Elections office. ~~Disabled~~ letter - notice of appeal - Emailed David ~~proper~~ Yeager info

12/16/15 Rec ~~request~~ on appealing. Rec. request from Erin Riley, K. Elections Commission

2/8/16 Rec. request from Lake Filing letter notice of appeal sent to her for ^{dated 2/02/16} ~~marked~~ ^{marked} ~~her~~

3/19/16 Rec. Public Records Cert. on 3/19/16

~~Rec~~ F.E.C. letter re: appeal

2/12/16

File Notes

PHONE LOG

Case No.: 16-044

Respondent: David W. Yeager

1. **Date and time:** 3/18/16
Name: David Yeager
Phone #: 321-228-2234
Summary: Unable to leave a voicemail.
Entered by: B.Wims
2. **Date and time:** 4/13/16 9:20am
Name: David Yeager
Phone #: 321-228-2234
Summary: Unable to complete the call. Received a busy signal on both attempts.
Entered by: B.Wims
3. **Date and time:** 4/13/16 9:22am
Name: David Yeager
Phone #: 352-242-9621
Summary: Business number of Incident Management Solutions. Was unable to reach Mr. Yeager directly. The automated system prompted for an extension number, which was not provided in the appeal. After holding, I was still unable to reach anyone.
Entered by: B.Wims
4. **Date and time:**
Name:
Phone #:
Summary:
Entered by:
5. **Date and time:**
Name:
Phone #:
Summary:
Entered by:
6. **Date and time:**
Name:
Phone #:
Summary:
Entered by:

7. **Date and time:**
Name:
Phone #:
Summary:
Entered by: