



Re: Medical Info For FEC Hearing   
Tracie Aulet to: Sdenan

02/03/2012 02:21 PM

Ms. Denan,

I have received your documents and will forward them to our Commission Clerk to be included in the materials that will be given to our Commissioners.  
If I may be of further assistance, please let me know.

Best regards,

Tracie L. Aulet  
Investigation Specialist II  
Florida Elections Commission  
The Collins Building, Suite 224  
107 West Gaines Street  
Tallahassee, FL 32399

Please note that Florida has a broad public records law, and that all correspondence to me via e-mail may be subject to disclosure.

Sdenan

Hi Tracie,

02/03/2012 02:13:31 PM

From: Sdenan@aol.com  
To: Tracie.Aulet@myfloridalegal.com  
Date: 02/03/2012 02:13 PM  
Subject: Re: Medical Info For FEC Hearing

Hi Tracie,

Attached are some of my local and recent records to be included in my appeal.

Basically, I am facing "brain surgery" to remove the tumor. This is a big decision that I will ultimately have to face. With this surgery comes a high risk of facial nerve destruction (facial/eye lid drop) and possible facial reconstruction. Complete loss of hearing in the right ear (I currently wear hearing aids that help with my continual loss of hearing) and disturbance to the balance nerve (possible temporary use of walker and rehab).

The tumor is benign and the tumor is monitored with MRIs as needed or annually. When the tumor effects my life daily and/or poses a situation where it gets too close to my spinal chord I will make the decision to have it removed. it could be next year it could be 10 years from now. I deal/cope with the symptoms the best I can as they arise. Until then I do the best I can to deal with the symptoms as they arise. Unfortunately I can't control when the symptoms come unfortunately I was not well when my treasury report was due on Nov 4th, 11.

Sheryl Denan

In a message dated 1/12/2012 8:31:47 A.M. Eastern Standard Time, Tracie.Aulet@myfloridalegal.com writes:

Ms. Denan,

I have received your information. I will include it with your appeal documents that will be presented to the Commission.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Tracie L. Aulet  
Investigation Specialist II  
Florida Elections Commission  
The Collins Building, Suite 224  
107 West Gaines Street  
Tallahassee, FL 32399

Please note that Florida has a broad public records law, and that all correspondence to me via e-mail may be subject to disclosure.

From: Sdenan@aol.com  
To: tracie.aulet@myfloridalegal.com  
Date: 01/11/2012 11:35 PM  
Subject: Medical Info For FEC Hearing

Tracie,

I have been on the fence about disclosing my medical condition since receipt of the FEC letter several weeks ago. However, per our conversation on 1/8/12 I have attached my medical documents pertaining to the diagnosis and treatment of my brain tumor since 2008. I temporarily relocated to Philadelphia to get the best treatment possible in 2008:

MRI of brain showing tumor  
Letter confirming treatment ( 26 days of thermostatic radiation June, July Aug 2008)  
Letter confirming diagnosis and need for continual follow up  
3 Audio tests showing loss of hearing since original diagnosis and post radiation of the brain(2008, 2010 and most recently 2011- I suffer from continual loss of hearing)

Please add this info to the agenda.

Unfortunately as of my last MRI the tumor did not shrink as most tumors do after sterotatic radiation and still I suffer from intermittent symptoms of the tumor such as vertigo, dizziness, nausea, pain in the side of face and continual loss of hearing ( I wear hearing aids).

I am in the process of getting my medical records from my local physician in Florida to support the attached and to demonstrate that I was suffering from the above symptoms during the time frame when the Treasury Report was due. I will forward upon receipt.

Please confirm receipt of this email.

Sincerely,

Sheryl Denan

[redacted] [attachment "Medical Docs.pdf" deleted by Tracie Aulet/OAG]

Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure.

[attachment "Local Med Records.pdf" deleted by Tracie Aulet/OAG]

Progress Note

Patient: Denan, Sheryl L.  
DOB: [REDACTED] Age: [REDACTED] Y Sex: Female  
Phone: [REDACTED]  
Address: 606 Barcelona St, Satellite Beach, FL-32907

Provider: Frances Capraro, MD  
Date: 08/25/2010

Subjective:

CC: [REDACTED]

HPI: [REDACTED]

Family History: [REDACTED]

Social History: [REDACTED]

Medications: [REDACTED]

Allergies: ~~Codine, Sulfa, Penicillin~~

Objective:

Examination: [REDACTED]

Assessment:

Assessment: [REDACTED]

Plan:

LAB: LIPID PANEL  
TRIGLYCERIDES  
CHOLESTEROL, TOTAL  
HDL CHOLESTEROL  
LDL-CHOLESTEROL  
CHOL/HDLC RATIO

LAB: COMPREHENSIVE METABOLIC PANEL W/EGFR  
GLUCOSE  
UREA NITROGEN (BUN)  
CREATININE  
eGFR NON-AFR. AMERICAN  
eGFR AFRICAN AMERICAN  
BUN/CREATININE RATIO  
SODIUM  
POTASSIUM  
CHLORIDE  
CARBON DIOXIDE  
CALCIUM  
PROTEIN, TOTAL  
ALBUMIN



Immunizations:

Labs:



Provider: Frances Capraro, MD

Patient: Denan, Sheryl L. DOB:  Date: 06/30/2011

A handwritten signature in black ink, appearing to be the name of the provider, Frances Capraro.

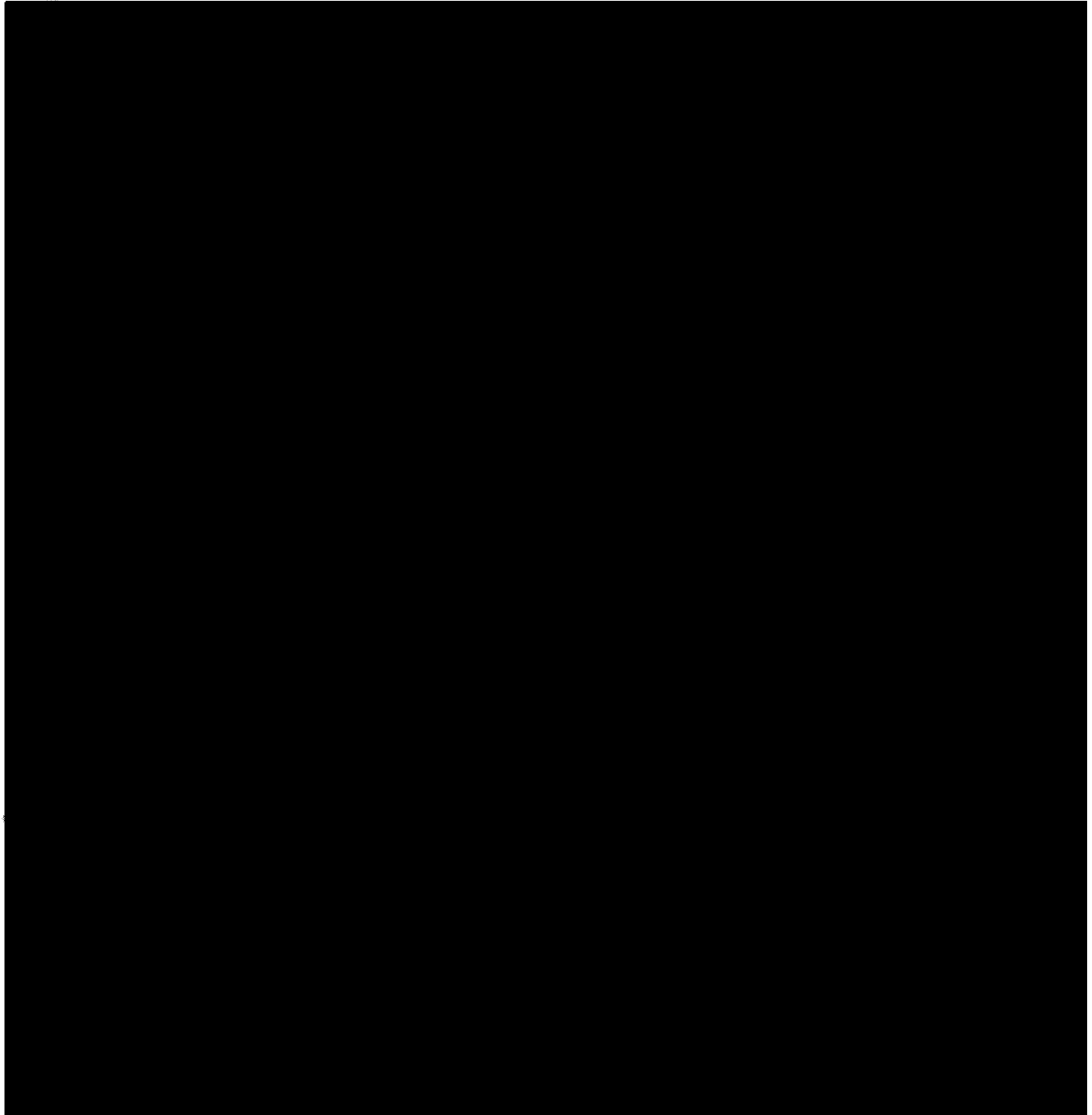
Electronically signed by Frances Capraro on 01/13/2012 at 12:21 PM EST  
Sign off status: Pending

**Progress Notes**

Sheryl L.  
Age: Y Sex: Female  
606 Barcelona St, Satellite Beach, FL-32937

**Provider:** Frances Capraro, MD  
**Date:** 06/30/2011

**Subjective:**



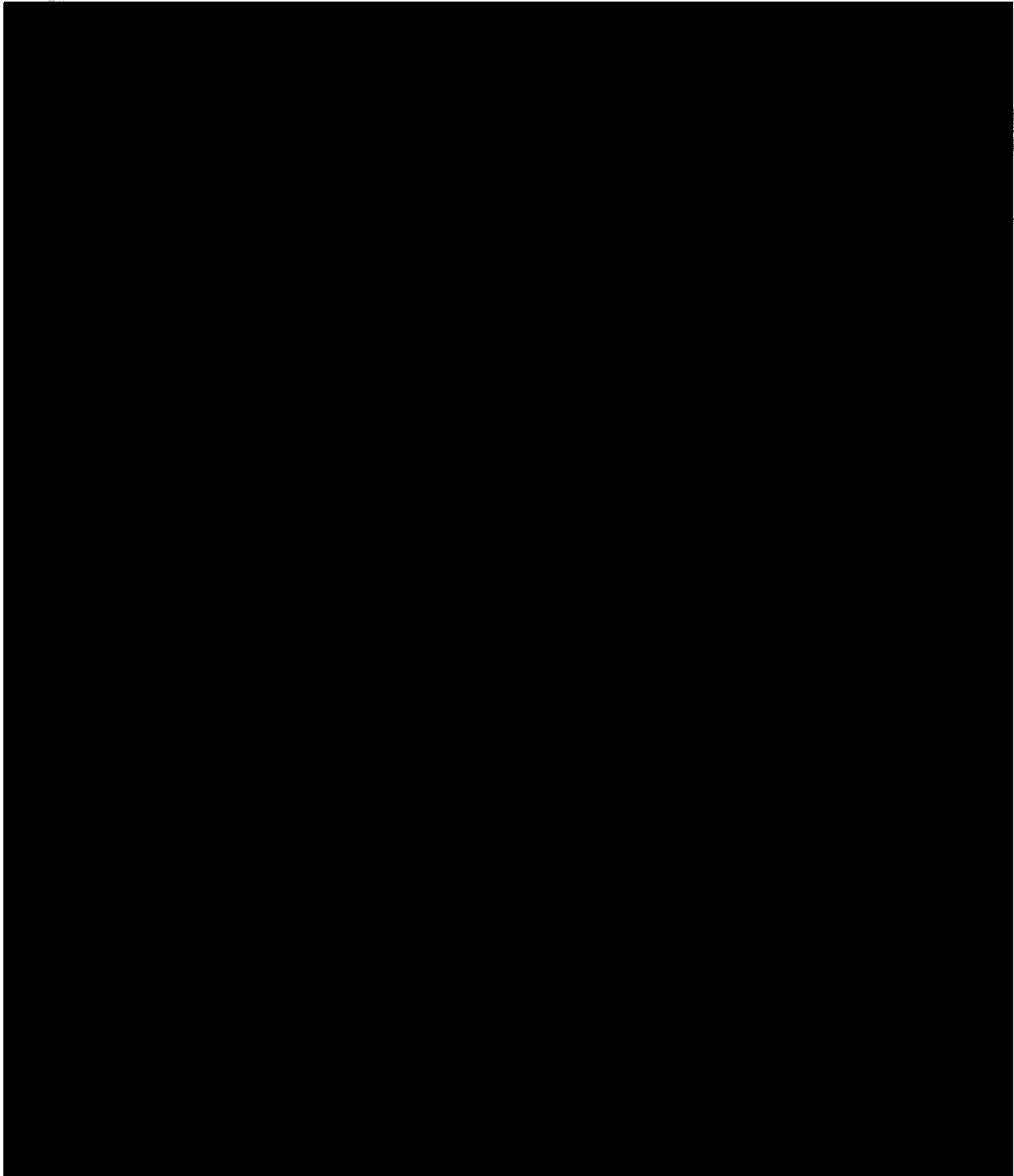
**Objective:**

**Progress Notes**

**Patient:** Denan, Sheryl L  
**DOB:** [REDACTED] **Age:** [REDACTED] Y **Sex:** Female  
**Phone:** 321-693-6945  
**Address:** 606 Barcelona St, Satellite Beach, FL-32937

**Provider:** Frances Capraro, MD  
**Date:** 09/30/2011

**Subjective:**





Provider: Frances Capraro, MD  
Patient: Denan, Sheryl L - DOB: [REDACTED] Date: 09/30/2011

A handwritten signature in black ink, appearing to be the name 'Frances Capraro', written in a cursive style.

Electronically signed by Frances Capraro on 10/02/2011 at 09:53 AM EDT  
Electronically co-signed by Frances Capraro on 10/02/2011 at 09:53 AM EDT  
Sign off status: Completed



**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Sheryl Denan.**

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**Case No.: FEC 11-286**

**NOTICE OF HEARING ON APPEAL OF AUTOMATIC FINE**

**TO:** Sheryl Denan  
606 Barcelona Court  
Satellite Beach, Florida 32937

Barbara Montanaro, City Clerk  
City of Satellite Beach  
565 Cassia Boulevard  
Satellite Beach, Florida 32937-3116

**PLEASE TAKE NOTICE** that on **February 21, 2012**, at **8:30 a.m.** or thereafter as the parties can be heard, the Florida Elections Commission will consider the Respondent's appeal of the automatic fine imposed by the filing officer. The Commission will meet at: **City Hall, City Commission Chambers, 300 S. Adams Street, Tallahassee, Florida.**

Although you did not request a hearing, this notice is to inform you that your case will be discussed at the meeting taking place on the above date and place. All documents you want the Commission to consider must be submitted at least 10 days prior to the hearing.

If you require an accommodation due to a disability, contact Donna Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 48 hours before the hearing.

**PLEASE GOVERN YOURSELF ACCORDINGLY.**

Dated on January 19, 2012.



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Rosanna Catalano  
Executive Director

## INSTRUCTIONS FOR HEARING ON APPEAL OF AUTOMATIC FINE

Please be advised that other cases have been scheduled for the same time. Therefore, your case may not be called exactly at the time set forth on this notice.

At the automatic fine hearing, the Florida Elections Commission will decide whether Respondent's campaign treasurers report was timely filed or whether there were unusual circumstances that excuse his failure to timely file his report.

Rule 2B-1.0055, *Florida Administrative Code*, defines **unusual circumstances** as "uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act in accordance with the filing requirements. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirement shall be deemed not to constitute unusual circumstances."

The hearing will be conducted pursuant to Section 106.07(8)(c), *Florida Statutes*, if Respondent is a candidate, a political committee, or an electioneering communications organization; Section 106.04(8)(c), *Florida Statutes*, if Respondent is a committee of continuous existence; or Section 106.29(3)(c), *Florida Statutes*, if Respondent is a political party; and Commission Rules 2B-1.005, 1.0052, & 1.0055, *Florida Administrative Code*.

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.

Before making a decision, the Commission will review the written documents submitted by Respondent and staff at least ten days before the hearing and the information presented at the hearing. Rule 2B-1.005, *Florida Administrative Code*, provides that unless good cause is shown, the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the hearing.

When the case is called, the Chair will read a brief statement and may ask the Respondent and his attorney, if one is present, to state their names for the record. Respondent will then have time to present his case to the Commission. Witnesses may be called to testify under oath on Respondent's behalf. If Respondent calls witnesses, the staff attorney may cross-examine those witnesses after Respondent's questioning is finished. After Respondent's presentation, staff will have the same amount of time to present its case. If the staff attorney calls witnesses, Respondent may cross-examine those witnesses after staff's questioning is finished.

At any time during the presentations the Commissioners may ask questions of Respondent, his attorney, the witnesses, and staff. After the presentations are concluded, the Commissioners will discuss the case and decide whether Respondent's report was timely filed or whether there were unusual circumstances that excuse his failure to file timely his report. The Commission will make a decision by a majority vote of those members present and voting.

After the Commission meeting, the Commission will send Respondent a written order reflecting the Commission's decision. If the Commission upholds the fine, Respondent will have 30 days to pay the fine.

**If you have any questions about the procedures for the hearing, please contact Donna Malphurs at 107 W. Gaines Street Collins Building, Suite 224 Tallahassee, FL 32399-1050, phone number: (850) 922-4539.**

**FLORIDA ELECTIONS COMMISSION**  
**CASE REPORT**  
**Case Number: FEC-11-286**

**NAME:** SHERYL DENAN

**DATE APPEAL RECEIVED:** 11/30/11

**DATE HEARING REQUEST RECEIVED:** n/a

**DATE REPORT DUE:** 11/4/11 (2011 G4)

**DATE OF HAND DELIVERY:** 11/7/11

**DATE FILING OFFICER RECEIVED REPORT:** 11/7/11

**NUMBER OF DAYS LATE:** 3

**AMOUNT OF FINE:** \$641.25

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

**TOTAL RECEIPTS FOR REPORTING PERIOD:** \$2565.00

**TOTAL EXPENDITURES FOR REPORTING PERIOD:** \$158.51

**DATE OF FIRST NOTIFICATION:** Reminder e-mail 10/31/11

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"/>

**SUMMARY:** Sheryl Denan was a candidate for City Council in the 2011 municipal elections. Ms. Denan was her own treasurer.

Ms. Denan is appealing the fine claiming she was never informed that a fine would be assessed for each late day. However, she was given, and acknowledged receiving, the Handbook, which included the penalties for the untimely filing of a report. Ms. Denan states that her participation in several election-related events and personal obligations caused the untimely filing of her report.

Ms. Denan also expresses concern regarding the manner in which the filing officer calculated her fine. Section 106.07(8)(b), Florida Statutes, states "the fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 for each late day, not to exceed 25% of contributions or expenditures, whichever is greater, for the period covering the late report. However, for the reports immediately preceding each primary and general election, the fine shall be \$500 per each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report." Ms. Denan's report was due 11/4/11, four days before the general election. A fine based on the number of days the report was late would have totaled \$1,500. Therefore, the filing officer correctly assessed a fine of \$641.25 which is based on Ms. Denan's total contributions for the period covered by the late report.

**PRIOR CASES:** Ms. Denan has not had any prior cases before the Commission.

<b>FEC ACTION:</b>	FINE DUE: \$ _____	DATE: _____
TIMELY FILED: YES _____ NO _____	UNUSUAL CIRCUMSTANCES: YES _____ NO _____	
WAIVER: PARTIAL _____ FULL _____	FINE INCORRECTLY CALCULATED: YES _____ NO _____	
UC REASON: _____	INITIALS: _____	

November 28, 2011

Sheryl Denan  
606 Barcelona Ct  
Satellite Beach, Fla 32037

Florida Elections Commission  
107 West Gaines Street  
Suite 242  
Tallahassee, Florida 32399

Via fax: 850-921-0783  
Email: tracie.aulet@myfloridalegal.com

RECEIVED

2011 NOV 30 A 8:25

STATE OF FLORIDA  
ELECTIONS COMMISSION

Dear Sirs:

I hereby appeal Ms. Montanaro's decision to fine me \$641.25 for filing a late Campaign Treasurers Report based on the following facts per FS 106 8 (c):

1. Ms. Montanaro originally waived candidate Pat Gibbons Treasury Report late fee on Oct 21 only to impose his fee 19 days later on Nov. 9<sup>th</sup>. This fine to Mr. Gibbons was initiated only after I submitted a Treasury Report on Nov 7<sup>th</sup> due on Nov 4<sup>th</sup>. Her words to Pat Gibbons when he filed his late report on Oct 24<sup>th</sup> were: "I could fine you if I wanted but I will not". This demonstrates that Mrs. Montanaro simply wanted to impose a substantial fine against me personally and against my personal account and would probably not have levied any fine against Pat Gibbons if I did not file my campaign report late near the end of the campaign.
2. The certified mail regarding both fines for both candidates were sent out on Nov. 8<sup>th</sup> (Election Day). Neither candidate was notified "immediately" that a daily fine that was going to be imposed for the late filing. On Monday Nov 7<sup>th</sup> Mrs. Monterano called and advised me that I did not file my report on Nov 4<sup>th</sup> and I immediately brought the report to City Hall where it was dated. There was no mention of a potential fine for filing late. Again Mrs. Montanaro chose not to notify me of any impending fine even though she had an opportunity to do so.
3. Mrs. Montanaro did not fine Pat Gibbons the maximum fine outlined in FS 106 (\$50.00) yet I was imposed the maximum fine (\$641.25). This

demonstrates that Mrs. Monternaro clearly chooses not to interpret FS 106 fairly.

3. Mrs. Monternaro did e-mail me on Nov 10<sup>th</sup> to "give me a heads up" that would be receiving a certified letter regarding the fine. This was the first time I was aware of any fine imposed. (6 days after the filing date).
4. The certified letters dated Nov 8<sup>th</sup> reference the "handbook" that was provided to each candidate when we qualified in August. I did read the handbook however I did not memorize the book nor did I remember that such steep fines would be imposed for filing a report late. The letter confirms that I was "reminded" on Nov 7<sup>th</sup> that the report was late. I was called however, I was never told I was going to be assessed a fine for each late day. I also filed the report immediately upon receipt of the call on Nov 7<sup>th</sup>.
5. I feel Mrs. Monternaros capacity as election official/ filing official/clerk (17 years) was tainted during this specific election. Mrs. Monternaro and her husband (former councilman Dominic Monternaro- 8 years-termed out until next year) openly supported and endorsed two candidates (incumbent (Chase) and former mayor/councilman for 9 years (Brimer)) during the Satellite Beach election. Mr. Monternaro was openly vocal and an active participant in the campaign for both Mr. Brimer and Mr. Chase. Many times during the election Mrs. Monternaro's capacity as election official was called into question by the public because of some of her actions and favoritism towards the above candidates due to her husband's active campaigning during the election. During the election process it was apparent that Mrs. Monternaro was not willing to assist me as a new candidate running on their own merit. Mr. Monternaros hostility towards other candidates other than those he endorsed caused friction in the community and added a great deal of stress to me and my family. I prefer not to get into specifics regarding all the issues encountered during the election unless asked by this Committee as part of this appeal but would be happy to provide additional information if requested.
6. Pat Gibbons was not assessed a fine in Oct for his late report immediately and was only assessed a fine of 11.52 weeks after the infraction because he has lived in Satellite Beach all his life and has a long standing relationship with the elections official Mrs. Monternaro. He would not have been assessed a fine at all had I not failed to turn in my report on Nov 4<sup>th</sup> at which time we were both sent a certified letter.

I have never run for an elected position before and chose to be my own Campaign Treasurer. I realize now after the fact, that I should have delegated a treasurer due to amount of work it takes to be the actual candidate and to run a campaign. I found my self getting physically exhausted the last week of October. I took 4 hours personal time from work on Nov 4<sup>th</sup> to allow time to get the treasurers report done. I was also in the process of preparing for the Founders Day Parade the next morning at 9AM in which all candidates are invited to participate and 2. To packing up to leave immediately after the parade for my sons Pee Wee second round playoff football game at 1PM (I am the team mom) which was being hosted in another city 15 miles away. I simply forgot to prepare and submit the Treasury Report on Nov 4<sup>th</sup>. There was not a malicious attempt to hide records or to hide and expenditures or contributions. I am a working mom with two young boys who had an excessively busy week, with an unexpected additional playoff football game, a parade topped off with the anxiety of the upcoming election the following Tuesday on the 8<sup>th</sup>. My husband was also out of town for an extended trip which added to the chaos that week/ weekend with Halloween, sign waiving, canvassing, maintaining the household, working and taking care of my grade school boys.

Although I filed Form DS-DE 84 stating that I read and understood the requirements of SF 106, I am not a political strategist, long time politician nor did I have the ability to memorize the FS verbatim. I did not have a campaign team with a background in elections or election processes. I did the best I could in an environment where new comers are not welcome and the same council members have revolved in the council chambers in Satellite Beach for 27 years.

I believe the filing official per FS 106 should notified us (the candidates immediately) of the fines being assessed contrary to Gibbons case (19 days) my case (6 days ) post violation via a certified letter. Had I been notified on Friday at 4:30 when City Hall closes on Nov 4<sup>th</sup> that the report was not submitted I could have tried to have the report post marked by midnight and this would be a non issue.

I truly believe election officials and filing officials are there to assist candidates with qualifying issues, deadlines etc. and are there to help elections run efficiently and smoothly unfortunately in this case Mrs. Montemaro's actions by levying a fine against me is nothing more than a I attack on my families personal finances. Had she immediately fined Pat Gibbons in Oct in the same manor including the greater fee my position might be different. Until the Commission's position is rendered I will not release any of my family's personal finances to the City's General Fund.

I would appreciate your consideration with respect to this appeal and I would like you to consider waiving the fee (641.25) due to the filing official's inability to assess the fees fairly, without prejudice and due to unusual circumstances surrounding my failure to file the appropriate reports on the designated due date. I would also like the Commission to consider waiving Pat Gibbon's fine of

\$11 52. This minimal fine was only imposed on Nov 8<sup>th</sup> to Pat in order for the City to justify imposing a fee against me and would have not been levied against him had I turned in my report on Nov 4<sup>th</sup>. I will be happy to supply any additional information if requested.

Respectfully submitted,



Sheryl L. Denan

Attachments:

Fist notice of fine Nov 10, 11  
Gibbons certified letter  
Denan certified letter  
Monternaro endorsement  
Personal time off calendar

Subj: certified ma  
Date: 11/10/2011 10:18:55 A.M. Eastern Standard Time  
From: [brmontanaro@satellitebeach.org](mailto:brmontanaro@satellitebeach.org)  
To: [sdenan@aol.com](mailto:sdenan@aol.com)  
Sheryl,

I just wanted to give you a heads up that you will be receiving by certified mail the attached notice regarding the fee for late filing of the November 4 Campaign Treasurer's report. Sorry to have to add this expense; but Florida Statutes set the fees.

Barbara

Thursday, November 10, 2011 AOL: Sdenan



USPS PostNet Software <b>CERTIFIED MAIL RECEIPT</b> <small>(Domestic Mail Only, No Insurance, Extra Postage)</small>		
For delivery information, visit us at <a href="http://usps.com/USPS-CRM">usps.com/USPS-CRM</a>		
<b>OFFICIAL USE</b>		
Postage	\$ 10.44	0442
Certified Fee	01.25	08
Return Receipt Fee <small>(Endorsement Required)</small>	\$7.20	Postmark None
Registered Delivery Fee <small>(Endorsement Required)</small>	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$18.89</b>	11/08/2011
Sent To: <u>Sheryl Denan</u> Street, Apt. No., or PO Box No. <u>106 Barcelona Ct</u> City, State, Zip+4 <u>Sat. Bch FL 32937</u>		



INCORPORATED 1957

November 8, 2011

CERTIFIED MAIL 7009 2820 0000 9951 1258  
 RETURN RECEIPT REQUESTED

TO: Sheryl Denan

FROM: Barbara Montanaro, City Clerk *B. Montanaro*

SUBJECT: Failure to file Campaign Treasurer's Report on designated due date

The Campaign Treasurer's Report due on Friday, November 4, 2011, was received three days late on Monday, November 7.

At the time of qualifying, I provided a list of important dates with deadlines for filing Campaign Treasurers' Reports and a copy of the Campaign Treasurers' Handbook. On October 31, I emailed a reminder of the November 4 due date to all candidates. Also on Monday, November 7 I reminded you by phone of the due date.

Section 106.07, Florida Statutes, outlines the fine process as follows:

"...for the reports immediately preceding each special primary election, special election, primary election, and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipt or expenditures, whichever is greater, for the period covered by the late report."

Accordingly, it appears that your fine would be calculated as follows:

Total Contributions for period of 10/15/11 to 11/03/11	\$2565.00
Times 25%	.....25

**TOTAL AMOUNT DUE** **\$ 641.25**

Section 106.07, Florida Statutes, further provides:

"In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate."

Please submit cash or certified check to City Hall within twenty days of receipt of this notice.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Pat Gibbons 469 Coach Rd. Satellite Beach #1 32937		B. Received by (Printed Name) C. Date of Delivery 11/09/11	
		D. Is delivery address different from item 1? If YES, enter delivery address below:	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7009 2820 0000 9951 1265	
PS Form 3811, February 2004		Domestic Return Receipt	



INCORPORATED 1957

CERTIFIED MAIL 7009 2820 0000 9951 1265  
RETURN RECEIPT REQUESTED

TO: Pat Gibbons

FROM: Barbara Montanaro, City Clerk *B. Montanaro*

SUBJECT: Failure to file Campaign Treasurer's Report on designated due date

The Campaign Treasurer's Report due on Friday, October 21, 2011, was received three days late on Monday, October 24.

At the time of qualifying, I provided a list of important dates with deadlines for filing Campaign Treasurers' Reports and a copy of the Campaign Treasurers' Handbook.

Section 106.07, Florida Statutes, outlines the fine process as follows:

"The fine shall be \$50 per day for the first 3 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."

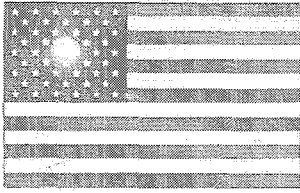
Accordingly, it appears that your fine would be calculated as follows:

Total Expenditures for period of 10/01/11 to 10/14/11	\$46.09
Times 25%	.25
<b>TOTAL AMOUNT DUE</b>	<b>\$ 11.52</b>

Section 106.07, Florida Statutes, further provides:

"In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate."

Please submit payment to City Hall within twenty days of receipt of this notice.



# Preserve Satellite Beach

## Come and Meet Mike Chase

### Candidate for Re-election to Satellite Beach City Council

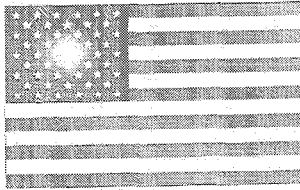
Friday, September 23, 2011  
5 p.m. - 7 p.m.  
Enigma Restaurant  
1550 Hwy. A1A  
Satellite Beach

Heavy Hors d'Oeuvres  
Cash Bar

Hosted by Amy Kneessy, District 3 Brevard County School Board Lionel Cote, Police Chief (Ret.) Satellite Beach	
Scotty Culp	Councilman Bill Higginson
Marty Hindsley	Martha Kirby
Dominick Montanaro	Col. Harry Pawlak (USAF Ret.)
Joanne Regan	David Schechter

**Donations to Mike's Campaign are welcome!**

Political Advertisement paid for and approved by Michael E. Chase for Satellite Beach City Council



# Preserve Satellite Beach

## Come and Meet Mark Brimer

### Candidate for Satellite Beach City Council

Friday, September 23 2011  
5 p.m. - 7 p.m.  
Enigma Restaurant  
1550 Hwy. A1A  
Satellite Beach

Heavy Hors d'Oeuvres  
Cash Bar

Hosted by Amy Kneessy, District 3 Brevard County School Board Lionel Cote, Police Chief (Ret.) Satellite Beach	
Scotty Culp	Councilman Bill Higginson
Marty Hindsley	Martha Kirby
Frank Montelione	Col. Harry Pawlak (USAF Ret.)
Joanne Regan	David Schechter
Dominick Montanaro	

**Donations to Mark's Campaign are welcome!**








Political advertisement paid for and approved by Mark Brimer for Satellite Beach City Council



**RE: Sheryl Denan appeal**  
Barbara Montanaro to: 'Tracie Aulet'  
Please respond to bmontanaro

11/30/2011 01:45 PM

7 attachments

 Denan #1 CTR.pdf    Denan #2 remind due date.pdf    Denan #3 fine ltr email.pdf    Denan #4 email response.pdf  
 Denan #5 appt treas and depository.pdf    Denan #6 calendar of filing dates.pdf    Denan #7 email log.pdf

Tracie - the statement below and attachments provide general details of how and why the fine was assessed. I will be here until 4:00 today, so call me when you are ready to discuss this.

Barbara

The CTR that was filed late

Attachment Denan #1

The envelope that contained the report (if the report was hand delivered, please indicate such)

Hand delivered to reception desk and date stamped in.

Card or letter reminding candidate that report was due

Attachment Denan #2 (email dated October 31)

The filing officer's failure to file letter

I phoned Ms. Dena on Monday, November 7, to remind her that the CTR was late. She said she did not deliver the report on Friday because she fell asleep. She thanked me for the call and indicated she would deliver the report after lunch, which she did.

The filing officer's fine letter

Attachment Denan #3

Certified mail receipt or other evidence that the fine letter was received

Attachment Denan #4 - Ms. Denan did not accept the certified mail. However, she did respond to the email copy of the letter, which would indicate that she had received and read the letter.

Appointment of Campaign Treasurer and Designation of Campaign Depository form

Attachment Denan #5

The filing history

The previous CTRs were filed the day they were due.

Calendar of Reporting Dates or Reporting Schedule

Attachment Denan #6, including pages 1 and 2 of the Candidate and Campaign Treasurer's Handbook with bold notice on page 2 of State fines, 2011 Election - Important Dates, and Campaign Treasurer's Report Information.

Receipt or other evidence that Ms. Denan received a copy of the Calendar or Schedule

Each election year, I prepare a notebook that contains instructions for qualifying (including notice of State fines); City and County contact information; candidate forms; CTR due dates, general information, and forms; City Charter and City Code regarding campaign issues; and a copy of the State

Divisions of Elections "Candidate and Campaign Treasurer Handbook." When an individual expresses interest in running for office, I give them a copy of this notebook and tell them the importance of reading and understanding the contents; I point out that there are dates, which must be met, and there are penalties for failing to meet the dates. I explain these are State regulations and I have no authority to alter or waive any requirements. I do not require the individual to sign a receipt for the book; I can't imagine anyone would deny receiving it.

Additional relevant notes or phone logs

Attachment #7 - Log of emails relating to campaign activity, mainly regarding City Sign Code violations. This election was the most contentious I had ever experienced, and I felt the need to document the activities.

Any other document relative to Ms. Denan's appeal  
I will be happy to provide such other information as you deem necessary. I did not respond to the personal attacks against my husband and me, but will provide that information unless it will assist with your investigation.

-----Original Message-----

From: Tracie Aulet [mailto:Tracie.Aulet@myfloridalegal.com]  
Sent: Wednesday, November 30, 2011 8:56 AM  
To: bmontanaro@satellitebeach.org  
Subject: Sheryl Denan appeal

Per our discussion, please forward me copies of the documents listed below, if applicable, regarding Ms. Denan's appeal of her assessed fine at your earliest convenience:

- The CTR that was filed late
- The envelope that contained the report (if the report was was hand delivered, please indicate such)
- Card or letter reminding candidate that report was due
- The filing officer's failure to file letter
- The filing officer's fine letter
- Certified mail receipt or other evidence that the fine letter was received
- Additional relevant notes or phone logs
- Appointment of Campaign Treasurer and Designation of Campaign Depository form
- The filing history
- Calendar of Reporting Dates or Reporting Schedule
- Receipt or other evidence that Ms. Denan received a copy of the Calendar or Schedule
- Any other document relative to Ms. Denan's appeal

My telephone number is [REDACTED]. Thank you.

Sincerely,

Tracie L. Aulet  
Investigation Specialist II  
Florida Elections Commission  
The Collins Building, Suite 224  
107 West Gaines Street  
Tallahassee, FL 32399

Please note that Florida has a broad public records law, and that all correspondence to me via e-mail may be subject to disclosure.

Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure.

mailed 11/12/11  
BDM

CITY OF SATELLITE BEACH, FLORIDA

565 CASSIA BOULEVARD 32937-3116  
(321) 773-4407  
(321) 779-1388 FAX



INCORPORATED 1957

November 11, 2011

TO: Councilwoman Elect Sheryl Denan

FROM: Barbara Montanaro, City Clerk

SUBJECT: Fees for late filing of Campaign Treasurer's Report

This memo is in response to your November 10, 2011, email 1) questioning how fees were assessed; 2) comparing the amount of the fine for Candidate Gibbons to the amount of your fine; and 3) why you were not advised immediately that a fine was going to be assessed.

1. The fines were assessed pursuant to Section 106.07(8)(b), Florida Statutes. (Attachment #1) The Statutes call for a \$50 per day fine for each day late for all Campaign Treasurer's Reports *EXCEPT* the report immediately before the election, which is \$500 per day for each day late. The Statute sets a limit on the fine by stating, "not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the later report."
2. During the period when Mr. Gibbons was late, he had Expenditures of \$46.09 and no Contributions; therefore, his fine was based on 25 percent of \$46.09, for a fine of \$11.52. In your case, you had Expenditures of \$158.51 and Contributions of \$2,560 (\$180 cash and checks, plus \$2,385 in-kind). Therefore, your fine was based on 25 percent of \$2,565, for a fine of \$641.25.
3. Regarding your question about giving notice that a fine would be assessed, you were given the following:
  - o Notice in your initial campaign packet "NOTE: IT IS IMPORTANT TO FILE REPORTS ON TIME. THE STATE IMPOSES A FINE FOR EACH DAY A REPORT IS LATE." (Page 2 of Instructions to Candidates Attachment #2);
  - o Copy of Candidate and Campaign Treasurers Handbook from the Florida Department of State Division of Elections, which serves as a guide to Florida Election Laws and in particular showing the penalty for late filing per Sec. 106.07, FS (page 48) (Attachment #3);

[NOTE: You filed Form DS-DE 84 certifying that you had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. (Attachment #4)]

- Email reminder at least 3 days prior to each due date. (Attachment #5)
- On November 7 after USPS delivered weekend mail, I called to advise that the report was late.

In response to your questions regarding notice to Mr. Gibbons, I provided him verbal notice on October 24 that a fine would be assessed. I provided notice to both you and Mr. Gibbons on November 8 by certified mail. The copies you requested are enclosed. (Attachment #6)

Florida Statutes on fines for late filing are clear; I do not have authority to waive or ignore the Statutes. If you do not agree, you can file an appeal pursuant to Section 106.07(8)(e), Florida Statutes. (Attachment #7)

Otherwise, a payment in the amount of \$641.25 is due before close of business (4:30 p.m.) Wednesday, November 30, 2011. This payment must come from personal funds, not the campaign account.

Respectfully submitted,



Barbara Montanaro  
City Clerk

[NOTE: Because of previous NSF checks, it will be necessary to receive payment in cash or by certified check or money order.]



**Barbara Montanaro**

**From:** Sdenan@aol.com  
**Sent:** Thursday, November 10, 2011 8:23 PM  
**To:** bmontanaro@satellitebeach.org  
**Cc:** patgibbonsforsb@hotmail.com  
**Subject:** Treasure Late Fee

Barbara,

1. Why was Pat Gibbons charged the lesser of the fee yet I am being charged the greater of the fee. Pat just signed the certified mail today 11/9. Please provide me a copy of the dated letter and the stamped receipt from the post office. Also provide me with the correspondence showing that Pat was notified of his failure to submit his report immediately after the filing deadline of Oct 21.

2. Also why was I not notified immediately that a **fine was going to be assessed** for each late day filed?

You did not advise me I was going to be assessed a fine per FS 106.8 (b).

Your attempt to assess fines for failure to file treasury reports post election day are unwarranted.

Sheryl Denan

In a message dated 11/10/2011 1:34:59 P.M. Eastern Standard Time, Sdenan@aol.com writes:

Barbara,

pat submitted his report late last cycle. Please send me copy of his certified notice.

Thanks

In a message dated 11/10/2011 10:18:55 A.M. Eastern Standard Time, bmontanaro@satellitebeach.org writes:

Sheryl,

I just wanted to give you a heads up that you will be receiving by certified mail the attached notice regarding the fee for late filing of the November 4 Campaign Treasurer's report. Sorry to have to add this expense; but Florida Statutes set the fees.

Barbara

**U.S. POSTAL SERVICE™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)  
**NO POSTAL USE**

Postage	\$ 40.44	0462
Certified Fee	\$ 2.25	08
Return Receipt Fee (Endorsement Required)	\$ 2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 45.59	11/08/2011



INCORPORATED 1957

Sent To Sheryl Denan  
 Street, Apt. No.,  
 or PO Box No. 606 Barcelona Ct  
 City, State, ZIP+4 Sat. Beach FL 32937  
PS Form 3800, August 2006 See Reverse for Instructions

November 8, 2011

CERTIFIED MAIL 7009 2820 0000 9951 1258  
 RETURN RECEIPT REQUESTED

TO: Sheryl Denan  
 FROM: Barbara Montanaro, City Clerk *B. Montanaro*  
 SUBJECT: Failure to file Campaign Treasurer's Report on designated due date

The Campaign Treasurer's Report due on Friday, November 4, 2011, was received three days late on Monday, November 7.

At the time of qualifying, I provided a list of important dates with deadlines for filing Campaign Treasurers' Reports and a copy of the Campaign Treasurers' Handbook. On October 31, I emailed a reminder of the November 4 due date to all candidates. Also on Monday, November 7 I reminded you by phone of the due date.

Section 106.07, Florida Statutes, outlines the fine process as follows:

"...for the reports immediately preceding each special primary election, special election, primary election, and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipt or expenditures, whichever is greater, for the period covered by the late report."

Accordingly, it appears that your fine would be calculated as follows:

Total Contributions for period of 10/15/11 to 11/03/11	\$2565.00
Times 25%	<u>.25</u>

**TOTAL AMOUNT DUE \$ 641.25**

Section 106.07, Florida Statutes, further provides:

"In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate."

Please submit cash or certified check to City Hall within twenty days of receipt of this notice.

Chapter 106.07(8), Florida Statutes

(8)(a) Any candidate or political committee failing to file a report on the designated due date is subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

1. In the General Revenue Fund, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 per day for the first 3 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 each special primary election, special election, primary election, 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 reports required under s. 106.141(7), the fine is \$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. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair or registered agent of the political committee. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.

2. When the report is postmarked.

3. When the certificate of mailing is dated.

4. When the receipt from an established courier company is dated.

5. When the electronic receipt issued pursuant to s. 106.0705 or other electronic filing system authorized in this section is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the filing officer. In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate. An officer or member of a political committee shall not be personally liable for such fine.

## INSTRUCTIONS TO CANDIDATES

PAGE 2

PART B

Circulate nominating petition - *Ten (10) names of Satellite Beach registered voters required on Nominating Petition!!!!*

File petition with City Clerk August 11-24, write check from campaign checking account payable to the City of Satellite Beach and submit to City Clerk when qualifying, as follows:

Council Member Candidate - \$7.00 (City filing fee - \$1.00 + State election assessment - \$6.00)

A notary is available at City Hall if needed.

City Clerk's office will verify qualified electors' signatures on nominating petition.

Execute "Loyalty Oath" DS-DE 24B

Complete Form 1 - "Statement of Financial Interests 2010" and file with City Clerk.

Sign acknowledgments of special notices.

*Each candidate is invited to write an article for the October Beachcaster. The article will be limited to 300 words. A 3" x 5" black and white glossy print or digital photo (jpg high resolution) is required. Please submit your photograph and article no later than September 1<sup>st</sup>.*

The Satellite Beach Woman's Club will be hosting a Political Forum on Tuesday, October 18, 2011, at 7:00 p.m. Location to be determined.

The following forms must be filed with the City Clerk by 4:30 p.m. on Sept. 23, Oct. 7, Oct. 21, Nov. 4 and Feb. 6 (90 days after qualifying):

"Campaign Treasurer's Report"

"Campaign Treasurer's Report, Contributions"

"Campaign Treasurer's Report, Expenditures"

No contributions may be received after midnight on November 3, 2011.

DS-DE 87 (Rev 9/95) *Waiver of Report* - This form is filed when there is no financial activity to report

List of Poll Watchers must be submitted to the Supervisor of Elections by NOON on Oct. 25, 2011.

Final Campaign Treasurer's Report must be filed with the City Clerk on or before February 6, 2012.

**NOTE: IT IS IMPORTANT TO FILE REPORTS ON TIME.  
THE STATE IMPOSES A FINE FOR EACH DAY A REPORT IS LATE.**

### 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 due August 20 and October 29, 2010, 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.)*

### Waiver of Report

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 indicate there is no activity by filing a waiver of report. (Waivers filed with the Division of Elections must be filed 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.)*

The treasurer of an electioneering communications organization shall file a written report with the filing officer by the prescribed reporting date when the organization has not received funds, made any contributions, or expended any reportable funds. This report filed with the Division of Elections must be filed using the EFS.

*(Section 106.0703, 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 three days of notification. The addendum must include all necessary information to complete the report.

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

### Reporting Total Sums

Each campaign treasurer's report required by Chapter 106, 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:

1. 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

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

RECEIVED

JUL 11 2011

I, Sheryl Denan,

candidate for the office of Satellite Beach City Council;

have been provided access to read and understand the requirements of

Chapter 106, Florida Statutes.

X 

Signature of Candidate

JULY 11, 2011

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).

**Barbara Montanaro**

**From:** Barbara Montanaro [bmontanaro@satellitebeach.org]  
**Sent:** Monday, September 19, 2011 4:00 PM  
**To:** 'Gregg Billman'; 'Mark Brimer'; 'Mike Chase'; 'Pat Gibbons'; 'Sheryl Denan'  
**Cc:** 'Lionor Olexa (E-mail)'  
**Subject:** RE: Reminder

**TO:** All Council Candidates:

Just a reminder that Campaign Treasurer's Reports for the period of July 1 to September 30 are due on Friday September 23.

Barbara

**Barbara Montanaro**

**From:** Barbara Montanaro [bmontanaro@satellitebeach.org]  
**Sent:** Tuesday, October 18, 2011 3:12 PM  
**To:** 'Gregg Billman'; 'Mark Brimer'; 'Mike Chase'; 'Pat Gibbons'; 'Sheryl Denan'  
**Subject:** Campaign Treas Reports

To all candidates:

Just a friendly reminder that your campaign treasurer's reports for the period of October 1-14 are due this Friday, October 18.

Barbara

**Barbara Montanaro**

**From:** Barbara Montanaro [bmontanaro@satellitebeach.org]  
**Sent:** Monday, October 31, 2011 3:49 PM  
**To:** 'Gregg Billman'; 'Mark Brimer'; 'Mike Chase'; 'Pat Gibbons'; 'Sheryl Denan'  
**Subject:** important dates

To all candidates:

Check your calendars; you have two important dates to remember this week.

November 3 – last day to receive contributions.  
November 4 – file Campaign Treasurer's Report.

Barbara Montanaro, City Clerk

CITY OF SATELLITE BEACH, FLORIDA

565 CASSIA BOULEVARD 32937-3116  
(321) 773-4407  
(321) 779-1388 FAX



INCORPORATED 1957

November 8, 2011

CERTIFIED MAIL 7009 2820 0000 9951 1265  
RETURN RECEIPT REQUESTED

TO: Pat Gibbons

FROM: Barbara Montanaro, City Clerk *B. Montanaro*

SUBJECT: Failure to file Campaign Treasurer's Report on designated due date

The Campaign Treasurer's Report due on Friday, October 21, 2011, was received three days late on Monday, October 24.

At the time of qualifying, I provided a list of important dates with deadlines for filing Campaign Treasurers' Reports and a copy of the Campaign Treasurers' Handbook.

Section 106.07, Florida Statutes, outlines the fine process as follows:

"The fine shall be \$50 per day for the first 3 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."

Accordingly, it appears that your fine would be calculated as follows:

Total Expenditures for period of 10/01/11 to 10/14/11	\$46.09
Times 25%	<u>.25</u>

**TOTAL AMOUNT DUE** **\$ 11.52**

Section 106.07, Florida Statutes, further provides:

"In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate."

Please submit payment to City Hall within twenty days of receipt of this notice.



**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**SATELLITE BEACH FL 32937A TOTAL USE**

Postage	\$ 10.44	0462
Certified Fee	\$ 2.85	08
Return Receipt Fee (Endorsement Required)	\$ 2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 15.59</b>	<b>11/08/2011</b>

Sent To: Pat Gibbons  
 Street, Apt. No. or PO Box No.: 469 Coach Rd  
 City, State, ZIP+4: Satellite Beach FL 32937

PS Form 3811, August 2004 See reverse for instructions

7009 2820 0000 9951 1265

**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- 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 to:

Pat Gibbons  
 469 Coach Rd.  
 Satellite Beach FL 32937

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) \_\_\_\_\_

C. Date of Delivery 11/9/11

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

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7009 2820 0000 9951 1265

(c) Any candidate or chair of a political committee may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(1) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the candidate or chair of the political committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification. Any other alleged violations must be separately stated and reported by the division to the commission under s. 106.25(2).

(9) The Department of State may prescribe by rule the requirements for filing campaign treasurers' reports as set forth in this chapter.

History.—s. 7, ch. 73-128; ss. 5, 15, 17, ch. 74-200; ss. 1, 2, ch. 75-8; s. 2, ch. 75-139; s. 1, ch. 77-174; s. 46, ch. 77-175; s. 23, ch. 79-164; ss. 7, 8, ch. 79-365; s. 4, ch. 79-378; s. 58, ch. 79-400; s. 52, ch. 81-259; s. 27, ch. 81-304; s. 2, ch. 82-143; s. 11, ch. 83-251; s. 37, ch. 84-302; s. 6, ch. 85-226; s. 1, ch. 86-134; s. 13, ch. 87-224; s. 9, ch. 89-256; s. 31, ch. 90-315; s. 2, ch. 90-338; s. 18, ch. 90-502; s. 7, ch. 91-107; s. 2, ch. 95-140; s. 640, ch. 95-147; s. 15, ch. 95-280; s. 7, ch. 97-13; s. 6, ch. 2001-75; s. 29, ch. 2002-17; s. 2, ch. 2002-197; s. 8, ch. 2003-1; ss. 17, 18, ch. 2004-252; s. 24, ch. 2005-286; ss. 5, 10, ch. 2006-300; s. 29, ch. 2008-95; s. 59, ch. 2011-40.

RECEIVED

JUL 11 2011

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES (Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)

Sheryl Denan

3. Address (include post office box or street, city, state, zip code)

606 Barcelona Ct Satellite Beach, Fla 32937

4. Telephone

(321) 693-6945

5. E-mail address

sdenan@aol.com

6. Office sought (include district, circuit, group number)

city council

7. If a candidate for a nonpartisan 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 Affiliation Party candidate.

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

Sheryl Denan

11. Mailing Address

606 Barcelona Ct.

12. Telephone

(321) 779-8086

13. City

Satellite Beach

14. County

Brevard

15. State

Fla

16. Zip Code

32937

17. E-mail address

sdenan@aol.com

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank

Bank of America

20. Address

702 East Pawcalle Blvd

21. City

Indian Harbor Beach

22. County

Brevard

23. State

Fla

24. Zip Code

32937

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 FACTS STATED IN IT ARE TRUE.

25. Date

July 11, 2011

26. Signature of Candidate

X [Signature]

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Sheryl Denan, do hereby accept the appointment (Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

July 11, 2011 Date

X [Signature] Signature of Campaign Treasurer or Deputy Treasurer

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

(1) Sheryl Demary  
Name

(2) 606 Barcelona Ct.  
Address (number and street)

Sabotee Beach, Fla 32937  
City, State, Zip Code

OFFICE USE ONLY

RECEIVED

NOV 07 2011

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: \_\_\_\_\_

(4) Check appropriate box(es):

Candidate (office sought): City Council

Political Committee

Committee of Continuous Existence

Party Executive Committee

Electioneering Communication

CHECK IF PC HAS DISBANDED

CHECK IF CCE HAS DISBANDED

CHECK IF NO OTHER ELECTIONEERING COMMUNICATION REPORTS WILL BE FILED

**(5) REPORT IDENTIFIERS**

Cover Period: From 10/15/11 To 1/14/11 Report Type \_\_\_\_\_

Original  Amendment  Special Election Report  Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 180.00

Loans \$ —

Total Monetary \$ 180.00

In-Kind \$ 2385.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 1827.17

Transfers to Office Account \$ —

Total Monetary \$ 1827.17

(8) Other Distributions \$ —

(9) TOTAL Monetary Contributions To Date  
\$ 8514.12

(10) TOTAL Monetary Expenditures To Date  
\$ 3643.11

**(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) Sheryl Demary

Individual (only for electioneering commun.)  Treasurer  Deputy Treasurer

Sheryl Demary  
Signature

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

(Type name) Sheryl Demary

Candidate  Chairperson (only for PC, PTY & electioneering commun. organization)

Sheryl Demary  
Signature

**FLORIDA ELECTIONS COMMISSION**  
**PHONE LOG**  
**Case No.: FEC 11-286**

**Respondent: Sheryl Denan**

**Complainant: Satellite Beach City Clerk**

1. **Date and time:** November 29, 2011; 11:33 a.m.  
**Name:** Sheryl Denan  
**Phone #:** called me; left voicemail  
**Summary:** Ms. Denan stated she was calling in reference to an assessed fine that she received for the late filing of her campaign treasurer's report. She asked that I return her call at [REDACTED].  
**Memo to File?** No  
**Entered by:** ta
  
2. **Date and time:** November 29, 2011; 11:44 a.m.  
**Name:** Sheryl Denan  
**Phone #:** [REDACTED]  
**Summary:** Ms. Denan asked how to request an appeal for a fine she received. I explained that she needed to submit an appeal in writing stating the reasons her report was filed late and to specify in her appeal whether she wanted a personal appearance or a decision made based on the documents she submitted. I stated that it was up to her whether to appear in person and that the Commission does not consider whether the person appears or not in making their determination. Ms. Denard stated she had several issues with the filing officer during the election and asked if she should include that in her appeal. I stated that if the issues contributed to the reason the report was filed late then yes, but otherwise it is a separate issue. Ms. Denan asked if she could fax the appeal; I stated yes and gave her my fax number. She asked if she could e-mail the appeal; I stated yes and gave her my e-mail address. Ms. Denan asked about counting days; for example if a report is due Friday and filed Monday. I stated the report would be 3 days late.  
**Memo to File?** No  
**Entered by:** ta
  
3. **Date and time:** November 30, 2011; 8:41 a.m.  
**Name:** Barbara Montanaro, Satellite Beach City Clerk  
**Phone #:** 321-773-4407  
**Summary:** I stated that I wanted to discuss Ms. Denan's appeal. Ms. Montanaro stated she had not yet received a copy of the appeal; I offered to forward her a copy. Ms. Montanaro gave her e-mail address as [bmontanaro@satellitebeach.org](mailto:bmontanaro@satellitebeach.org). I stated I would also send her a request for information regarding the appeal. I suggested I could e-mail her that as well, and then she could call me back when she had all the information so we discuss this matter in detail. Ms. Montanaro agreed.  
**Memo to File?** No  
**Entered by:** ta
  
4. **Date and time:** November 30, 2011; 3:20 p.m.

**Name:** Barbara Montanaro, Satellite Beach City Clerk

**Phone #:** [REDACTED]

**Summary:** I stated I was aware that the Candidate Instructions she gave to Ms. Denan clearly say that the State imposes a fine for each day a report is late. I asked Ms. Montanaro if there was a reason she did not notify Ms. Denan when she called her on November 7<sup>th</sup> that a daily fine was being assessed. Ms. Montanaro stated she didn't tell Ms. Denan about the daily fine assessment because Ms. Denan told her she would bring the report in that afternoon, which she did, and at that point the fine had stopped accruing. I asked if she told Ms. Denan when the report was dropped off that there would be a fine; Ms. Montanaro stated no because Ms. Denan left the report with the receptionist. I asked Ms. Montanaro to describe the circumstances regarding Mr. Gibbons' fine. Ms. Montanaro stated that although she felt bad about having to fine Mr. Gibbons (because she knew he was spending his own money which he did not have a lot of), she never told him "I could fine you if I wanted but I will not." Ms. Montanaro stated she told Mr. Gibbons she would have to fine him but she didn't know how much it was going to be because she had to review the statutes. Ms. Montanaro pointed out that this was the first time **ever** that she had to actually fine someone for the late filing of a report. Ms. Montanaro added that this was a very contentious election and there were many problems with signs and sign placement. Ms. Montanaro stated Mr. Gibbons was first notified he would be fined when he brought his report in (10/24) and that it was very busy in the office at the time which is the reason she didn't get a chance to mail his actual fine letter until 11/8. I asked Ms. Montanaro if Ms. Denan was present when Mr. Gibbons brought in his report; she stated no. I asked if she had any idea how Ms. Denan would be aware of Ms. Montanaro's conversation with Mr. Gibbons if she wasn't even present when the report was delivered; Ms. Montanaro stated she didn't know. Ms. Montanaro reiterated that she did not discuss the fines when she called to remind them that their reports had not been filed because they both told her they would deliver their reports that day. Ms. Montanaro stated if they had said they would bring their reports in as soon as possible then she would have reminded them that a daily fine was being assessed.

**Memo to File?** No

**Entered by:** ta

5. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Memo to File?** No

**Entered by:**

6. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Memo to File?** No

**Entered by:**

7. **Date and time:**

**Name:**

November 28, 2011

Sheryl Denan  
606 Barcelona Ct  
Satellite Beach, Fla 32037

Florida Elections Commission  
107 West Gaines Street  
Suite 242  
Tallahassee, Florida 32399

Via fax: 850-921-0783  
Email:tracie.aulet@myfloridalegal.com

Dear Sirs:

I hereby appeal Ms. Montanaro's decision to fine me \$641.25 for filling a late Campaign Treasurers Report based on the following facts per FS 106 8 (c):

1. Ms. Montanaro originally waived candidate Pat Gibbons Treasury Report late fee on Oct 21 only to impose his fee 19 days later on Nov. 9<sup>th</sup>. This fine to Mr. Gibbons was initiated only after I submitted a Treasury Report on Nov 7<sup>th</sup> due on Nov 4<sup>th</sup>. Her words to Pat Gibbons when he filed his late report on Oct 24<sup>th</sup> were: "I could fine you if I wanted but I will not". This demonstrates that Mrs. Montanaro simply wanted to impose a substantial fine against me personally and against my personal account and would probably not have levied any fine against Pat Gibbons if I did not file my campaign report late near then end of the campaign.
2. The certified mail regarding both fines for both candidates were sent out on Nov. 8<sup>th</sup> (Election Day). Neither candidate was notified "immediately" that a daily fine that was going to be imposed for the late filing. On Monday Nov 7<sup>th</sup> Mrs. Monterano called and advised me that I did not file my report on Nov 4<sup>th</sup> and I immediately brought the report to City Hall where it was dated. There was no mention of a potential fine for filing late. Again Mrs. Montanaro chose not to notify me of any impending fine even though she had an opportunity to do so.
- 3 Mrs. Montanaro did not fine Pat Gibbons the maximum fine outlined in FS 106 (\$50 00) yet I was imposed the maximum fine (\$641.25). This

demonstrates that Mrs. Monternaro clearly chooses not to interpret FS 106 fairly.

3. Mrs. Monternaro did e-mail me on Nov 10<sup>th</sup> to "give me a heads up" that would be receiving a certified letter regarding the fine. This was the first time I was aware of any fine imposed. (6 days after the filing date).
4. The certified letters dated Nov 8th reference the "handbook" that was provided to each candidate when we qualified in August. I did read the handbook however I did not memorize the book nor did I remember that such steep fines would be imposed for filing a report late. The letter confirms that I was "reminded" on Nov 7<sup>th</sup> that the report was late. I was called however, I was never told I was going to be assessed a fine for each late day. I also filed the report immediately upon receipt of the call on Nov 7<sup>th</sup>.
5. I feel Mrs. Monternaros capacity as election official/ filing official/clerk (17 years) was tainted during this specific election. Mrs. Monternaro and her husband (former councilman Dominic Monternaro- 8 years-termed out until next year) openly supported and endorsed two candidates (incumbent (Chase) and former mayor/councilman for 9 years (Brimer)) during the Satellite Beach election. Mr. Monternaro was openly vocal and an active participant in the campaign for both Mr. Brimer and Mr. Chase. Many times during the election Mrs. Monternaro's capacity as election official was called into question by the public because of some of her actions and favoritism towards the above candidates due to her husbands active campaigning during the election. During the election process it was apparent that Mrs. Monternaro was not willing to assist me as a new candidate running on their own merit. Mr. Monternaros hostility towards other candidates other than those he endorsed caused friction in the community and added a great deal of stress to me and my family. I prefer not to get into specifics regarding all the issues encountered during the election unless asked by this Committee as part of this appeal but would be happy to provide additional information if requested.
6. Pat Gibbons was not assessed a fine in Oct for his late report immediately and was only assessed a fine of 11.52 weeks after the infraction because he has lived in Satellite Beach all his life and has a long standing relationship with the elections official Mrs. Monternaro. He would not have been assessed a fine at all had I not failed to turn in my report on Nov 4<sup>th</sup> at which time we were both sent a certified letter.



I have never run for an elected position before and chose to be my own Campaign Treasurer. I realize now after the fact, that I should have delegated a treasurer due to amount of work it takes to be the actual candidate and to run a campaign. I found my self getting physically exhausted the last week of October. I took 4 hours personal time from work on Nov 4<sup>th</sup> to allow time to get the treasurers report done. I was also in the process of preparing for the Founders Day Parade the next morning at 9AM in which all candidates are invited to participate and 2. To packing up to leave immediately after the parade for my sons Pee Wee second round playoff football game at 1PM (I am the team mom) which was being hosted in another city 15 miles away. I simply forgot to prepare and submit the Treasury Report on Nov 4<sup>th</sup>. There was not a malicious attempt to hide records or to hide and expenditures or contributions. I am a working mom with two young boys who had an excessively busy week, with an unexpected additional playoff football game, a parade topped off with the anxiety of the upcoming election the following Tuesday on the 8<sup>th</sup>. My husband was also out of town for an extended trip which added to the chaos that week/ weekend with Halloween, sign waiving, canvassing, maintaining the household, working and taking care of my grade school boys.

Although I filed Form DS-DE 84 stating that I read and understood the requirements of SF 106, I am not a political strategist, long time politician nor did I have the ability to memorize the FS verbatim. I did not have a campaign team with a background in elections or election processes. I did the best I could in an environment where new comers are not welcome and the same council members have revolved in the council chambers in Satellite Beach for 27 years.

I believe the filing official per FS 106 should notified us (the candidates immediately) of the fines being assessed contrary to Gibbons case (19 days) my case (6 days ) post violation via a certified letter. Had I been notified on Friday at 4:30 when City Hall closes on Nov 4<sup>th</sup> that the report was not submitted I could tried to have the report post marked by midnight and this would be a non issue.

I truly believe election officials and filing officials are there to assist candidates with qualifying issues, deadlines etc. and are there to help elections run efficiently and smoothly unfortunately in this case Mrs. Monternaro's actions by levying a fine against me is nothing more than a I attack on my families personal finances. Had she immediately fined Pat Gibbons in Oct in the same manor including the greater fee my position might be different. Until the Commission's position is rendered I will not release any of my family's personal finances to the City's General Fund

I would appreciate your consideration with respect to this appeal and I would like you to consider waiving the fee (641.25) due to the filing official's inability to assess the fees fairly, without prejudice and due to unusual circumstances surrounding my failure to the file the appropriate reports on the designated due date. I would also like the Commission to consider waiving Pat Gibbon's fine of

## CHRONOLOGY OF ELECTION ISSUES

September 9: Received email from Candidate **Denan** citing 3 locations where there were two signs on the same lot for Candidate Chase and Candidate Brimer.

September 9: Called campaign worker and all duplicate signs for Candidates **Chase** and **Brimer** were removed that day.

September 14: email to Candidate **Denan** advising her of two locations where she had two signs on same lot.

September 19: email to **all five candidates** reminding them of sign code and asking them to bring their signs into compliance – move out of right of way and remove banners and duplicate signs.

September 26: email from Ed **Kinberg** advising 1) Candidates Gibbons and Brimer did not have the work "for" on their campaign signs; 2) signs in right of way for various candidates; and 3) requesting a ruling on signs at duplexes.

September 26: email advising Candidate **Brimer** that his signs did not contain the required word "for." Telephone conversation with Candidate **Gibbons** advising him of the same.

[NOTE: Both candidates have corrected the situation by adding the word "for" to their signs.]

September 26: email from candidate **Denan** asking for a copy of the letter from the FOP Lodge that endorsed Candidates **Brimer** and **Chase**.

September 26: email to Candidate **Denan** advising that I did not have access to that information; it is not something that candidates are required to turn in to me.

September 26: email from Candidate **Denan** requesting that I investigate this matter and have the candidates provide a copy of the written endorsement.

[NOTE: Candidate **Denan** received the endorsement directly from the FOP Lodge.]

September 27: email from Ed **Kinberg** regarding placement of signs and enforcement of the Code.

September 28: email to **all five candidates** reminding them of sign code and asking them to bring their signs into compliance – move out of right of way and remove banners and duplicate signs. Advised that signs in the right of way would be pulled by staff, starting Monday, October 3. Asked them to correct sign issues to eliminate the need for staff time to pull the signs.

September 28: email from Candidate **Gibbons**, citing page 30-89 of City sign code referring to banner signs as his reason for putting up the banner.

September 28: email to Candidate **Gibbons** advising that the only section of the sign Code (p. 30-89) that applies to the campaign is the section entitled "Political Campaign."

September 29: string of emails from Ed **Kinberg** alleging aggressive, uneven, and/or delayed enforcement of rules, bias, and appearance of impropriety on the part of the City Clerk, together with responses from the City Clerk.

September 30: Campaign workers for **Brimer** and **Chase** advised me that they had moved their signs.

October 3: Staff began pulling signs in the right of way.

October 3: email to Candidate **Gibbons** reminding him that the banner is in violation of political advertising.

October 3: email from Candidate **Gibbons** asking for a second opinion and asking that we "let this go and rewrite the regulation for clarity" since there are only 30 days left.

October 3: email to Candidate **Gibbons** restating that any regulations in the sign Code other than "Political Campaign" apply to commercial activity and expressing surprise that anyone would suggest ignoring the Code. Again, I advised him that the banner needs to come down.

October 3: email from Candidate **Gibbons** asking to get an unbiased interpretation on the regulation and suggesting that he would like to talk with Lori Scott, Brevard County Supervisor of Elections.

October 3: email to Candidate **Gibbons** letting him know that he can call Lori Scott; but she will probably refer him to me.

October 3: email from Candidate **Gibbons** stating that his signs have been removed from several locations.

October 3: email from Candidate **Brimer** regarding missing signs.

October 4: email from Candidate **Gibbons** regarding missing signs.

October 4: email from Lloyd **French** to Lori Scott, BC Supervisor of Elections, regarding SB City Clerk and nefarious campaign activities.

October 5: email from Candidate **Billman** regarding missing signs.

October 5: email from Building Official John Stone regarding sign removal by code enforcement and where the signs could be picked up which was forwarded to all candidates by City Clerk Barbara Montanaro.

October 5: email from Candidate **Gibbons** stating he had lost trust.

October 10: email response noting Mr. **French's** intent to discredit City Clerk with October 5 accusations.

October 10: email response from Mr. **French**.

October 13: email from Marj **Green** regarding signs being picked up.

October 13: email from Skip **Bollinger** regarding conversation with Building Official regarding signs.

October 20: email from Candidate **Denan** alleging Dominick Montanaro asked Ciabellis to remove her signs.

October 20: email to Candidate **Denan** that City Clerk contacted Mr. Montanaro and he stated he has not talked to anyone at Ciabellis.

October 21: email from Ed **Kinberg** regarding campaign activities in the right-of-way (waving signs) and proper registration of "my satellite beach" group.

October 21: email to Candidates **Chase** and **Brimer** regarding signs planted in right-of-way and Sections 316.130 and 316.2045(4) regarding procedures to campaign on right-of-way.

October 21: email from Mayor Ferrante forwarding email from Ed **Kinberg** asking him to take strong stand against growing abuse of process.

October 21: email to Mayor forwarding City Clerk's notice to candidates regarding campaign activities.

October 21: response from Candidate **Chase** that he will observe sign regulations when campaigning in the ROW.

October 21: email to **all candidates and campaign workers** to abide by rules for waving and placement of signs.

October 21: email from Ed **Kinberg** asking about waving and PRR for registration documents for My Satellite Beach group.

October 24: email sending My Satellite Beach documents to Mr. **Kinberg**.

October 24: forward to Ed **Kinberg** copy of two emails sent to candidates on October 21 to comply with wave and sign regulations.

October 24: email from City Manager forwarding Ed **Kinberg's** email regarding waving and signs.

October 24: email from Ed **Kinberg** recommending that the City establish rules to explain Florida Statutes regarding waving.

October 24: email from Ed **Kinberg** to make clear what he meant in previous email.

October 24: email from Ed **Kinberg** asking if any action was taken about waving on Friday.

October 24: email from City Clerk to Ed **Kinberg** referring him to the previous emails showing what action was taken and confirming that Chase and Brimer came into compliance after the first email and Denan continued in non-compliance throughout the weekend.

[NOTE: This is a chronology of email only. I did not keep track of all the walk-ins and phone calls. However, there was one walk-in complaint about **Brimer** and **Chase** waving with signs planted in the right of way; I advised them by phone that they could not have signs in the ground. I also received numerous telephone complaints about the large **Billman** sign in the unincorporated area; I advised all callers that the City does not have jurisdiction in the County.]

October 24: email from Candidate **Denan** regarding enforcement of sign regulations and implying bias on the part of the City Clerk and Code Enforcement.

October 24: email response to Candidate **Denan** giving times of notices sent and violations that continued after the notices were sent.

October 25: email from Paul **Dimouro** with 2 photos of **Denan/Billman** multiple signs at one location.

October 25: email to **all candidates** with reference to **Kinberg's** and other complaints about signs and reminding candidates of rules.

October 25: email to Candidate **Denan** regarding complaint about 2 signs at 625 Grant Ave.

October 25: email from Ed **Kinberg** with accusations of lax enforcement of sign code, bias on part of City Clerk, signs in Building Official's yard, asking for clear policy on City Code and Florida Statutes.

October 25: email from Building Official refuting signs in his yard and other misstatements by Mr. **Kinberg**.

October 25: email from Ed **Kinberg** indicating he is not an expert on election law but it is his understanding that only rules the city may enforce are those in the City Code.

October 26: email from City Clerk to Mr. **Kinberg** including City Code regarding Political Campaign signs.

October 26: email from Ed **Kinberg** questioning City Clerk's response time to email, accusing City Clerk of uneven application of rules and failure to respond to a public records request, accusing Candidate **Chase** of filing a complaint about Ms. **Denan's** signs.

October 26: email to Ed **Kinberg** responding to comments and refuting accusations.

October 26: email from Ed **Kinberg** regarding Clerk's fairness, complaints, and request for public records.

October 27: email **to all candidates** regarding oversized signs and urging caution during wave activities for the safety of cars, bikes, and pedestrians.

October 27: email from Candidate **Denan** with photos of signs and her opinion of sign regulations.

October 27: email from Candidate **Denan** regarding oversized signs.

October 28: email to Candidate **Denan** noting that the signs have been cut in two and each side is less than 6 square feet.

October 28: email from Betsy **Bracewell** asking that someone not involved with the campaign measure the signs.

October 28: email from Candidate **Denan** stating she is filing a complaint with Florida Election Commission regarding Clerk's interpretation of sign.

October 28: email to Candidate **Denan** agreeing the complaint with FEC might bring sanity to ongoing sign problems.

October 28: email from Betsy **Bracewell** repeating earlier statements.

October 28: email to Candidate **Billman** noting 2 signs at 625 Grant Court, asking that one be removed.

October 28: email from Bill **Spiegelhalter** with pictures showing signs cut in two.

October 28: email from Betsy **Bracewell** acknowledging that signs have been cut and there is no need to measure them.

October 28: email from Candidate **Denan** that complaint with FEC will be filed by EOB today.

October 28: email to Candidate **Billman**, thanking him for removing 2<sup>nd</sup> sign promptly.

October 31: photos of Candidate **Denan's** Friday night demonstration.

October 31: email to Candidate **Denan** for violation of "one sign per candidate per lot" at her Friday night demonstration.

**INSTRUCTIONS FOR CANDIDATES - NOVEMBER 8<sup>th</sup> ELECTION**  
**CANDIDATE QUALIFYING PERIOD AUGUST 11-24, 2011**

- ◆ Candidates must be registered voters and have resided in Satellite Beach for one year prior to qualifying date.
- ◆ Term of office is 3 years. This year, there are two Council seats to be filled.
- ◆ Candidates shall be ranked according to total votes received from high to low, with those ranked highest to be declared elected in order to fill the number of vacant positions and expiring terms.
- ◆ Council members serve without salary; however, each Council Member receive \$50 per month compensation for expenses.

**PART A**

Execute Form DS-DE9 entitled "Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates". A candidate may not accept contributions or make expenditures until Form DS-DE9 is filed. **The form must be on file with the City Clerk prior to opening the campaign account.**

The campaign treasurer or deputy campaign treasurer must be a registered voter in Florida. A candidate may appoint himself/herself as campaign treasurer or deputy treasurer.

The treasurer's duty is to ensure that the account is kept current within two days of the date when the contribution is received or the expenditure is made. When the campaign is over, the treasurer must preserve all account records for the number of years equal to the term of office (three years).

The campaign depository must be a bank, savings and loan association or credit union authorized to do business in the State of Florida. All contributions must be deposited into the account and all expenditures must be drawn by check on the account. The campaign account must be separate from any personal or other account and used only for depositing campaign contributions and making expenditures.

Campaign checks must contain the statement, "Campaign Account of \_\_\_\_\_," the account number, and the name of the bank. The information may be typed on starter checks until printed checks arrive.

File DS-DE 84 "Statement of Candidate" with the City Clerk or Deputy within 10 days after filing DS-DE9.

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## 2011 Election - Important Dates

Date	Event and Statutory Reference
Aug 11 -24 Qualifying Dates	Qualifying dates for the Satellite Beach <b>August 11 - 24, 2011</b> (City Code, Chapter 2, Art. VII Election, Section 2-277)
Sept 23	Campaign Treasurer's Report due, covering period of <b>July 1 to September 16, 2011</b> (§106.07 F. S. - 46th day preceding election)
Oct 7	Campaign Treasurer's Report due, covering period of <b>September 17 to September 30, 2011</b> (§106.07 F.S. - 32nd day preceding election)
Oct 10	Voter registration closes for Municipal and Special District Election (§97.055 F.S. - On 25th day before election)
Oct 18	Satellite Beach Woman's Club <b>Political Forum</b> (Scolly Gulp Municipal Complex, 565 Cassia Boulevard, at 7:00 p.m.)
Oct 21	Campaign Treasurer's Report due, covering period of <b>October 1 to October 14, 2011</b> (§ 106.07 F.S. - 18th day preceding election)
Oct 25, noon	Pollwatcher designations due for Municipal and Special District Election (§101.131 F.S. - Prior to noon of the second Tuesday preceding the election)
Oct 29 or later	Public logic and accuracy test for precinct and absentee ballot tabulation equipment for the Municipal and Special District Election (§ 101.131 F.S. - not more than 10 days before election day)
Nov 3, midnight	Last day for opposed candidates to accept contributions for Municipal and Special District Election (§106.08 F.S. - Contributions may not be accepted less than five days prior to election)
Nov 4	Campaign Treasurer's Report due for period of <b>October 15 to November 3, 2011</b> (§ 106.07 F.S. - 4th day preceding election)
Nov 8	Municipal and Special District Election Deadline for returning absentee ballots is 7:00 p.m. (§ 106.07 F.S. - 7:00 p.m. election day)
Feb 6, 2012	Termination Report due for candidates who withdraw his/her candidacy, are eliminated or are elected to office in the Municipal and Special District Election (§106.71(1) F.S. - 90th day after election)

**Barbara Montanaro**

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**From:** Sdenan@aol.com  
**Sent:** Thursday, November 10, 2011 8:23 PM  
**To:** bmontanaro@satellitebeach.org  
**Cc:** patgibbonsforsb@hotmail.com  
**Subject:** Treasure Late Fee

Barbara,

1. Why was Pat Gibbons charged the lesser of the fee yet I am being charged the greater of the fee. Pat just signed the certified mail today 11/9. Please provide me a copy of the dated letter and the stamped receipt from the post office. Also provide mw with the correspondence showing that Pat was notified of his failure to submit his report immediately after the filing deadline of Oct 21.

2. Also why was I not notified immediately that **a fine was going to be assessed** for each late day filed?

You did not advise me I was going to assessed a fine per FS 106.8 (b).

Your attempt to asses fines fro failure to file treasury reports post election day are unwarranted.

Sheryl Denan

In a message dated 11/10/2011 1:34:59 P.M. Eastern Standard Time, Sdenan@aol.com writes:

Barbara,

pat submitted his report late last cycle. Please send me copy of his certified notice.

Thanks

In a message dated 11/10/2011 10:18:55 A.M. Eastern Standard Time, bmontanaro@satellitebeach.org writes:

Sheryl,

I just wanted to give you a heads up that you will be receiving by certified mail the attached notice regarding the fee for late filing of the November 4 Campaign Treasurer's report. Sorry to have to add this expense; but Florida Statutes set the fees.

Barbara



**Barbara Montanaro**  
**From:** Barbara Montanaro [bmontanaro@satellitebeach.org]  
**Sent:** Thursday, November 10, 2011 10:12 AM  
**To:** 'sdenan@aol.com'  
**Subject:** certified mail

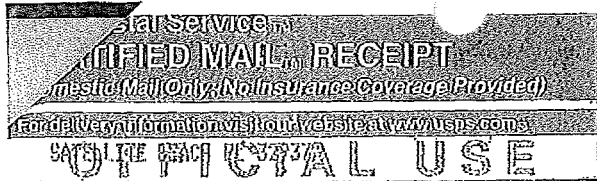
Sheryl;

I just wanted to give you a heads up that you will be receiving by certified mail the attached notice regarding the fee for late filing of the November 4 Campaign Treasurer's report. Sorry to have to add this expense; but Florida Statutes set the fees.



Denan noe of late  
filing Treas...

Barbara



Postage	\$ 0.44	0462
Certified Fee	\$2.85	08
Return Receipt Fee (Endorsement Required)	\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.59	11/08/2011



INCORPORATED 1957

Sent To Sheryl Denan  
 Street, Apt. No.,  
 or PO Box No. 106 Barcelona Ct  
 City, State, ZIP+4 Sat. Bch FL 32937

November 8, 2011

CERTIFIED MAIL 7009 2820 0000 9951 1258  
RETURN RECEIPT REQUESTED

TO: Sheryl Denan

FROM: Barbara Montanaro, City Clerk *B. Montanaro*

SUBJECT: Failure to file Campaign Treasurer's Report on designated due date

The Campaign Treasurer's Report due on Friday, November 4, 2011, was received three days late on Monday, November 7.

At the time of qualifying, I provided a list of important dates with deadlines for filing Campaign Treasurers' Reports and a copy of the Campaign Treasurers' Handbook. On October 31, I emailed a reminder of the November 4 due date to all candidates. Also on Monday, November 7 I reminded you by phone of the due date.

Section 106.07, Florida Statutes, outlines the fine process as follows:

"...for the reports immediately preceding each special primary election, special election, primary election, and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipt or expenditures, whichever is greater, for the period covered by the late report."

Accordingly, it appears that your fine would be calculated as follows:

Total Contributions for period of 10/15/11 to 11/03/11	\$2565.00
Times 25%	<u>.25</u>
<b>TOTAL AMOUNT DUE</b>	<b>\$ 641.25</b>

Section 106.07, Florida Statutes, further provides:

"In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate."

Please submit cash or certified check to City Hall within twenty days of receipt of this notice.

**Barbara Montanaro**  
**From:** Barbara Montanaro [bmontanaro@satellitebeach.org]  
**Sent:** Monday, September 19, 2011 4:00 PM  
**To:** 'Gregg Billman'; 'Mark Brimer'; 'Mike Chase'; 'Pat Gibbons'; 'Sheryl Denan'  
**Cc:** 'Lionor Olexa (E-mail)'  
**Subject:** RE: Reminder

**TO:** All Council Candidates:

Just a reminder that Campaign Treasurer's Reports for the period of July 1 to September 30 are due on Friday September 23.

Barbara

**Barbara Montanaro**  
**From:** Barbara Montanaro [bmontanaro@satellitebeach.org]  
**Sent:** Tuesday, October 18, 2011 3:12 PM  
**To:** 'Gregg Billman'; 'Mark Brimer'; 'Mike Chase'; 'Pat Gibbons'; 'Sheryl Denan'  
**Subject:** Campaign Treas Reports

To all candidates:

Just a friendly reminder that your campaign treasurer's reports for the period of October 1-14 are due this Friday, October 18.

Barbara

**Barbara Montanaro**  
**From:** Barbara Montanaro [bmontanaro@satellitebeach.org]  
**Sent:** Monday, October 31, 2011 3:49 PM  
**To:** 'Gregg Billman'; 'Mark Brimer'; 'Mike Chase'; 'Pat Gibbons'; 'Sheryl Denan'  
**Subject:** important dates

To all candidates:

Check your calendars, you have two important dates to remember this week.

November 3 – last day to receive contributions.

November 4 – file Campaign Treasurer's Report.

Barbara Montanaro, City Clerk

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

RECEIVED

NOV 07 2011

(1) Name Sheryl Raman (2) I.D. Number \_\_\_\_\_

(3) Cover Period 10/15/11 through 1/14/11 (4) Page 1 of 2

(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) Sequence Number		Type	Occupation	Type	Description		Amount
10, 31, 11	Danna Sica Kakwood Dr SB, Fla 32937	I		CHEK			30.00
1							
10, 31, 11	Aaron Calicut Arlene Ave SB, Fla 32937	I		CHEK			50.00
2							
10, 26, 11	Rebecca Landell Shenwood Ave SB, Fla 32937	I		INK	Meet + Greet		25.00
3							
10, 27, 11	Ed. May Koberg Hedgecock Ct SB Fla 32937	I		INK	Meet + Greet		50.00
4							
10, 28, 11	Mary Hubbard Timber Bluff SB, Fla 32937	I		INK	met + Greet		200.00
5							
10, 28, 11	Lisa Augustine Vance Ct SB, Fla 32937	I		INK	Ad		300.00
6							
10, 28, 11	Solcom Direct ATA Indian Harbor Beach Fla 32939	I		INK	Ad		500.00
7							
10, 28, 11	Dominic Augustine Vance Ct Solcom Direct Fla	I		INK	Cash		100.00
8							

CAMPAIGN TREASURER'S REPORT -- ITEMIZED CONTRIBUTIONS

RECEIVED

NOV 07 2011

(1) Name Sheryl Doman

(2) I.D. Number \_\_\_\_\_

(3) Cover Period 10 / 15 / 11 through 1 / 4 / 11 (4) Page 2 of 2

(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) Sequence Number						
10, 28, 11	Mary Roxbury Desoto Place SB Fla 32932	I	INK	Candy		300.00
9						
10, 28, 11	Carl Wanta 625 Court St. SB, Fla 337-7275	I	CASH			50.00
10						
10, 28, 11	Doronic Pyjusto Vance Ct. SB, Fla 32937	I	INK	SHIRTS		60.00
11						
10, 28, 11	Barbara Tsonis 695 Pully Hill Dr Sebastian	I	INK	PROBARS		50.00
12						
10, 28, 11	Barbara Tsonis 695 Pully Hill Dr Sebastian Fla	I	INK	PJBBUS FRAGS		50.00
13						
10, 24, 11	Ed Kriming 245 Hedgecock SB, Fla 32939	I	CASH			50.00
14						
10, 31, 11	Jim Janson Venue Ct Sebastian Beach Fla 32939	I	INK	Keypse Pinnac		500.00
15						
10, 16, 11	Phil Tsonis 698 Pully Hill Dr Sebastian, Fla	I	INK	Trail mix 50 clubs		50.00
16						

RECEIVED

NOV 07 2011

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name Sheryl Denan

(2) I.D. Number \_\_\_\_\_

(3) Cover Period 10 / 15 / 11 through 11 / 4 / 11

(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
10/28/11 1	Feed Store Tractor Supply New Hope Avenue	Hay	Cash		69.90
10/28/11 2	Party House E W Galle Blvd. Indian Harbor Beach	Banners	Debit		21.00
10/28/11 3	Office Depot E W Galle Blvd Indian Harbor Beach FLA	Ink/ Paper	Debit		67.61
1 /					
1 /					
1 /					
1 /					
1 /					

**Barbara Montanaro**

---

**From:** Barbara Montanaro [bmontanaro@satellitebeach.org]  
**Sent:** Thursday, November 10, 2011 1:58 PM  
**To:** [REDACTED]@aol.com  
**Subject:** RE: certified mail

Sheryl,

Here is the requested notice.

Barbara

-----Original Message-----

**From:** [REDACTED]@aol.com [mailto:Sdenan@aol.com]  
**Sent:** Thursday, November 10, 2011 1:35 PM  
**To:** bmontanaro@satellitebeach.org  
**Subject:** Re: certified mail

Barbara,

pat submitted his report late last cycle. Please send me copy of his certified notice.

Thanks

In a message dated 11/10/2011 10:18:55 A.M. Eastern Standard Time,  
bmontanaro@satellitebeach.org writes:

Sheryl,

I just wanted to give you a heads up that you will be receiving by certified mail the attached notice regarding the fee for late filing of the November 4 Campaign Treasurer's report. Sorry to have to add this expense; but Florida Statutes set the fees.

Barbara

**Barbara Montanaro**

---

**From:** [REDACTED]n@aol.com  
**Sent:** Thursday, November 10, 2011 8:23 PM  
**To:** bmontanaro@satellitebeach.org  
**Cc:** patgibbonsforsb@hotmail.com  
**Subject:** Treasure Late Fee

Barbara,

1. Why was Pat Gibbons charged the lesser of the fee yet I am being charged the greater of the fee. Pat just signed the certified mail today 11/9. Please provide me a copy of the dated letter and the stamped receipt from the post office. Also provide mw with the correspondence showing that Pat was notified of his failure to submit his report immediately after the filing deadline of Oct 21.

2. Also why was I not notified immediately that a **fine was going to be assessed** for each late day filed?

You did not advise me I was going to be assessed a fine per FS 106.8 (b).

Your attempt to assess fines for failure to file treasury reports post election day are unwarranted.

Sheryl Denan

In a message dated 11/10/2011 1:34:59 P.M. Eastern Standard Time, Sdenan@aol.com writes:

Barbara,

pat submitted his report late last cycle. Please send me copy of his certified notice.

Thanks

In a message dated 11/10/2011 10:18:55 A.M. Eastern Standard Time, bmontanaro@satellitebeach.org writes:

Sheryl,

I just wanted to give you a heads up that you will be receiving by certified mail the attached notice regarding the fee for late filing of the November 4 Campaign Treasurer's report. Sorry to have to add this expense; but Florida Statutes set the fees.

Barbara



November 8, 2011

CERTIFIED MAIL 7009 2820 0000 9951 1258  
RETURN RECEIPT REQUESTED

TO: Sheryl Denan

FROM: Barbara Montanaro, City Clerk

SUBJECT: Failure to file Campaign Treasurer's Report on designated due date

The Campaign Treasurer's Report due on Friday, November 4, 2011, was received three days late on Monday, November 7.

At the time of qualifying, I provided a list of important dates with deadlines for filing Campaign Treasurers' Reports and a copy of the Campaign Treasurers' Handbook. On October 31, I emailed a reminder of the November 4 due date to all candidates. Also on Monday, November 7 I reminded you by phone of the due date.

Section 106.07, Florida Statutes, outlines the fine process as follows:

"...for the reports immediately preceding each special primary election, special election, primary election, and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipt or expenditures, whichever is greater, for the period covered by the late report."

Accordingly, it appears that your fine would be calculated as follows:

Total Contributions for period of 10/15/11 to 11/03/11	\$2565.00
Times 25%	<u>        .25</u>

**TOTAL AMOUNT DUE**

**\$ 641.25**

Section 106.07, Florida Statutes, further provides:

"In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate."

Please submit cash or certified check to City Hall within twenty days of receipt of this notice.

**SENDER: COMPLETE THIS SECTION**

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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.

Article Addressed to:  
**Pat Gibbons**  
**469 Coach Rd.**  
**Satellite Beach Fl 32937**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent   
*[Signature]*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*[Signature]* 11/9/11

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

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



INCORPORATED 1957

Article Number (transfer from service label) 7009 2820 0000 9951 1265

Form 3811, February 2004 Domestic Return Receipt 102695-02-M-1540

CERTIFIED MAIL 7009 2820 0000 9951 1265  
RETURN RECEIPT REQUESTED

TO: Pat Gibbons

FROM: Barbara Montanaro, City Clerk *B. Montanaro*

SUBJECT: Failure to file Campaign Treasurer's Report on designated due date

The Campaign Treasurer's Report due on Friday, October 21, 2011, was received three days late on Monday, October 24.

At the time of qualifying, I provided a list of important dates with deadlines for filing Campaign Treasurers' Reports and a copy of the Campaign Treasurers' Handbook.

Section 106.07, Florida Statutes, outlines the fine process as follows:

"The fine shall be \$50 per day for the first 3 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."

Accordingly, it appears that your fine would be calculated as follows:

Total Expenditures for period of 10/01/11 to 10/14/11 \$46.09  
Times 25% .25

**TOTAL AMOUNT DUE \$ 11.52**

Section 106.07, Florida Statutes, further provides:

"In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate."

Please submit payment to City Hall within twenty days of receipt of this notice.

Subj: certified mail  
Date: 11/10/2011 10:18:55 A.M. Eastern Standard Time  
From: [bmontanaro@satellitebeach.org](mailto:bmontanaro@satellitebeach.org)  
To: [sdenan@aol.com](mailto:sdenan@aol.com)  
Sheryl,

I just wanted to give you a heads up that you will be receiving by certified mail the attached notice regarding the fee for late filing of the November 4 Campaign Treasurer's report. Sorry to have to add this expense; but Florida Statutes set the fees

Barbara

Thursday, November 10, 2011 AOL: Sdenan

\$11.52. This minimal fine was only imposed on Nov 8<sup>th</sup> to Pat in order for the City to justify imposing a fee against me and would have not been levied against him had I turned in my report on Nov 4<sup>th</sup>. I will be happy to supply any additional information if requested.

Respectfully submitted,



Sheryl L. Denan

Attachments:

Fist notice of fine Nov 10, 11  
Gibbons certified letter  
Denan certified letter  
Montenaro endorsement  
Personal time off calendar

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li><input type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li><input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</li> <li><input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery  <i>[Signature]</i> 10/21/11</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:  Pat Gibbons  469 Coach Rd.  Satellite Beach #1 32937</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.  4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number  (Transfer from service label) 7009 2820 0000 9951 1265</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-34-1549</p>	



INCORPORATED 1957

CERTIFIED MAIL 7009 2820 0000 9951 1265  
RETURN RECEIPT REQUESTED

TO: Pat Gibbons

FROM: Barbara Montanaro, City Clerk *B. Montanaro*

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Accordingly, it appears that your fine would be calculated as follows:

Total Expenditures for period of 10/01/11 to 10/14/11	\$46.09
Times 25%	.25
<b>TOTAL AMOUNT DUE</b>	<b>\$ 11.52</b>

Section 106.07, Florida Statutes, further provides:

"In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate."

Please submit payment to City Hall within twenty days of receipt of this notice.

U.S. Postal Service		
CERTIFIED MAIL, RETURN RECEIPT REQUESTED		
<i>(Domestic Mail Only, No Insurance Coverage Provided)</i>		
For delivery information, visit us at <a href="http://usps.com">usps.com</a>		
OFFICIAL USE		
Postage	\$ 40.14	0442
Certified Fee	11.85	08
Return Receipt Fee (Endorsement Required)	17.20	Postmark: Ham
Restricted Delivery Fee (Endorsement Required)	10.00	
Total Postage & Fees	\$ 89.29	11/08/2011
Sent To: Sheryl Denan		
Street, Apt. No. or PO Box No. 606 Barcelona Ct		
City, State ZIP+4® Sct. Bch FL 32937		



INCORPORATED 1967

November 8, 2011

CERTIFIED MAIL 7009 2820 0000 9951 1258  
RETURN RECEIPT REQUESTED

TO: Sheryl Denan

FROM: Barbara Montanaro, City Clerk *B. Montanaro*

SUBJECT: Failure to file Campaign Treasurer's Report on designated due date

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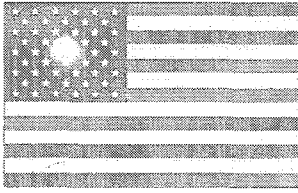
Accordingly, it appears that your fine would be calculated as follows:

Total Contributions for period of 10/15/11 to 11/03/11	\$2565.00
Times 25%	.25
<b>TOTAL AMOUNT DUE</b>	<b>\$ 641.25</b>

Section 106.07, Florida Statutes, further provides:

"In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate."

Please submit cash or certified check to City Hall within twenty days of receipt of this notice.



# Preserve Satellite Beach

## Come and Meet Mike Chase

### Candidate for Re-election to Satellite Beach City Council

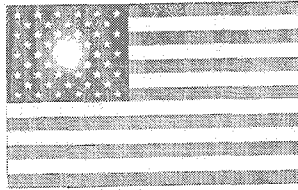
Friday, September 23, 2011  
5 p.m. - 7 p.m.  
Enigma Restaurant  
1550 Hwy. A1A  
Satellite Beach

Heavy Hors d'Oeuvres  
Cash Bar

Hosted by Amy Kneessy, District 3 Brevard County School Board	
Lionel Cote, Police Chief (Ret.) Satellite Beach	
Scotty Culp	Councilman Bill Higginson
Marty Hindsley	Martha Kirby
Dominick Montanaro	Col. Harry Pawlak (USAF Ret.)
Joanne Regan	David Schechter

**Donations to Mike's Campaign are welcome!**

Political Advertisement paid for and approved by Michael E. Chase for Satellite Beach City Council



# Preserve Satellite Beach

## Come and Meet Mark Brimer

### Candidate for Satellite Beach City Council

Friday, September 23 2011  
5 p.m. - 7 p.m.  
Enigma Restaurant  
1550 Hwy. A1A  
Satellite Beach

Heavy Hors d'Oeuvres  
Cash Bar

Hosted by Amy Kneessy, District 3 Brevard County School Board	
Lionel Cote, Police Chief (Ret.) Satellite Beach	
Scotty Culp	Councilman Bill Higginson
Marty Hindsley	Martha Kirby
Frank Montelione	Col. Harry Pawlak (USAF Ret.)
Joanne Regan	David Schechter
Dominick Montanaro	

**Donations to Mark's Campaign are welcome!**

Political advertisement paid for and approved by Mark Brimer for Satellite Beach City Council.

606 Barcelona Court  
Satellite Beach, Florida 32937  
Phone: 321-693-6945  
Fax: 321-779-1756  
sdenan@aol.com

Fax

To: TRACIE From: SHERYL DENAN

Date: NOV. 30, 11 Fax:

Phone: Pages: 9

Re: APPEAL cc:

Comments:

TRACIE, PLEASE ACCEPT THIS  
APPEAL TO THE FEC.  
I DO NOT WISH TO APPEAR  
IN FRONT OF THE COMMISSION.  
YOU CAN FORWARD ALL CORRESPONDENCE  
VIA E-MAIL OR IT CAN BE  
FUNCELED TO ME.





Re: Medical Info For FEC Hearing   
Tracie Aulet to: Sdenan

01/12/2012 08:31 AM

Ms. Denan,

I have received your information. I will include it with your appeal documents that will be presented to the Commission.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,


Tracie L. Aulet  
Investigation Specialist II  
Florida Elections Commission  
The Collins Building, Suite 224  
107 West Gaines Street  
Tallahassee, FL 32399

Please note that Florida has a broad public records law, and that all correspondence to me via e-mail may be subject to disclosure.

Sdenan

Tracie,

01/11/2012 11:35:52 PM

From: @aol.com  
To: tracie.aulet@myfloridalegal.com  
Date: 01/11/2012 11:35 PM  
Subject: Medical Info For FEC Hearing

Tracie,

I have been on the fence about disclosing my medical condition since receipt of the FEC letter several weeks ago. However, per our conversation on 1/8/12 I have attached my medical documents pertaining to the diagnosis and treatment of my brain tumor since 2008. I temporarily relocated to Philadelphia to get the best treatment possible in 2008:

MRI of brain showing tumor

Letter confirming treatment ( 26 days of thermostatic radiation June, July Aug 2008)

Letter confirming diagnosis and need for continual follow up

3 Audio tests showing loss of hearing since original diagnosis and post radiation of the brain(2008, 2010 and most recently 2011- I suffer from continual loss of hearing)

Please add this info to the agenda.

Unfortunately as of my last MRI the tumor did not shrink as most tumors do after sterotatic radiation and still I suffer from intermittent symptoms of the tumor such as vertigo, dizziness, nausea, pain in the side of face and continual loss of hearing ( I wear hearing aids).

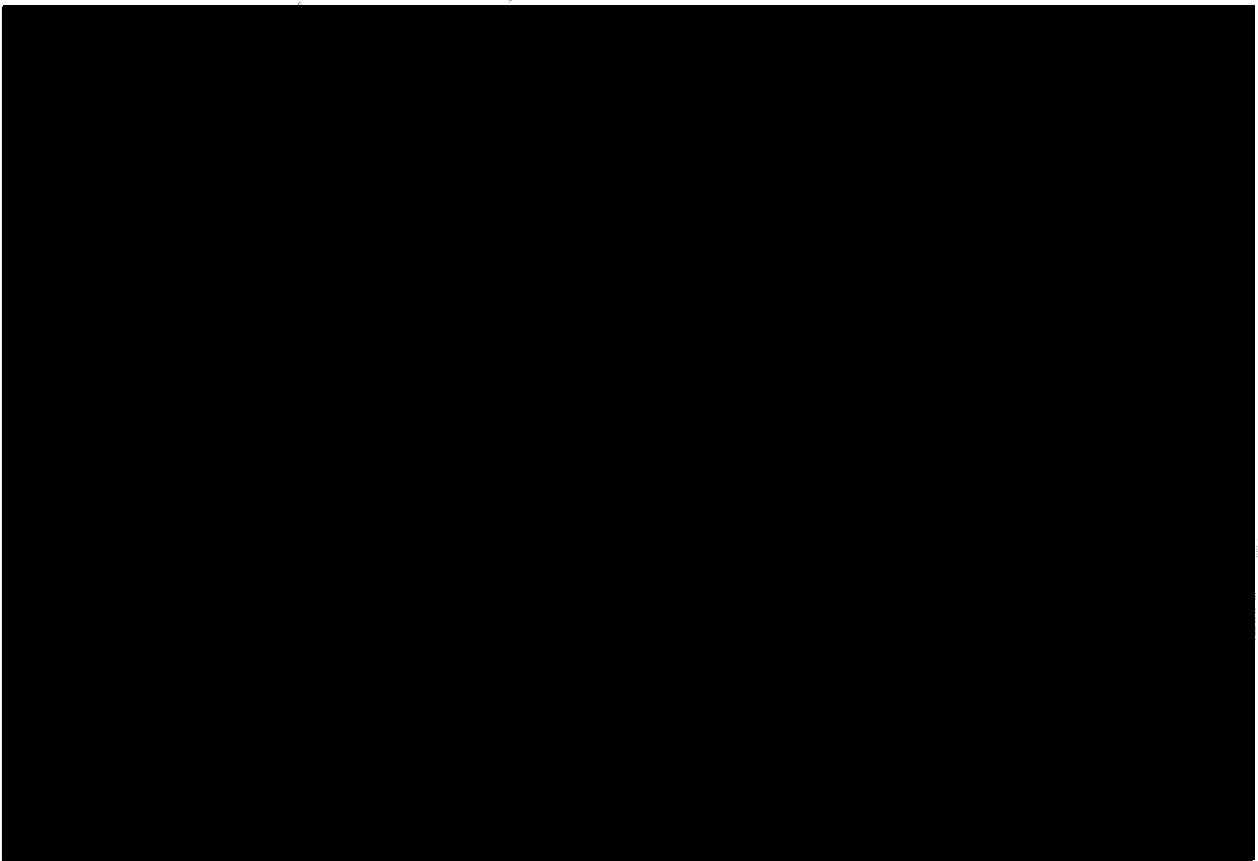
I am in the process of getting my medical records from my local physician in Florida to support the attached and to demonstrate that I was suffering from the above symptoms during the time frame when the Treasury Report was due. I will forward upon receipt.

Please confirm receipt of this email.

Sincerely,

Sheryl Denan

321-693-6945[attachment "Medical Docs.pdf" deleted by Tracie Aulet/OAG]



Patient Name: SHERYL DENAN

EMRN:

DOB: [REDACTED]

Encounter Date: 12/23/2010

SHERYL DENAN

606 BARCELONA CT

SATELLITE BEACH, FL 32937-3908

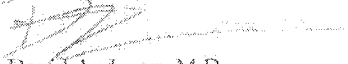
Home: [REDACTED]

December 23, 2010

To Whom It May Concern:

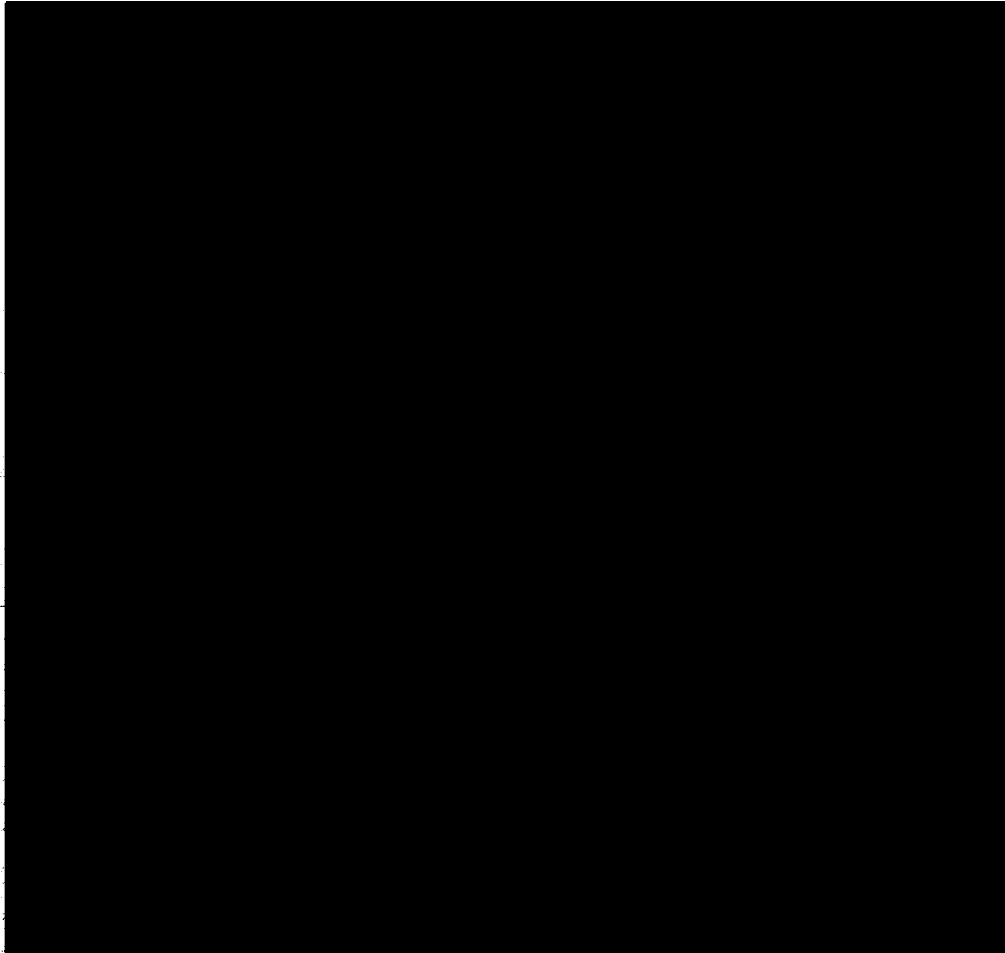
Ms. Sheryl Denan has been diagnosed with an [REDACTED]

Sincerely,

  
David Andrews, M.D.

Electronically signed by: MISTYF WAGNER-MCGEE Dec 23 2010 11:19AM EST Author

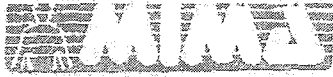
Dear Sheryl Denan:



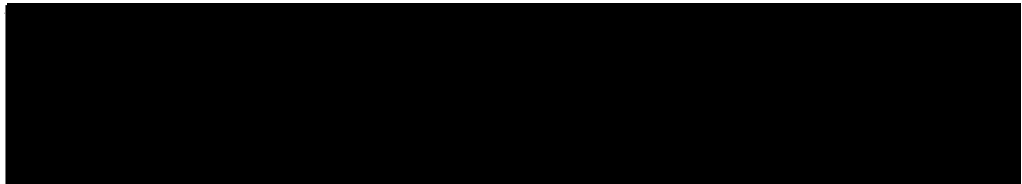
If you have any questions about the above, please feel free to contact me at 215-503-7006.

Sincerely,

  
Kim D. Greggs  
Stereotactic Radiosurgery Coordinator

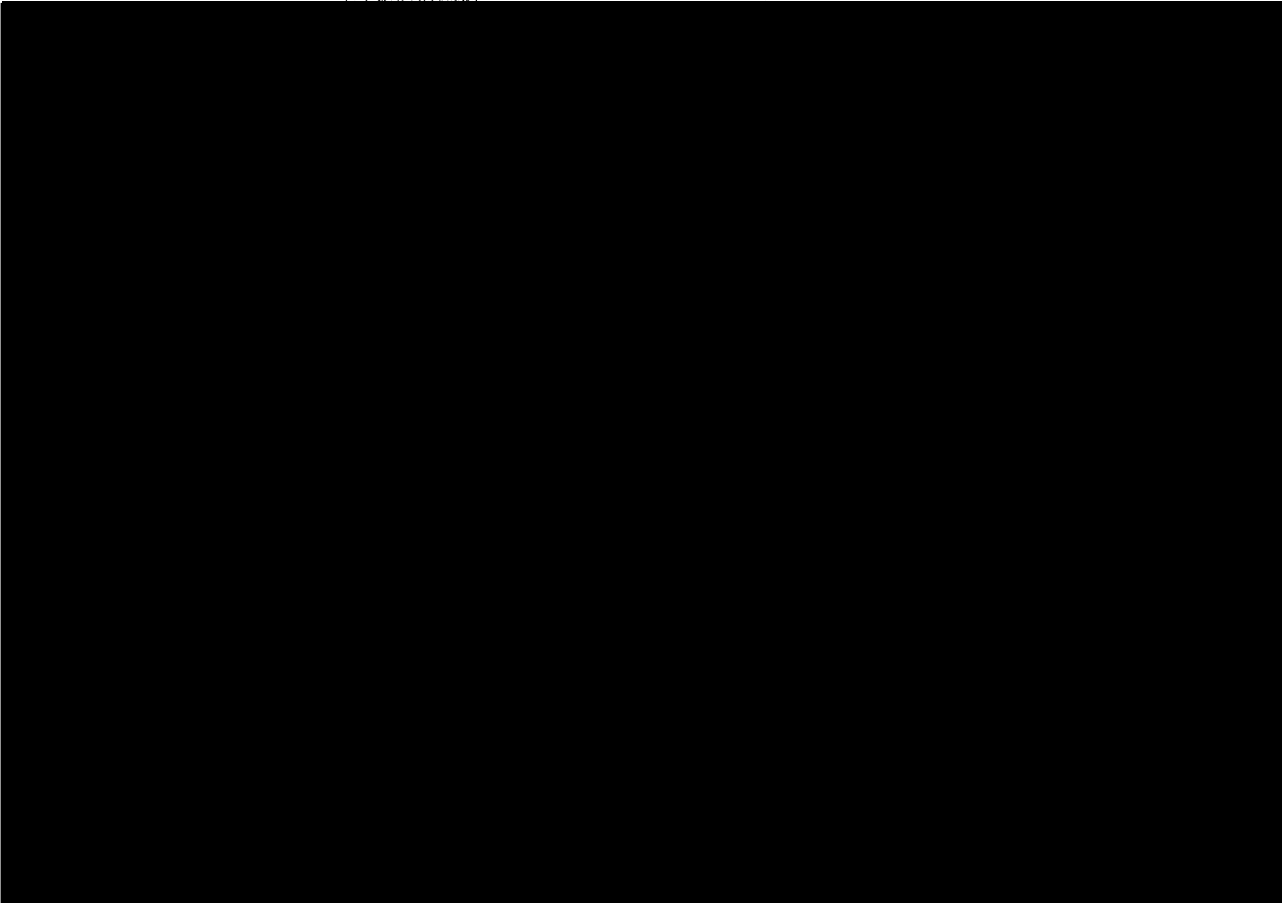


1223 GATEWAY DRIVE  
SUITE 1-E  
MELBOURNE, FL 32901  
PHONE: 321-984-3855  
FAX: 321-984-8483



AUDIOLOGICAL REPORT

FREQUENCY (Hz)



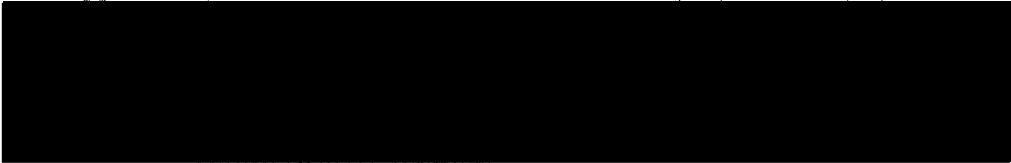


LOCK STREET

W. BAY, FL 32905  
P: (321) 984-3855  
FAX: (321) 984-8483

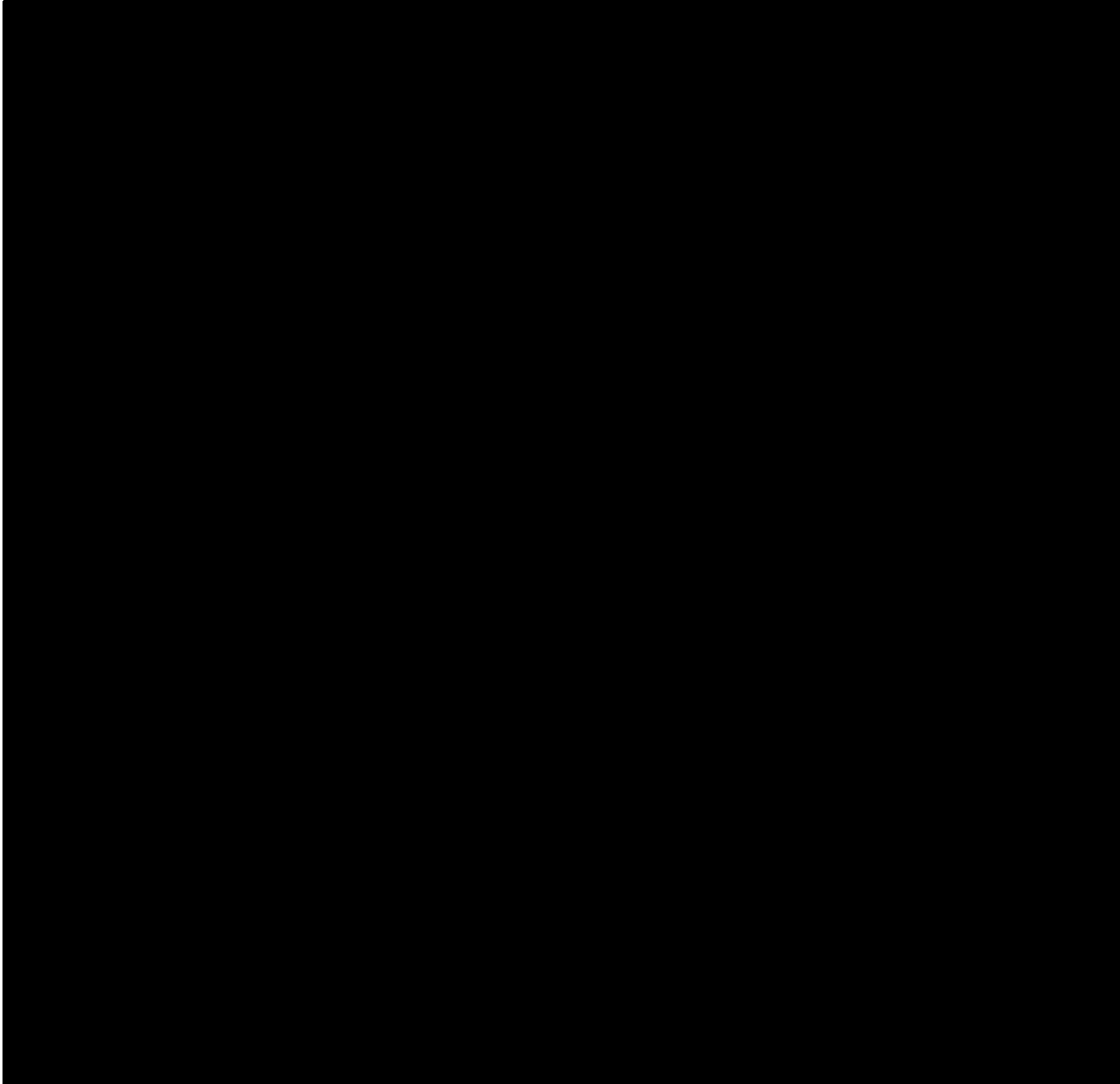
*Prison*

Susan Blauel, Au. D., F-AAA, CCC-7  
Angela Gardner AU. D., F-AAA  
Clinical Audiologists



AUDIOLOGICAL REPORT

FREQUENCY (Hz)



SCHOOL BOARD OF BREVARD COUNTY, FLORIDA  
EXCEPTIONAL STUDENT EDUCATION AND STUDENT SERVICES

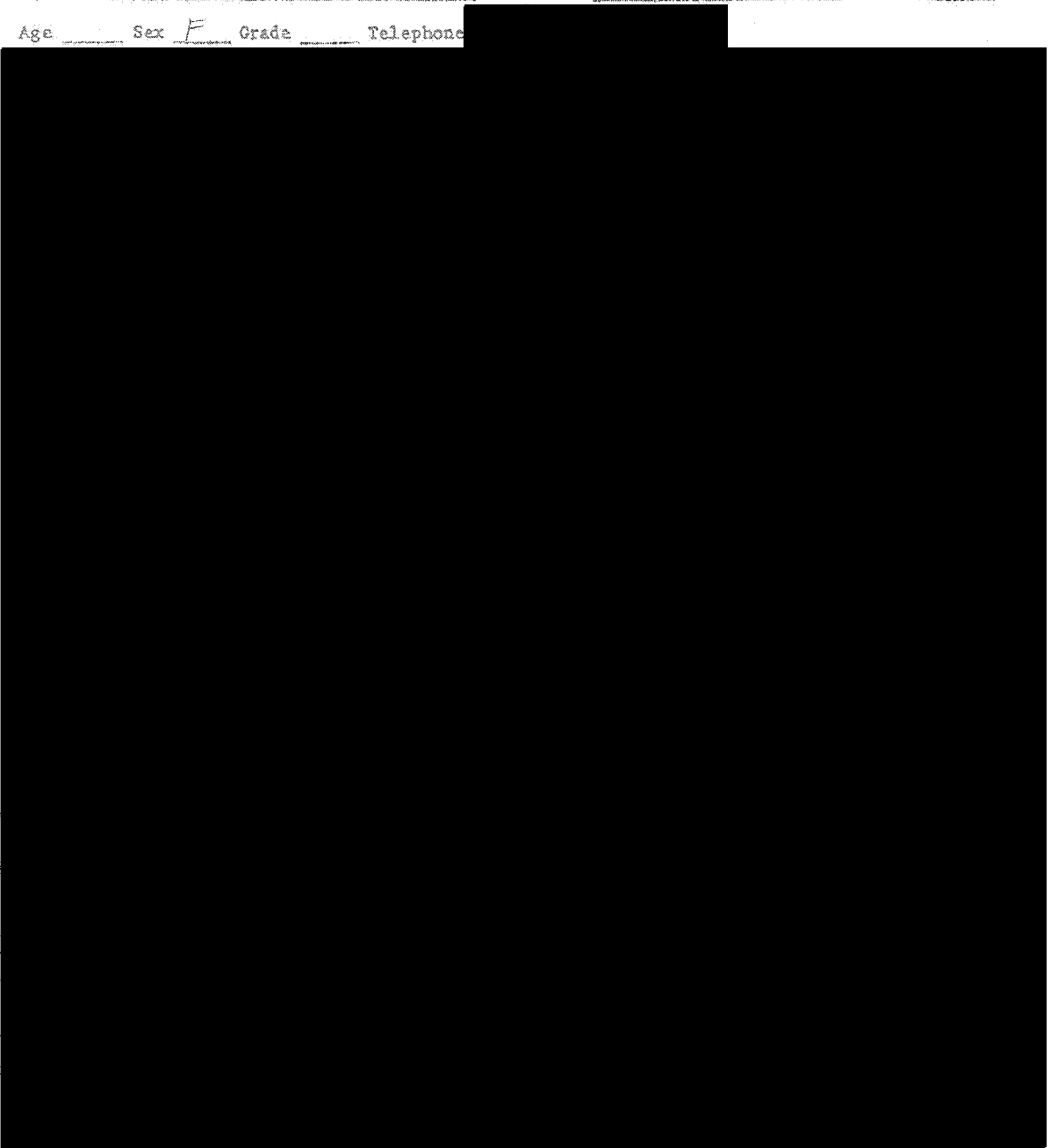
Audiometric Examination

Student Name Sheryl Denan Date of Test 10-25-10

School \_\_\_\_\_ Parents \_\_\_\_\_

Teacher \_\_\_\_\_ Address \_\_\_\_\_

Age \_\_\_\_\_ Sex F Grade \_\_\_\_\_ Telephone \_\_\_\_\_



Re  
(S  
v  
t



**PART B**

Circulate nominating petition - **Ten (10) names of Satellite Beach registered voters required on Nominating Petition!!!!**

File petition with City Clerk **August 11-24**, write check from campaign checking account payable to the City of Satellite Beach and submit to City Clerk when qualifying, as follows:

Council Member Candidate - \$7.00 (City filing fee - \$1.00 + State election assessment - \$6.00)

**A notary is available at City Hall if needed.**

**City Clerk's office will verify qualified electors' signatures on nominating petition.**

Execute "Loyalty Oath" DS-DE 24B

Complete Form 1 - "Statement of Financial Interests 2010" and file with City Clerk.

Sign acknowledgments of special notices.

***Each candidate is invited to write an article for the October Beachcaster. The article will be limited to 300 words. A 3" x 5" black and white glossy print or digital photo (jpg high resolution) is required. Please submit your photograph and article no later than September 1<sup>st</sup>.***

The Satellite Beach Woman's Club will be hosting a Political Forum on Tuesday, October 18, 2011, at 7:00 p.m. Location to be determined.

The following forms must be filed with the City Clerk by 4:30 p.m. on Sept. 23, Oct. 7, Oct. 21, Nov. 4 and Feb. 6 (90 days after qualifying):

"Campaign Treasurer's Report"

"Campaign Treasurer's Report, Contributions"

"Campaign Treasurer's Report, Expenditures"

**No contributions may be received after midnight on November 3, 2011.**

DS-DE 87 (Rev 9/95) **Waiver of Report** - This form is filed when there is no financial activity to report

List of Poll Watchers must be submitted to the Supervisor of Elections by **NOON on Oct. 25, 2011.**

**Final Campaign Treasurer's Report must be filed with the City Clerk on or before February 6, 2012.**

**NOTE: IT IS IMPORTANT TO FILE REPORTS ON TIME.  
THE STATE IMPOSES A FINE FOR EACH DAY A REPORT IS LATE.**

## Campaign Treasurer's Report Information

last updated 1/25/11 (As provided by Brevard County Supervisor of Elections)

### GENERAL INFORMATION

**DEADLINE FOR FILING** - Reports shall be filed no later than 5 p.m. of the day designated. However, any report postmarked by the U.S. Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. 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 service, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner.

**FILING OFFICER** - All reports required of a candidate shall be filed with the officer before whom the candidate is required by law to qualify. Reports required of political committees shall be filed with the agency or officer before whom such committee registers. All committees of continuous existence shall file reports with the Division of Elections.

**(IMPORTANT NOTE: Rule 1S-2.017, F.A.C. requires that all candidates, political committees and committees of continuous existence, who file with the Department of State must file electronically. Any candidate, political committee, or committee of continuous existence who is unable to file a campaign treasurer's report on magnetic diskette, must file a statement to this effect with the Division of Elections. Thereafter, such reports may be filed in hard copy. An original and duplicate copy of the Campaign Treasurer's Report Summary (Form DS-DE 12), and a magnetic diskette of the information required by Chapter 106, F.S., must be filed with the Division of Elections.)**

**WAIVER OF REPORTS** - In any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. **HOWEVER, THE FILING OFFICER MUST BE NOTIFIED IN WRITING ON THE PRESCRIBED REPORTING DATE THAT NO REPORT IS BEING FILED.** (Section 106.07(7), F.S.)

**PENALTY FOR LATE FILING** - Any candidate or political committee 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 the 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.

Any committee of continuous existence failing to file a report on the designated due date shall be subject to a fine of \$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.

**REGISTERED POLITICAL COMMITTEES AND COMMITTEES OF CONTINUOUS EXISTENCE** - Registered political committees and committees of continuous existence must file reports on all dates listed below, with the exception of the 90 day termination report. In addition, committees of continuous existence must file an annual report with the Division of Elections during the month of January. (Section 106.04(4)(a), F.S.)

**2011 DUE DATES**  
**(Section 106.07(1), F.S)**

**Election Reports**

Municipal and Special District Election

<b>DUE DATE</b>	<b>PERIOD COVERED</b>
September 23, 2011	7/1/11 - 9/16/11
October 7, 2011	9/17/11 - 9/30/11
October 21, 2011	10/1/11 - 10/14/11
November 4, 2011	10/15/11 - 11/3/11

**Ninety Day Termination Reports**

Each candidate, within 90 days after becoming unopposed, withdrawing his or her candidacy, being eliminated or being elected to office, shall dispose of funds in his campaign account and file a termination report (February 6, 2012).

Under Florida law, F.S. 668.6076, e-mail addresses are public records. If you do not want your e-mail 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.

[www.votebrevard.com](http://www.votebrevard.com)



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

November 30, 2011

Ms. Sheryl Denan  
606 Barcelona Court  
Satellite Beach, Florida 32937

**RE: Case No.: FEC 11-286; Campaign Treasurer's Report due 11/04/11**

Dear Ms. Denan:

The Florida Elections Commission received your letter appealing the fine assessed against you for failing to timely file your campaign treasurer's report. I anticipate that the Commission will hear your case at its next meeting, which is **presently scheduled for February 21 and 22, 2012**, in Tallahassee. However, please call our office to verify when your case will be heard.

In reaching its decision, the Commission will consider the documents gathered by Commission staff and any documents you submit for the Commission's consideration before its meeting. Unless good cause is shown, the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the meeting. Rules 2B-1.005, 1.0052, and 1.0055, *Florida Administrative Code*, are the Commission's rules on the appeal of automatic fines.

The Commission will uphold the fine imposed by the filing officer unless you provide credible evidence that the report was timely filed or credible evidence that unusual or other circumstances caused the report to be filed late.

If you are a county, municipal, or special district candidate or committee and your report was received by the filing officer without a postmark or with an illegible postmark more than five days after the due date or it was delivered to the filing officer by a mail delivery service other than the United States Postal Service, it will not be found timely filed unless you submit a copy of a proof of mailing or at a hearing before the Commission, presents the oral testimony of the person who timely mailed the report.

The proof of mailing submitted shall reflect that it was obtained from the United States Postal Service or other mail delivery service at the time of mailing and shall reflect that the report was mailed before midnight on the due date. A metered postage mark does not constitute a postmark or a proof of mailing.

If you cannot show that your report was timely filed, the Commission may still grant you relief, but only if you show unusual circumstances. **Unusual circumstances is defined in Rule 2B-1.005(4), Florida Administrative Code, to mean “uncommon, rare, or sudden events over which the actor has no control and which directly result in the failure to act in accordance with the filing requirements.”** Unusual circumstances must occur within a time period that would clearly have prevented you from filing the report in a timely manner. Unusual circumstances shall not include the failure of the United States Postal Service or other mail delivery service to postmark an envelope, legibly postmark an envelope, or timely deliver mail. Further, unusual circumstances shall not include the failure of the sender to affix sufficient postage to a report that is being mailed.

Without credible evidence, the Commission will not find unusual circumstances. The following circumstances may constitute unusual circumstances so long as credible evidence is presented that unusual circumstances caused the report to be filed late.

1. **Natural disaster or other emergency that prevented timely filing.** Evidence submitted must include copies of newspaper reports or other documents from an independent and reliable source that shows the nature, date, and location of the natural disaster or emergency.
2. **Death of the candidate or campaign treasurer or an immediate family member of the candidate or campaign treasurer.** Evidence submitted must include a copy of the death certificate, newspaper obituary, or funeral program, or notice.
3. **Serious illness, disability or non-elective surgery of the candidate or campaign treasurer.** Evidence submitted must include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability, or surgery; a statement regarding the period of time that the patient was incapacitated; and a statement that surgery, if any, was not elective. Copies of hospital records reflecting the dates of hospitalization may also show the period of incapacitation.
4. **Serious illness, disability, or non-elective surgery of the immediate family member of the candidate or campaign treasurer.** Evidence submitted must include evidence of the relationship of the candidate or treasurer to the family member, the location of the family member, and the reason the presence of the candidate or campaign treasurer was required. Evidence submitted must also include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability or surgery; a statement regarding the period of time that the patient was incapacitated; a statement that surgery, if any, was not elective; and a statement that the patient required the care of a family member.
5. **Computer or equipment failure caused by events that could not have been anticipated and that made timely filing of the report impossible.** Power outages or program failure does not constitute unusual circumstances

unless it is established that reasonable precautions to assure the safety of the equipment or the ability of the program to perform as anticipated were taken before the events causing failure of the equipment or program. Evidence must include a written statement made under oath in the presence of a notary or other person authorized to administer oaths indicating the cause and the duration of the power outage and the reasonable precautions taken to assure the safety of the equipment or the ability of the program to perform as anticipated.

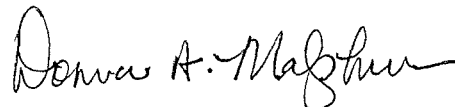
6. **The abrupt and unexpected loss of the campaign treasurer, over which you had no control.** The loss of the campaign treasurer does not constitute unusual circumstances if the appealing party failed to monitor the campaign treasurer's performance before his or her departure or if the appealing party failed to assure prompt preparation of the report after the treasurer's departure. Evidence must include a written statement made under oath in the presence of a notary or other person authorized to administer oaths explaining the departure of your treasurer and the steps taken to monitor the treasurer's performance before his or her departure.

You may, of course, send any additional evidence that you believe supports your position that your report was timely filed or that unusual circumstances cause your report to be filed late. Rule 2B-1.005(3), Florida Administrative Code, provides that if you send additional documentary evidence, the Commission must receive it no later than 20 days from the date of this letter. Remember that the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the meeting, unless good cause is shown. If the documentary evidence is timely received, it will be presented to the Commission when it considers your appeal of the assessed fine.

**It is your responsibility to provide the Commission with credible evidence that the report was timely filed or credible evidence that unusual circumstances caused the report to be filed late. If you do not provide the evidence requested in this letter or in the Commission rules, the Commission will uphold the fine assessed by the filing officer.**

If you have any questions or need additional information, please contact **Tracie Aulet**, the investigator assigned to this case, at extension 114.

Sincerely,



Donna Ann Malphurs  
Agency Clerk

606 Barcelona Court  
Satellite Beach, Florida 32937  
Phone: 321-693-6945  
Fax: 321-779-1756  
sdenan@aol.com

RECEIVED

2011 NOV 30 A 8:25

STATE OF FLORIDA  
ELECTIONS COMMISSION

Fax

To: TRACIE From: SHERYL DENAN

Date: NOV. 30, 11 Fax: \_\_\_\_\_

Phone: \_\_\_\_\_ Pages: 9

Re: APPEAL cc: \_\_\_\_\_

Comments:

TRACIE, PLEASE ACCEPT THIS  
APPEAL TO THE FEC.  
I DO NOT WISH TO APPEAR  
IN FRONT OF THE COMMISSION.  
YOU CAN FORWARD ALL CORRESPONDENCE  
VIA E-MAIL OR IT CAN BE  
MAILED TO ME.