

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: KALL PC**

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**Case No.: FEC 16-278**

**TO:** C/O Sniffin & Spellman PA  
Anne Kinch, Chair  
123 North Monroe Street  
Tallahassee, FL 32301

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

**NOTICE OF HEARING (AUTOMATIC FINE)**

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

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

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

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

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

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

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

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

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

**See further instructions on the reverse side.**

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

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

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

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

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

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

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

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

**FLORIDA ELECTIONS COMMISSION  
CASE REPORT**

**Case Number: FEC-16-278**

**NAME:** **KALL PAC**

**DATE APPEAL RECEIVED:** 7/27/16

**DATE REPORT DUE:** 7/1/16 (2016 P1)

**DATE OF ELECTRONIC RECEIPT:** 7/7/16

**DATE FILING OFFICER RECEIVED REPORT:** 7/7/16

**NUMBER OF DAYS LATE:** 6

**AMOUNT OF FINE:** \$62.50

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

**TOTAL RECEIPTS FOR REPORTING PERIOD:** \$0

**TOTAL EXPENDITURES FOR REPORTING PERIOD:** \$250.00

**DATE FIRST NOTIFICATION WAS SENT:** 7/5/16

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

**SUMMARY:** KALL PAC is a political committee (PC) registered with the State of Florida. The PC's chair was Ms. Anne Kinch and its treasurer was Ms. Hetal Desai McGuire.

The PC is appealing the fine claiming that unusual circumstances existed that caused the report to be untimely filed. According to Ms. Kinch, "The delay was caused by a clerical error which failed to switch over the due date for filing on the calendar from the 10<sup>th</sup> of every month (M 1-5) to every two weeks starting July 1 (2016 P1). This delay was caused by the unusual circumstance of the Fourth of July holiday coupled with the fact KALL-PAC was in the process of closing down and disbanding at that time. It is no longer acting as a PAC and has no funds to pay such fines...As there was no intentional delay, and the report has since been filed, I ask that the Florida Elections Commission waive the automatic late fine."

- The 2016 P1 covers the time period from 6/1/16 through 6/24/16.
- The PC reported receiving 0 contributions, while making 2 expenditures during this reporting period.
- The 2016 P1 Queued-Transactions Report reflects that this report was created on 7/7/16 at approximately 9:37 am, before being filed at approximately 7/7/16 at approximately 9:45 am.

**PRIOR CASES:** This PC has no prior cases with the Commission.

August 9, 2016

**VIA FACSIMILE: (850) 921-0783**

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

**Re: KALL-PAC  
PAC # 64698**

To Whom It May Concern:

This is an appeal of the automatic fine for **\$62.50** assessed against KALL-PAC (see attached July 11 letter) for its late filing of a report (P1) due July 1, 2016, but that was actually filed July 7, 2016.

The delay was caused by a clerical error by the Treasurer, Hetal McGuire, which failed to switch over the due date for filing on the calendar from the 10th of every month (M 1 – 5) to every two weeks starting July 1 (2016 P1). This delay was caused by the unusual circumstance of the Fourth of July holiday coupled with the fact KALL-PAC was in the process of closing down and disbanding at that time. It is no longer acting as a PAC and has no funds to pay such fines.

As there was no intentional delay, and the report has since been filed, I ask that the Florida Elections Committee waive the automatic late fine.

If you require additional information or documentation, please do not hesitate to contact me directly.

Sincerely,



Anne Kinch

Enclosures

cc: Florida Division of Elections (w/ enclosures)

# ENR SNIFFEN & SPELLMAN, P.A.

123 NORTH MONROE STREET • TALLAHASSEE, FL 32301

PHONE: 850.205.1996 • FAX: 850.205.3004

WWW.SNIFFENLAW.COM

RECEIVED  
2016 JUL 27 A 9 38

July 26, 2016

STATE OF FLORIDA  
ELECTIONS COMMISSION

## VIA U.S. MAIL

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

Re: KALL-PAC  
PAC # 64698

To Whom It May Concern:

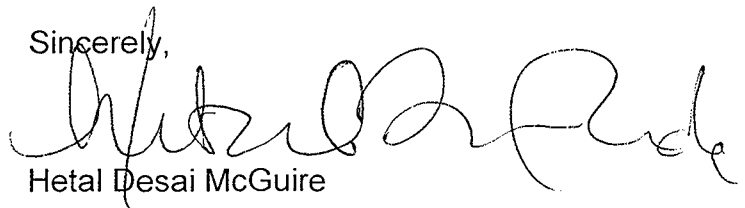
This is an appeal of the automatic fine for **\$62.50** assessed against KALL-PAC (see attached July 11 letter) for its late filing of a report (P1) due July 1, 2016, but that was actually filed July 7, 2016.

The delay was caused by a clerical error which failed to switch over the due date for filing on the calendar from the 10th of every month (M 1 – 5) to every two weeks starting July 1 (2016 P1). This delay was caused by the unusual circumstance of the Fourth of July holiday coupled with the fact KALL-PAC was in the process of closing down and disbanding at that time. It is no longer acting as a PAC and has no funds to pay such fines (see attached letter dated 7/14/16).

As there was no intentional delay, and the report has since been filed, I ask that the Florida Elections Committee waive the automatic late fine.

If you require additional information or documentation, please do not hesitate to contact me directly.

Sincerely,



Hetal Desai McGuire

HDM/hm  
Enclosures

cc: Florida Division of Elections (w/ enclosures)



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

July 11, 2016

Hetal Desai McGuire, Treasurer  
KALL-PAC  
c/o Sniffen & Spellman  
PA, 123 North Monroe  
Tallahassee, FL 32301-2301

PAC 64698

Dear Ms. McGuire:

The campaign treasurer's report that was due on July 1, 2016, was filed on July 7, 2016. By law, you are automatically assessed a late fine of \$62.50.

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

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

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

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

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

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

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

Sincerely,

Kristi Reid Brønson, Chief  
Bureau of Election Records

cc: Anne Kinch, Chairperson



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

July 5, 2016

Hetal Desai McGuire, Treasurer  
KALL-PAC  
c/o Sniffen & Spellman  
PA, 123 North Monroe  
Tallahassee, FL 32301-2301

PAC 64698

Dear Ms. McGuire:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was July 1, 2016.

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

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

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

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

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

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records

cc: Anne Kinch, Chairperson

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

- (1) KALL-PAC (2) 64698  
Candidate, Committee or Party Name I D Number
- (3) c/o Sniffen & Spellman, P.A. Tallahassee FL 32301  
Address (number and street) City State Zip Code  
☐ Check box if address has changed since last report
- (4) Check appropriate box(es).  
☐ Candidate (office sought):  
☒ Political Committee ☐ Check If PC has DISBANDED  
☐ Committee of Continuous Existence ☐ Check If CCE has DISBANDED  
☐ Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 06/01/2016 To 06/24/2016 Report Type: P1  
☐ Original ☒ Amendment ☐ Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$0.00
Loans	\$0.00
Total Monetary	\$0.00
In-Kind	\$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$250.00
Transfers to Office Account	\$0.00
Total Monetary	\$250.00

(8) Other Distributions

Certification

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

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

Name of ☐ Treasurer ☐ Deputy Treasurer

X \_\_\_\_\_  
Signature

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

Name of ☐ Candidate ☒ Chairman (PC/PTY Only)

X \_\_\_\_\_  
Signature



ID:

## CAMPAIGN TRAIL ASURER'S REPORT – ITEMIZED CONTRIBUTIONS

Page 1 of 1

Name: KALL-PAC

Report: 2016 P1

Period: 06/01/2016 to 06/24/2016

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

Seq #	Full Name (Last, Suffix, First, Middle)	Contributor	Occupation	Amount
Date	Street Address & City, State, Zip	Type	In-Kind Description	Amend

Name: KALL-PAC

Report: 2016 P1

Period: 06/01/2016 to 06/24/2016

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

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend
1 06/07/2016	PLANNED PARENTHOOD - THE SALLY BELLAMY HEALTH CENTER SUITE B2, 2121 W PENSACOLA ST, TALLAHASSEE TALLAHASSEE, FL 32304	MON	CONTRIBUTION	\$250.00 UPD
* 1 06/07/2016	PLANNED PARENTHOOD - THE SALLY BELLAMY HEALTH CENTER SUITE B2, 2121 W PENSACOLA ST, TALLAHASSEE TALLAHASSEE, FL 32304	X	CONTRIBUTION	\$250.00 History 07/15/16

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

ID:

**CAMPAIGN TREASURER'S REPORT – ITEMIZED FUND TRANSFERS**

Page 1 of 1

Name: KALL-PAC

Report: 2016 P1

Period: 06/01/2016 to 06/24/2016

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

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

**Queued Items for 2016-P1**Account: **64698****KALL-PAC**

Rpt Seq: 14

<i><b>ProcessDescription</b></i>	<i><b>Status</b></i>	<i><b>Submitter</b></i>	<i><b>Created</b></i>	<i><b>LastUpdate</b></i>
Create Pending Report	Processing Complete	64698	7/7/2016 9:37:33 AM	7/7/2016 9:37:33 AM
Recalc Pending Report Total	Processing Complete	64698	7/7/2016 9:43:45 AM	7/7/2016 9:43:45 AM
File Pending Report	Processing Complete	64698	7/7/2016 9:45:07 AM	7/7/2016 9:45:08 AM
Review Filed Report	Processing Complete	64698	7/11/2016 1:01:21 PM	7/11/2016 1:01:21 PM
Amend Filed Report	Processing Complete	64698	7/15/2016 11:58:46 AM	7/15/2016 11:58:46 AM
Review Pending Report	Processing Complete	64698	7/15/2016 12:00:25 PM	7/15/2016 12:00:25 PM
File Pending Report	Processing Complete	64698	7/15/2016 12:01:58 PM	7/15/2016 12:01:58 PM


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## Florida Department of State - Division of Elections

## Florida Election System Reports

Candidate/Committee Lookup

Name: 

Committee Name: KALL-PAC

Account: 64698

Election:

Acct: Type: 

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
7/22/2016	P2A	7/15/2016						
7/15/2016	P2	7/15/2016						
7/8/2016	P1A	7/15/2016	NEN	7	\$0.00		\$0.00	\$0.00
7/1/2016	P1	7/7/2016	APP	6	\$62.50		\$62.50	\$0.00
6/10/2016	M5	6/9/2016						
5/10/2016	M4	5/10/2016						
4/11/2016	M3	4/7/2016						
3/10/2016	M2	3/8/2016						
2/10/2016	M1	2/8/2016						
1/11/2016	M12	1/11/2016						
12/10/2015	M11	12/9/2015						
11/10/2015	M10	11/12/2015	NEN	2	\$0.00		\$0.00	\$0.00
10/13/2015	M9	10/7/2015						
9/10/2015	M8	9/8/2015						
8/10/2015	M7	8/6/2015						
7/10/2015	M6	7/10/2015						
6/10/2015	M5	6/12/2015	CLO	2	\$100.00		\$100.00	\$100.00



# Florida Department of State Division of Elections

## KALL-PAC

### Campaign Finance Activity

**Note:** The information presented below was obtained from the Committee's/Candidate's Campaign Treasurer's Report filed with the Division of Elections About the Campaign Finance Data Base. If all contributions for a reporting period are less than 1 dollar Then they may not be displayed.

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
<input type="radio"/>	05/01/2015 - 05/31/2015	950.00	0.00	0.00	500.00	0.00	0.00
<input type="radio"/>	06/01/2015 - 06/30/2015	0.00	0.00	0.00	100.00	0.00	0.00
<b>W</b>	07/01/2015 - 07/31/2015	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	08/01/2015 - 08/31/2015	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	09/01/2015 - 09/30/2015	0.00	0.00	0.00	60.00	0.00	0.00
<b>W</b>	10/01/2015 - 10/31/2015	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	11/01/2015 - 11/30/2015	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	12/01/2015 - 12/31/2015	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	01/01/2016 - 01/31/2016	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	02/01/2016 - 02/29/2016	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	03/01/2016 - 03/31/2016	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	04/01/2016 - 04/30/2016	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	05/01/2016 - 05/31/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	06/01/2016 - 06/24/2016	0.00	0.00	0.00	250.00	0.00	0.00
<b>W</b>	06/25/2016 - 07/01/2016	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	07/02/2016 - 07/08/2016	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	07/09/2016 - 07/15/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input checked="" type="radio"/>	<b>All Dates (Totals)</b>	950.00	0.00	0.00	910.00	0.00	0.00

Note: (E) indicates that report was filed electronically

**X** Indicates that detail has not been released

# SNIFFEN & SPELLMAN, P.A.

123 NORTH MONROE STREET • TALLAHASSEE, FL • 32301

PHONE: 850.205.1996 • FAX: 850.205.3000

WWW.SNIFFENLAW.COM

RECEIVED  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS  
2016 JUL 14 AM 9:43

July 12, 2016

## VIA U.S. MAIL

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

Re: **KALL-PAC**  
**PAC # 64698**

To whom it may concern:

Please accept this letter as a formal intent to close and end the operation of KALL- PAC. KALL-PAC will no longer receive contributions or make expenditures. It no longer has any funds to dispose of and the committee was closed as of June 30, 2016. If you have any questions or concerns, please do not hesitate to contact me directly.

Thank you,

  
Hetal Desai

Cc: Anne Kinch, Chairperson