

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**In Re: Brevard County Republican
Executive Committee.**

Case No.: FEC 11-221

NOTICE OF HEARING ON APPEAL OF AUTOMATIC FINE

TO: Barbara Davis, Chair
Brevard County Republican
Executive Committee
2525 Aurora Road, Suite 105
Melbourne, Florida 32935

The Honorable Lori Scott
Brevard County Supervisor of
Elections
Post Office Box 1119
Titusville, Florida 3278

1

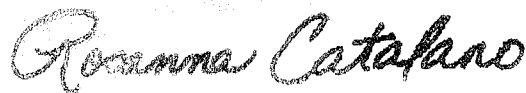
PLEASE TAKE NOTICE that on **February 21, 2012**, at **8:30 a.m.** or thereafter as the parties can be heard, the Florida Elections Commission will consider the Respondent's appeal of the automatic fine imposed by the filing officer. The Commission will meet at: **City Hall, City Commission Chambers,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



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-11-221

NAME: BREVARD COUNTY REPUBLICAN EXECUTIVE COMMITTEE

DATE APPEAL RECEIVED: 2/15/11

DATE HEARD BY FEC: 2/21/12

DATE HEARING REQUEST RECEIVED: n/a

DATE REPORT DUE: 1/10/11 (2010 Q4)

DATE OF ELECTRONIC RECEIPT: 1/20/11

DATE FILING OFFICER RECEIVED REPORT: 1/20/11

NUMBER OF DAYS LATE: 10

AMOUNT OF FINE: \$1,634.00

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$169.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$6,539.25

DATE FIRST NOTIFICATION WAS RECEIVED: Fine letter dated 1/21/11

SUMMARY: Brevard County Republican Executive Committee is a political party executive committee (PPX) registered with the Brevard County Supervisor of Elections office. The PPX's chair is Barbara Davis and its treasurer is Clyde Thodey.

Mr. Thodey is appealing the fine claiming that he was unaware a report was due. According to Mr. Thodey, he had just been elected to the volunteer position of treasurer on 12/9/10, as the previous treasurer had resigned and left "three months of paper work to sort out." Mr. Thodey states he had to call the supervisor of elections office to get new "codes" so he could file the report online.

PRIOR CASES: The committee has not had any prior cases before the Commission.

CORRECTION OF FINE: The correct fine amount is \$1,634.81, which is 25% of the expenditures for the reporting period.

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

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



BREVARD REPUBLICAN EXECUTIVE COMMITTEE

Republican Party of Brevard
2525 Aurora Road, Suite 105
Melbourne, FL 32935
(321) 254-0073; Fax: (321) 254-0083
www.brevardrepublicans.org

Mailing address:
PO Box 410153
Melbourne, FL 32941-0153

February 7, 2011

Barbara Davis
County Chairman

RE: FILLING APPEAL

Bob White
Vice Chairman

Judy Timothy
Secretary

Clyde Thodey
Treasurer


Mike Thomas
State Committeeman

Carlie Rogers
State
Committeewoman

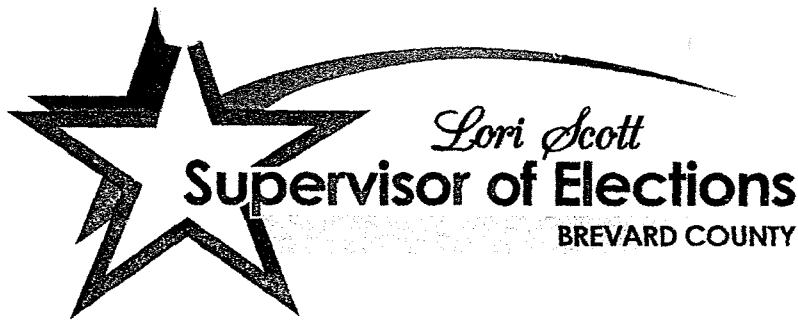
On January 27, 2011 I received a letter from Pat Velleca, Elections Administrative Specialist, stating that the BREC CAMPAIGN TRESASURER'S REPORT which was due on January 10, 2011 was not received. First of all, I had no idea what she was talking about because I had just been elected to this volunteer position. The election took place on December 9, 2011. The person who was doing this job resigned and left a box of paper work for me to go through. So, I had three months of paper work to sort out. Once I received her letter, I called her and she had to issue me new codes to get into the online account to file the information requested in her letter.

Now that I know about the reports, I will get them in on time, plus I am going to write up a handbook on being the Treasurer so the next person will know what to do. This has been an eye opening experience for a volunteer who is 70 years old.

I am requesting that the fine be waved.

Sincerely,

Clyde Thodey
Treasurer

RECEIVED
FEB 15 11 30 AM
BREVARD REPUBLICAN EXECUTIVE COMMITTEE



January 21, 2011

Reply To:

Government Center North
400 South Street 1F
Post Office Box 1119
Titusville, FL 32781-1119
Telephone 321-264-6740
Fax 321-264-6741

Viera Government Center
2725 Judge Fran Jamieson Way
Building C, Level 1
Post Office Box 410819
Melbourne, FL 32941-0819
Telephone 321-633-2124
Fax 321-633-2130

South Brevard
Service Complex
1515 Sarno Road
Melbourne, FL 32935
Telephone 321-255-4455
Fax 321-255-4401

Palm Bay
Service Complex
450 Cogan Drive, SE
Palm Bay, FL 32909
Telephone 321-952-6328
Fax 321-952-6332

Central Brevard
Service Complex
2575 N. Courtenay Parkway
Merritt Island, FL 32953
Telephone 321-454-6606
Fax 321-454-6607

TDD
321-454-6608

VOTER FRAUD HOTLINE
1-877-868-3737

Brevard County Republican Executive Committee
Barbara Davis, Chairperson
2525 Aurora Road Suite 105
Melbourne, FL 32935

Dear Barbara,

Your campaign treasurer's report, which was due January 10, 2011, was not received electronically until January 20, 2011.

Section 106.07(8)(b), Florida Statutes, provides for a fine of \$50 per day for the first 3 days a report is late and, thereafter \$500 per day, although a fine cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. **However, for the reports immediately preceding the primary and general election, the fine is \$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.**

Since your report was deemed filed on January 20th, you are fined in the amount of \$ 1,634.00, which is 25% of the expenditures for this report. The fine must be paid within 20 days of receipt of this notice unless appealed to the **Florida Elections Commission**.

If you wish to appeal to the Florida Elections Commission, you must submit a notice of appeal to the Commission in writing within 20 days of the date of receipt of this notice. (See Section 106.07(8)(b), Florida Statutes and Rules 2B-1.005 and 2B-1.0055 Florida Administrative Code.) Enclosed is a copy of Section 106.07, Florida Statutes which was amended by the Florida Legislature, and which governs the filing of candidate and political committee reports. For more information contact:

The Florida Elections Commission
107 West Gaines Street, Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539
www.fec.state.fl.us

If you have any further questions, you may contact me at 321-264-6746 or 321-633-2000 extension 46746, email- pvelleca@votebrevard.com

Sincerely

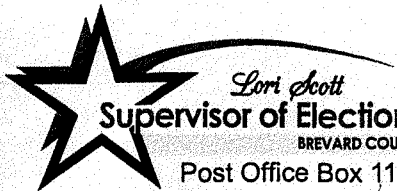
LORI SCOTT
SUPERVISOR OF ELECTIONS

Pat Velleca
Elections Administrative Specialist

cc: Clyde Thodey, Treasurer

Attachments

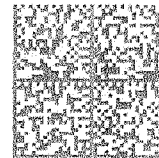
www.votebrevard.com



Lori Scott
Supervisor of Elections

BREVARD COUNTY

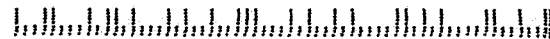
Post Office Box 1119
Titusville, Florida 32781-1119



UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$ 000.44⁰
0003153824 JAN 24 2011
MAILED FROM ZIP CODE 32780

Clyde Thodey, Treasurer
BC Republican Executive Committee
Post Office Box 540993
Merritt Island, FL 32954-0993

32954+0993



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

RECEIVED

(1) BC Republican Executive Committee
 Name
 (2) 2525 Aurora Road
 Address (number and street)
Melbourne, FL 32935
 City, State, Zip Code

OFFICE USE ONLY
 2012 JAN 5 A 8:24
ONLINE SUBMISSION
 (1026988)
 STATE OF FLORIDA
 ELECTIONS COMMISSION
 Submitted on: 1/20/2011 16:07:19 (eastern)

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: 307

(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
- Electioneering Communication CHECK IF NO OTHER ELECTIONEERING COMMUNICATION REPORTS WILL BE FILED

(5) REPORT IDENTIFIERS

Cover Period: From 10/1/2010 To 12/31/2010 Report Type Q4
 Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$	<u>169.00</u>
Loans	\$	<u>0.00</u>
Total Monetary	\$	<u>169.00</u>
In-Kind	\$	<u>0.00</u>

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$	<u>6,539.25</u>
Transfers to Office Account	\$	<u>0.00</u>
Total Monetary	\$	<u>6,539.25</u>

(8) Other Distributions
 \$ 0.00

(9) TOTAL Monetary Contributions To Date
 \$ 89,031.25

(10) TOTAL Monetary Expenditures To Date
 \$ 101,182.91

(11) CERTIFICATION

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

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

(Type name) _____
 Individual (only for electioneering commun.) Treasurer Deputy Treasurer

X

 Signature

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

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

X

 Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name BC Republican Executive Committee (2) I.D. Number 307
 10/1/2010 12/31/2010
 (3) Cover Period / / through / / (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description:	(11) Amendment	(12) Amount
11/15/2010 / /	Rogers, Carlyle 4360 Stoney Point Road Melbourne, FL 32940	I	retired	CH			\$189.00
1							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name BC Republican Executive Committee (2) I.D. Number 307
 10/1/2010 through 12/31/2010
 (3) Cover Period / / through / / (4) Page 1 of 4

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
10/4/2010 / /	Bighthouse Networks, PO Box 31173 Tampa, FL 33631	telephone & internet	MO		\$156.95
1					
10/4/2010 / /	Florida Power & Light, PO Box 025576 Miami, FL 33102	electricity	MO		\$146.90
2					
10/4/2010 / /	GE Capital, PO Box 740441 Atlanta, GA 30374	copier lease	MO		\$86.28
3					
10/4/2010 / /	Office Depot, 243 E Eau Gallie Blvd Indian Harbour Beach, FL 32937	office supplies	MO		\$29.87
4					
10/4/2010 / /	TA Altman Rentals, 10 Palmer Rd Unit H Indian Harbour Beach, FL 32937	office rent	MO		\$498.95
5					
10/5/2010 / /	Brevard Insurance, 3201 N Atlantic Avenue Cocoa Beach, FL 32931	insurance	MO		\$1,813.33
6					
10/5/2010 / /	Davis, Barbara 3857 Long Leaf Drive Melbourne, FL 32940	travel	MO		\$169.24
7					
10/5/2010 / /	Davis, Barbara 3857 Long Leaf Drive Melbourne, FL 32940	office supplies	MO		\$25.79
8					

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name BC Republican Executive Committee (2) I.D. Number 307
 10/1/2010 through 12/31/2010
 (3) Cover Period / / through / / (4) Page 2 of 4

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
10/5/2010 //	Postmaster, PO Box 409998 Melbourne, FL 32940	postage	MO		\$11.20
9					
10/5/2010 //	Temple Israel, 7350 Lake Andrew Drive Viera, FL 32940	meeting rental	MO		\$150.00
10					
10/12/2010 //	Publix, 4100 N Wickham Rd #109 Melbourne, FL 32935	office supplies	MO		\$15.23
11					
10/25/2010 //	Constant Contact, 1601 Trapelo Rd #329 Waltham, MA 02451	email marketing	MO		\$25.00
12					
10/25/2010 //	Staples, 1595 Palm Bay Road Palm Bay, FL 32905	office supplies	MO		\$404.85
13					
11/3/2010 //	BrightHouse Network, PO Box 31173 Tampa, FL 33631	telephone & internet	MO		\$158.68
14					
11/3/2010 //	Florida Power & Light, PO Box 025576 Miami, FL 33102	electricity	MO		\$109.12
15					
11/3/2010 //	GE Capital, PO Box 740441 Atlanta, GA 30374	copier lease	MO		\$86.29
16					

DS-DE 14 (Rev. 08/03)

SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name BC Republican Executive Committee (2) I.D. Number 307
 10/1/2010 through 12/31/2010
 (3) Cover Period / / through / / (4) Page 3 of 4

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
11/3/2010 //	TA Altman Rentals, 10 Palmer Rd Unit H Indian Harbour Beach, FL 32937	office rent	MO		\$605.88
17					
11/4/2010 //	Temple Israel, 7350 Lake Andrew Drive Viera, FL 32940	meeting rental	MO		\$150.00
18					
11/5/2010 //	Postmaster, PO Box 409998 Melbourne, FL 32940	postage	MO		\$15.88
19					
11/17/2010 //	Herbeck, Michelle 275 Utopia Circle Merritt Island, FL 32952	training expenses	MO		\$82.66
20					
11/23/2010 //	Constant Contact, 1601 Trapelo RD #329 Waltham, MA 02452	email marketing	MO		\$25.00
21					
11/30/2010 //	Suntrust Bank, PO Box 622227 Orlando, FL 32862	bank charge	MO		\$10.00
22					
12/15/2011 //	Rogers, Carlie 4360 Stoney Point Road Melbourne, FL 32940	office supplies	MO		\$11.88
23					
12/15/2011 //	Herbeck, Michelle Utopia Circle Merritt Island, FL 32952	precinct training	MO		\$82.66
24					

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name BC Republican Executive Committee

(2) I.D. Number 307

(3) Cover Period 10/1/2010 through 12/31/2010

(4) Page 4 of 4

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
12/15/2011 //	Florida Power & Light, P.O. Box 025576 Miami, FL 33102	electricity	MO		\$89.75
25					
12/15/2011 //	GE Capital, PO Box 740441 Atlanta, GA 30174	copier lease	MO		\$66.24
26					
12/15/2011 //	Temple Israel, 7350 Lake Andrew Drive Viera, FL 32940	meeting rental	MO		\$150.00
27					
12/15/2011 //	BrightHouse Networks, PO Box 31173 Tampa, FL 33631	telephone & internet	MO		\$166.95
28					
12/15/2011 //	RLCEF, 1345 Bonaventure Drive Melbourne, FL 32940	shared meeting	MO		\$462.00
29					
12/15/2011 //	TA Altman Rentals, 10 Palmer Road Unit H Indian Harbour Beach, FL 32937	office rent	MO		\$712.76
30					
///					
///					



1/5/12
EAD

RECEIVED

Lori Scott

Supervisor of Elections

8:24

BREVARD COUNTY

STATE OF FLORIDA

ELECTIONS COMMISSION

Post Office Box 410819 Melbourne, FL 32941-0819
Telephone: 321-633-2124 Fax: 321-633-2130

Fax

To: Tracie Aulet	From: Caroline Harmsen
Fax: 850-921-0783	Pages: 7 (including cover sheet)
Phone:	Date: 1/5/2012
Re: Brevard Republican Exec. Committee	CC:

Urgent
 Per Your Request
 Please Comment
 Please Reply
 For Review



FLORIDA ELECTIONS COMMISSION

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

December 7, 2011

The Honorable Lori Scott
Brevard County Supervisor of Elections
Post Office Box 1119
Titusville, FL 32781

RE: Case No.: FEC 11-221; Campaign Treasurer's Report due January 10, 2011

Dear Supervisor Scott:

The **Brevard County Republican Executive Committee** has appealed the fine assessed against it for failing to timely file a required report.

In order for us to present this appeal to the Florida Elections Commission, it is necessary to ask you to furnish us with copies of the following information, if available:

- The CTR that was filed late
- The envelope that contained the report
- 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
- Document establishing the committee
- Appointment of Campaign Treasurer and Designation of Campaign Depository form
- The filing history

A filing history is a list of reports filed by this committee with a notation of any late filing fines assessed against the committee for failing to timely file reports. Please return the requested information to me by December 21, 2011.

I appreciate your assistance in obtaining this information. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Tracie Aulet".

Tracie Aulet
Investigation Specialist



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

September 14, 2011

Ms. Barbara Davis, Chair
Brevard County Republican Executive Committee
2525 Aurora Road, Suite 105
Melbourne, FL 32935

RE: Case No.: FEC 11-221; Campaign Treasurer's Report due January 10, 2011

Dear Ms. Davis:

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 November 15 & 16, 2011, 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.

Please let me know if I may be of further assistance.

Sincerely,



Tracie Aulet
Investigation Specialist