

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**In Re: The Latino Vote of South Florida in
Broward County**

Case No.: FEC 16-675

TO: The Latino Vote of South Florida in Broward
County
Francisco Vargas, Chair
6732 Atlanta Street
Hollywood, FL 33024

Broward County SOE
115 S. Andrews Avenue, Room 102
Ft. Lauderdale, FL 33301

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **February 28, 2017 at 11:00 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
February 13, 2017

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

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

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

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

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

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

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

**FLORIDA ELECTIONS COMMISSION
CASE REPORT**

Case Number: FEC-16-675

NAME: **THE LATINO VOTE OF SOUTH FLORIDA IN BROWARD COUNTY**

DATE APPEAL RECEIVED: 10/5/16

DATE REPORT DUE: 9/16/16 (2016 G1A)

DATE OF ELECTRONIC RECEIPT: 9/19/16

DATE FILING OFFICER RECEIVED REPORT: 9/19/16

NUMBER OF DAYS LATE: 3

AMOUNT OF FINE: \$150.00

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$0

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$1,040.00

DATE FIRST NOTIFICATION WAS SENT: 9/20/16

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

SUMMARY: The Latino Vote of South Florida in Broward County is a political committee (PC) registered in Broward County. The PC's chair is Francisco Vargas and its treasurer is Juan F. Sanchez.

The PC is appealing the fine claiming that unusual circumstances prevented the 2016 G1A Report to be untimely filed. On 10/5/16, Mr. Vargas attested, "I, Francisco Vargas, swear or affirm that the Treasurer's Reports (G1) and (G1A) were processed after the deadline due to lack of internet connectivity owing to bad weather and tropical storm conditions. I, Francisco Vargas, am challenging the fines incurred for the late submission of the aforementioned Treasurer's Reports as my diligent efforts to report in a timely manner proved futile. Please accept my request and provide a waiver for the fees as a one-time courtesy".

- The 2016 G1A Report covers the time period 9/3/16 through 9/9/16.
- The PC reported accepting 0 contributions, while making 2 expenditures during this reporting period.
- No other information was provided.

PRIOR CASES: This PC is involved in an additional automatic fine appeal. FEC #16-678 will also be heard during the February 2017 Commission meeting.

AFFIDAVIT

Name: Francisco Vargas

Occupation: Chairman, Latino Vote of South Florida in Broward County
Mathematics Educator, Broward County Public Schools

I, Francisco Vargas, am Chairman of the Latino Vote of South Florida in Broward County- a Political Action Committee founded in June 2015 with the mission to promote the Latino vote and engagement in the political arena.

I, Francisco Vargas, swear or affirm that the Treasurer's Reports (G1) and (G1A) were processed after the deadline due to lack of internet connectivity owing to bad weather and tropical storm conditions. I, Francisco Vargas, am challenging the fines incurred for the late submission of the aforementioned Treasurer's Reports as my diligent efforts to report in a timely manner proved futile. Please accept my request and provide a waiver for the fees as a one-time courtesy.

I certify that the information above is true and accurate to the best of my knowledge and belief.

10/05/16
Date

Francisco Vargas
Francisco Vargas

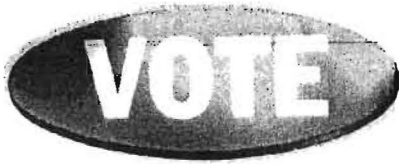
RECEIVED

2016 OCT 12 P 3:17

STATE OF FLORIDA
ELECTIONS COMMISSION

Rita Smith
RITA SMITH
Notary Public - State of Florida
Commission # FF 973259
My Comm. Expires Apr 23, 2020
Bonded through National Notary Assn.

10-5-16



WITH CONFIDENCE

Dr. Brenda C. Snipes
Broward County Supervisor of Elections
Broward Governmental Center
115 S. Andrews Avenue, Room 102
Fort Lauderdale, FL 33301
954-357-7050
www.browardsoc.org

MEMORANDUM

To: Francisco Vargas, Chairman and Registered Agent
Juan Sanchez, Treasurer
The Latino Vote of South Florida

Thru: Brenda C. Snipes, Ed. D.
Supervisor of Elections

From: Andrea C. Perri *ACP*
Public Services Director / Candidate Qualifying Officer

Date: September 20, 2016

Subject: Delinquent Reports

Please be advised that your **Treasurer's Report (G1)** which was due **September 9**, covering the period 08/27/16 through 09/02/16 was not received until 09/19/16. In addition to this, your **Treasurer's Report (G1A)** which was due **September 16**, covering the period 09/03/16 through 09/09/16 was also received on 09/19/16. Therefore, you are fined **\$445.00** for the (10) ten days late in submitting the (G1) Report, representing 25% of the expenditures on that report and **\$150.00** for the (3) late in submitting the (G1A) Report.

We are enclosing copies of the List of 2016 Reporting Dates and the Political Committee Handbook, which are also available on the Division of Elections website for your information with respect to filing of future reports. As a reminder, your next Treasurer's Report, (G2) is due on September 23, 2016.

Section 106.07(8)(b), Florida Statutes, requires that the filing officer notify you of the failure to file said report and that a fine of **\$50** per day for the first three days late and, thereafter, **\$500** per day for each day late will be assessed; however, the fine may not exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Once your report is received, this office will notify you of the specific amount of your fine. Fines must be paid to the filing officer within 20 days of receipt of the payment due notice, unless appealed to the Florida Elections Commission. Section 106.7(8)(c), Florida Statutes, provides for appealing or disputing the assessed fine by submitting a notice of appeal in writing to the

Florida Elections Commission within 20 days of the date of receipt of the notice of payment due. A failure to file such notice will constitute a waiver of the right of appeal.

Please be advised that a willful failure to file a campaign treasurer's report constitutes a violation of Chapter 106, Florida Statutes, independent of the automatic fine violation referenced above. Therefore, if you fail to file a report, such failure will be considered a willful violation of Chapter 106, Florida Statutes, and this office will turn the matter over to the Florida Elections Commission for prosecution. Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission, upon finding a willful violation of Chapter 106, Florida Statutes, to impose a civil penalty up to \$1,000.00 per count for each willful violation of Chapter 106. Moreover, pursuant to Section 106.19, Florida Statutes, the knowing, willful and deliberate failure to file a report constitutes a misdemeanor of the first degree, punishable as provided in Sections 775.082 or 775.083, Florida Statutes.

We urge your prompt attention to this matter.

BCS:ACP:acp
latinoG1_G1A-late

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) The Latino Vote of South Florida
 Name
 (2) 6732 Atlanta Street
 Address (number and street)
Hollywood, FL 33024
 City, State, Zip Code

OFFICE USE ONLY
ONLINE SUBMISSION
 [1126987]

Submitted on:
 9/19/2016 23:00:43 (eastern)

Check here if address has changed

(3) ID Number: 336

(4) Check appropriate box(es):

- Candidate Office Sought: _____
- Political Committee (PC)
- Electioneering Communications Org. (ECO) Check here if PC or ECO has disbanded
- Party Executive Committee (PTY) Check here if PTY has disbanded
- Independent Expenditure (IE) (also covers an individual making electioneering communications) Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 9 / 3 / 2016 To 9 / 9 / 2016 Report Type: G1A

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 \$, 1 , 040 . 00

Transfers to Office Account \$, , 0 . 00

Total Monetary \$, 1 , 040 . 00

(8) Other Distributions

\$, , 0 . 00

(9) TOTAL Monetary Contributions To Date

\$, 5 , 000 . 00

(10) TOTAL Monetary Expenditures To Date

\$, 2 , 856 . 00

(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 IE or electioneering comm.) Treasurer Deputy Treasurer

X _____
 Signature

(Type name) _____
 Candidate Chairperson (only for PC and PTY)

X _____
 Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name The Latino Vote of South Florida (2) I.D. Number 336

9/3/2016 9/9/2016

(3) Cover Period / / through / / (4) Page 1 of 0

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation	Type			
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name The Latino Vote of South Florida (2) I.D. Number 336
 9/3/2016 through 9/9/2016
 (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) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
9/6/2016 //	Davis, Marchette 533 NW 20th Avenue Fort Lauderdale, FL 33311	distribution of diversity ballots during early voting and primary election	MO		\$500.00
1					
9/7/2016 //	Graphics Unit & Printing Inc, 781 West Oakland Park Blvd Oakland Park, FL 33311	printing services + fee	MO		\$540.00
2					
//					
//					
//					
//					
//					
//					
//					

Filing History for:

The Latino Vote of South Florida

Period	Start Date	End Date	Due Date	Date Received	Late (✓)
2015 - M6	06/01/2015	06/30/2015	07/10/2015	07/10/2015	
2015 - M7	07/01/2015	07/31/2015	08/10/2015	08/01/2015	
2015 - M8	08/01/2015	08/31/2015	09/10/2015	09/28/2015	✓
2015 - M9	09/01/2015	09/30/2015	10/13/2015	10/09/2015	
2015 - M10	10/01/2015	10/31/2015	11/10/2015	11/10/2015	
2015 - M11	11/01/2015	11/30/2015	12/10/2015	12/10/2015	
2015 - M12	12/01/2015	12/31/2015	01/11/2016	01/07/2016	
2016 - M1	01/01/2016	01/31/2016	02/10/2016	02/06/2016	
2016 - M2	02/01/2016	02/29/2016	03/10/2016	03/08/2016	
2016 - M3	03/01/2016	03/31/2016	04/11/2016	04/07/2016	
2016 - M4	04/01/2016	04/30/2016	05/10/2016	05/05/2016	
2016 - M5	05/01/2016	05/31/2016	06/10/2016	06/06/2016	
2016 - P1	06/01/2016	06/24/2016	07/01/2016	07/08/2016	✓(Waiver)
2016 - P1A	06/25/2016	07/01/2016	07/08/2016	07/08/2016	
2016 - M6	06/01/2016	06/30/2016	07/11/2016	07/08/2016	
2016 - P2	07/02/2016	07/08/2016	07/15/2016	07/08/2016	
2016 - P3	07/16/2016	07/22/2016	07/29/2016	08/06/2016	✓(Waiver)
2016 - P4	07/23/2016	07/29/2016	08/05/2016	08/06/2016	✓(Waiver)
2016 - M7	07/01/2016	07/31/2016	08/10/2016	08/06/2016	
2016 - P5	07/30/2016	08/05/2016	08/12/2016	08/06/2016	
2016 - P6	08/06/2016	08/12/2016	08/19/2016	08/10/2016	
2016 - P7	08/13/2016	08/25/2016	08/26/2016	08/26/2016	
2016 - P7A	08/26/2016	08/26/2016	09/02/2016	09/04/2016	✓(Waiver)
2016 - G1	08/27/2016	09/02/2016	09/09/2016	09/19/2016	✓
2016 - M8	08/01/2016	08/31/2016	09/12/2016	09/19/2016	✓
2016 - G1A	09/03/2016	09/09/2016	09/16/2016	09/23/2016	✓
2016 - G2	09/10/2016	09/16/2016	09/23/2016	09/25/2016	✓
2016 - G2A	09/17/2016	09/23/2016	09/30/2016	09/29/2016	
2016 - G3	09/24/2016	09/30/2016	10/07/2016	10/04/2016	
2016 - M9	09/01/2016	09/30/2016	10/11/2016	10/11/2016	
2016 - G4	10/01/2016	10/07/2016	10/14/2016	10/11/2016	
2016 - G5	10/08/2016	10/14/2016	10/21/2016	10/21/2016	
2016 - G6	10/15/2016	10/21/2016	10/28/2016	10/28/2016	
2016 - D1	10/22/2016	10/27/2016	10/29/2016	10/29/2016	
2016 - D2	10/29/2016	10/29/2016	10/30/2016	11/01/2016	✓(Waiver)
2016 - D3	10/30/2016	10/30/2016	10/31/2016	11/01/2016	✓(Waiver)
2016 - D4	10/31/2016	10/31/2016	11/01/2016	11/01/2016	
2016 - D5	11/01/2016	11/01/2016	11/02/2016	11/02/2016	

Period	Start Date	End Date	Due Date	Date Received	Late (✓)
D - 6	11/02/2016	11/02/2016	11/03/2016	11/04/2016	✓(Waiver)
G - 7	10/22/2016	11/03/2016	11/04/2016	11/05/2016	✓(Waiver)
M - 11	11/04/2016	11/30/2046	12/12/2016	12/13/2016	✓
M - 12	12/01/2016	12/31/2016	01/10/2017	(Not Filed)	