

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Janette Martinez

Case No.: FEC 18-265

TO: Janette Martinez
2755 Michigan Avenue
Kissimmee, FL 34744

Mary Jane Arrington
Oseola County SOE
2509 East Irlo Bronson Highway
Kissimmee, FL 34744

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **November 14, 2018 at 1:30 pm**, *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.

Eric M. Lipman
General Counsel for Executive Director
Florida Elections Commission
October 29, 2018

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-18-265

NAME: JANETTE MARTINEZ

DATE APPEAL RECEIVED: 09/11/18

DATE REPORT DUE: 08/24/18 (2018 P7)

DATE OF ELECTRONIC RECEIPT: 08/25/18

NUMBER OF DAYS LATE: 1

AMOUNT OF FINE: \$500

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$130.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$322.50

DATE OF FIRST NOTIFICATION: 08/29/18

CANDIDATE <input checked="" type="checkbox"/>	STATE <input type="checkbox"/>
PC <input type="checkbox"/>	DISTRICT <input type="checkbox"/>
CCE <input type="checkbox"/>	COUNTY <input checked="" type="checkbox"/>
POLITICAL PARTY <input type="checkbox"/>	CITY <input type="checkbox"/>

SUMMARY: Janette Martinez is a candidate for Osceola County Commissioner, District 2 in the 2018 elections. Ms. Martinez is her own treasurer.

Janette Martinez is appealing the fine claiming that on August 24, 2018, while working at the polls for early voting with her family, her daughter had a medical issue that required her full attention. According to Ms. Martinez, she was unable to submit her financial report until the following day at 4:00am. Ms. Martinez states that her daughter is medically diagnosed with her condition and is receiving treatment. She asks the commission to reconsider the fine.

- The 2018 P7 Original Report covers the period from 08/11/18-08/23/18; it was due on 08/24/18.
- The 2018 P7 LogIn History Report shows that it was created on 08/25/18 at 4:10am and filed the same day at 4:11am.
- Janette Martinez reported receiving 1 contribution, while making 1 expenditure.
- The Osceola County Supervisor of Elections Office does not have any notes that pertain to Janette Martinez's 2018 P7 report.

PRIOR CASES: None.

CORRECTION OF FINE: The fine for the 2018 P7 report should be capped at 25% of Expenditures. The total is \$80.63.

Molly Donovan

From: Donna Malphurs <Donna.Malphurs@myfloridalegal.com> on behalf of Florida Elections Commission <fec@myfloridalegal.com>
Sent: Tuesday, September 11, 2018 3:02 PM
To: Molly Donovan
Subject: Fw: JANETTE MARTINEZ (FINE APPEAL)
Attachments: letter.doc; Martinez, Janette Letter 8.29.18.pdf

Print and process, thanks.

----- Forwarded by Donna Malphurs/OAG on 09/11/2018 03:01 PM -----

From: "Tinsley Law Reception" <reception@yourside.com>
To: fec@myfloridalegal.com
Cc: "Jose Forty" <goldojose@hotmail.com>
Date: 09/11/2018 01:57 PM
Subject: JANETTE MARTINEZ (FINE APPEAL)

Good afternoon,

Please accept this as my formal request for reconsideration of the fine. I have attached a letter explaining my situation and the letter from the SOE. Please advise if I must do anything else. I can give you a more extensive response if needed. I just don't know how much of my child's medical information will be made public.

Thank you, Janette Martinez,
(See attached file: letter.doc)(See attached file: Martinez, Janette Letter 8.29.18.pdf)

September 11, 2018

To: Florida Elections Commission

Re: **Appeal**
Janette Martinez
2755 Michigan Ave.,
Kissimmee, FL 34744

Dear Florida Elections Commission:

I am kindly requesting that your office assist me in this matter. I have a 14-year-old daughter who suffers severe anxiety and panic attacks. On August 24, 2018, I was at the polls working the early voting with my family, and I did reach out in several occasions to Caitlin Germain at the Supervisor of elections office in Osceola County to assist me in several issues as I was having, there were issues with the internet and emails. Later that day my child suffered a severe panic attack which required my full attention. It wasn't until about 4:00 am the following day I was able to submit my financial reports. I understand my report was late by 4 hours, and I am asking you don't punish me for a situation that was far beyond my control. She is medically diagnosed with this condition and is receiving treatment. I am asking for your offices to please not make my child's medical conditions public. I am sharing this information with you because it is the truth and this was the event that was happening at the time I was supposed to be filing my reports. I am reaching out to your offices to appeal the fine given to me. I want to thank you in advance and hope you reconsider this fine.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely yours,

Janette Martinez,
407-414-7311



MARY JANE ARRINGTON
OSCEOLA COUNTY SUPERVISOR OF ELECTIONS

August 29, 2018

Ms. Janette Martinez
2755 Michigan Ave.
Kissimmee, FL 34744

Dear Janette:

Please be advised that your campaign report due August 24, 2018 was received **1 day late**. Per Florida Statutes 106.07(8)(a),(b)&(c), any candidate or political committee failing to file a report on the designated date shall be subject to a fine. For the reports **immediately preceding each 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.** The total amount of the fine due is \$500.00 must be paid from your personal account within 20 days of receipt of this notice.

Any candidate or chairman of a political committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the due date, and may request a hearing before the Florida Elections Commission. A request for a hearing shall be made within 20 days of receipt of the notice of payment due. In such case, the candidate or chairman shall, within the 20-day period, notify this office in writing of his/her intention to bring the matter before the Commission.

If you have any questions regarding the assessed fine, please do not hesitate to call me at 407-742-6113.

Respectfully,

Caitlin Germaine

Caitlin Germaine
Candidate Services Coordinator

*Vote
Osceola*

Caitlin A Germaine

From: Supervisor of Elections Office
Sent: Monday, August 27, 2018 10:10 AM
To: Caitlin A Germaine
Subject: FW: Report Submitted: Janette Martinez - County Commissioner District 2 (2018-08-24)

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

From: Candidate Financial [mailto:CFinance@vrsystems.com]
Sent: Saturday, August 25, 2018 4:11 AM
To: Supervisor of Elections Office
Subject: Report Submitted: Janette Martinez - County Commissioner District 2 (2018-08-24)

Note: This is an Automated Email from the Campaign Finance System. This email is sent from an email address that is not monitored -
- If you wish to communicate with the reporting entity, please "Forward" this email to the reporter's email address. Using a "Reply To" message will not reach them.

Janette Martinez - (osceola) Candidate for County Commissioner District 2 has submitted a financial report (2018-08-24 - Confirmation #1170360). Click here to log in : https://www.voterfocus.com/CampaignFinance/cf_cpanel.php

email reminder of report deadline

P7 report due - Message (HTML)

FILE MESSAGE ADOBE PDF

Ignore X Delete Reply Reply Forward Meeting More -

Delete Respond Quick Steps Move Move Actions Follow Up Tags Editing Zoom Phish Alert

Fri 8/24/2018 6:55 PM

Caitlin A Germaine

P7 report due

To: Caitlin A Germaine (Caitlin.Germaine@voteosceola.com)

Bcc: Janette Martinez; info@go-wanda.com; Kim Wagar - Treasurer for Cheryl Grieb; Andrew Jeng; Felix Ortiz; 'reginald.hardee@usa.com'; 'marisarich63@gmail.com'; Lisandra Roman; Shel Hart

Good evening,

This is a courtesy reminder that your P7 financial report is due tonight, August 24, 2018, by midnight. If you have any questions, please do not hesitate to contact me.

Respectfully,

Caitlin A. Germaine, MFCEP
Candidate Services Coordinator | Osceola County Supervisor of Elections
2509 E. Irlo Bronson Memorial Hwy.
Kissimmee, FL 34741
407.742.6113

See more about Caitlin Germaine.

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Janette Martinez
 Name
 (2) 2755 Michigan Ave
 Address (number and street)
Kissimmee, FL 34744
 City, State, Zip Code

OFFICE USE ONLY
ONLINE SUBMISSION
 [1170360]

Submitted on:
 8/25/2018 04:11:07 (eastern)

*Due 8/24/2018, midnight

Check here if address has changed

(3) ID Number: 279

(4) Check appropriate box(es):

Candidate Office Sought: County Commissioner District 2

Political Committee (PC)

Electioneering Communications Org. (ECO)

Party Executive Committee (PTY)

Independent Expenditure (IE) (also covers an individual making electioneering communications)

Check here if PC or ECO has disbanded

Check here if PTY has disbanded

Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 8 / 11 / 2018 To 8 / 23 / 2018 Report Type: P7

Original

Amendment

Special Election Report

(6) Contributions This Report

Cash & Checks \$, , 00 . 00

Loans \$, , 00 . 00

Total Monetary \$, , 00 . 00

In-Kind \$, , 130 . 00

(7) Expenditures This Report

Monetary Expenditures \$, , 322 . 50

Transfers to Office Account \$, , 00 . 00

Total Monetary \$, , 322 . 50

(8) Other Distributions

\$, , 00 . 00

(9) TOTAL Monetary Contributions To Date

\$, 8 , 370 . 00

(10) TOTAL Monetary Expenditures To Date

\$, 7 , 064 . 04

(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 Janette Martinez (2) I.D. Number 279

8/11/2018 through 8/23/2018

(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
8/23/2018 / /	Martinez, Janette M 2755 Michigan Ave. KISSIMMEE, FL 34744	S	paralegal	IK	post card		\$130.00
1							
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CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name Janette Martinez

(2) I.D. Number 279

(3) Cover Period 8/11/2018 through 8/23/2018

(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
(6) Sequence Number					
8/23/2018 / /	ARTISTIC DESIGN, 1104 PLAZA DR. KISSIMMEE, FL 34743	print adv.	MO		\$322.50
1					
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08-15-2018 11:13 PM (Eastern)	PDFGen	Report (#1167736) begin generation
08-15-2018 11:13 PM (Eastern)	RptSub	Report (#1167736) submitted
08-19-2018 8:14 PM (Eastern)	LogIn	Failed-Bad Password
08-25-2018 4:01 AM (Eastern)	LogIn	Success
08-25-2018 4:10 AM (Eastern)	Stat(upd)	08/11/2018-08/23/2018
08-25-2018 4:10 AM (Eastern)	RPTCreate	08/11/2018-08/23/2018 - #1170360
08-25-2018 4:11 AM (Eastern)	PINassn	#1170360 Report PINed("CAND" "TRES")
08-25-2018 4:11 AM (Eastern)	PDFGen	Report (#1170360) begin generation
08-25-2018 4:11 AM (Eastern)	RptSub	Report (#1170360) submitted

P7
activity

Admin. access to
candidate activity
log.

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)

Janette Martinez

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

2755 Michigan Ave
Kissimmee, FL 34744

4. Telephone

(407) 414-7311

5. E-mail address

janette@osceoladistrict2.com

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

Osceola County Commission District 2

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 Democrat Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Janette Martinez

11. Mailing Address

2755 Michigan Ave

12. Telephone

(407) 414-7311

13. City

Kissimmee

14. County

Osceola

15. State

FL

16. Zip Code

34744

17. E-mail address

goldojose@hotmail.com

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

19. Name of Bank

TD Bank

20. Address

120 S. John Young PKWY

21. City

Kissimmee

22. County

Osceola

23. State

FL

24. Zip Code

34741

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

5/2/18

26. Signature of Candidate

X

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

I, Janette Martinez, do hereby accept the appointment
(Please Print or Type Name)

designated above as:

Campaign Treasurer Deputy Treasurer.

5/2/18
Date

X
Signature of Campaign Treasurer or Deputy Treasurer

DSC SOEDEC 6:17PM 12/25

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)

Janette Martinez

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

4202 O'berry Rd
Kissimmee, FL 34746

4. Telephone

(407) 414-7311

5. E-mail address

janetteforOsceoladistrict2@hotmail.com

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

Osceola County Commissioner Dist 2

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 Democratic Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Janette Martinez

11. Mailing Address

4202 O'berry Rd

12. Telephone

(407) 414-7311

13. City

Kissimmee

14. County

Osceola

15. State

FL

16. Zip Code

34746

17. E-mail address

janetteforOsceoladistrict2@hotmail.com

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

19. Name of Bank

T.D. Bank

20. Address

120 S. John Young PKWY

21. City

Kissimmee

22. County

Osceola

23. State

FL

24. Zip Code

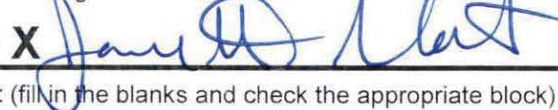
34741

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

12/5/17

26. Signature of Candidate

X 

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

I, Janette Martinez, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

12/5/17
Date

X 
Signature of Campaign Treasurer or Deputy Treasurer

NOTICE OF FINE FOR LATE FILING

Florida Statutes 106.07 (8) (a), (b) & (c)

Any candidate or political committee failing to file a report on the designated date shall be subject to a fine. In the case of a candidate, the fine shall be paid only from personal funds of the candidate.

The fine shall be assessed by the filing officer at the following rate:

\$50 per day for the first three 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 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.**

Reports must be filed no later than midnight, of the day designated; however, any report postmarked by the U.S. Postal Service no later than midnight of the date report is due, is considered to be filed on time. A certificate of mailing obtained from the U.S. Postal Service or a receipt from an established courier company, dated on or before the report is due, also is acceptable. Postage meter stamp showing the date stamped by the meter are not acceptable.

Upon determining that a report is late, the filing officer shall immediately notify the candidate or Chairman of the political committee. The fine shall be paid to the filing officer within 20 days of receipt of the notice unless appeal is made to the Florida Elections Commission, in which case the candidate or chairman 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 to commission.

I hereby acknowledge notification of the above statute.


Candidate or Chairman

12/5/17
Date


Supervisor or Deputy

12/5/17
Date