

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Adam A. Cedrati

Case No.: FEC 14-316

TO: Robert H. Fernandez, Esquire
ROIG Lawyers
500 S Dixie Highway, Suite 302
Coral Gables, FL 33146

Jose Carillo
Address Unknown

NOTICE OF HEARING (CONSENT ORDER)

A hearing will be held in this case before the Florida Elections Commission on **August 26, 2015, at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, Room 110-S, 404 South Monroe Street, Tallahassee, FL 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
August 11, 2015

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

v.

**Agency Case No.: FEC 14-316
F.O. No.: FO FEC <#>**

**Adam A. Cedrati,
Respondent.**

CONSENT ORDER

Respondent, Adam A. Cedrati, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order.

FINDINGS OF FACT

1. On April 9, 2015, the staff of the Commission issued a Staff Recommendation, recommending to the Commission that there was probable cause to believe that Respondent violated Chapter 106, Florida Statutes
2. On May 20, 2015, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violation:

Count 1:

On or about January 16, 2013, Adam A. Cedrati violated Section 106.07(5), Florida Statutes, when he certified that the campaign's 2013 TR-MS Report was true, correct, and complete when it was not

3. Respondent expressed a desire to enter into negotiations directed toward reaching

a consent agreement.

4. Respondent and staff stipulate to the following facts:
 - A. Respondent was the treasurer for Mayor Carlos A. Gimenez, a 2012 candidate for re-election to the office of Mayor of Miami-Dade County.
 - B. Respondent certified that the campaign's 2013 TR-MS Report was true, correct, and complete when it was not.

CONCLUSIONS OF LAW

5. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

6. This consent order was executed prior to an informal hearing in this matter; therefore, a determination as to willfulness on the part of Respondent has not been made.

7. The Commission staff and the Respondent stipulate that although the violations charged in the Order of Probable Cause may not have been knowingly committed all elements of the violations can be proven by clear and convincing evidence.

ORDER

8. Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.

9. Respondent shall bear his own attorney's fees and costs that are in anyway associated with this case.

10. The Commission will consider the Consent Order at its next available meeting.

11. Respondent voluntarily waives the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

12. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. Respondent expressly waives any venue privileges and agrees that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall be

responsible for all fees and costs associated with enforcement.

13. If the Commission does not receive the signed Consent Order and the penalty by July 10, 2015, the staff withdraws this offer of settlement and will proceed with the case.

14. Payment of the civil penalty by cashier's check, or money order, good for at least 120 days, or attorney trust account check, is a condition precedent to the Commission's consideration of the Consent Order.

PENALTY

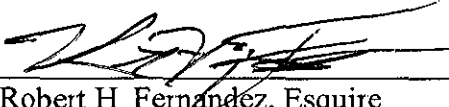
WHEREFORE, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent has violated Section 106 07(5), Florida Statutes, and imposes a fine of \$300.


Therefore it is

ORDERED that the Respondent shall remit to the Commission a civil penalty in the amount of \$300, inclusive of fees and costs. The civil penalty shall be paid cashier's check or money order, good for at least 120 days, or attorney trust account check. The civil penalty shall be payable to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050

Respondent hereby agrees and consents to the terms of this Consent Order on

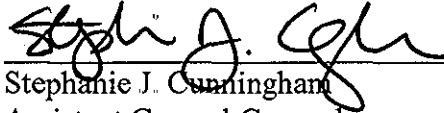
July 20th, 2015.


Robert H Fernandez, Esquire
Zumpano Castro, LLC
500 S. Dixie Highway, Suite 302
Coral Gables, FL 33146


Adam A Cedrati
1001 Brickell Bay Drive
Suite 1400
Miami, FL 33131

Commission staff hereby agrees and consents to the terms of this Consent Order on

July 22, 2015.



Stephanie J. Cunningham
Assistant General Counsel
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held
on August 18 & 19, 2015 in Tallahassee, Florida.

Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Robert H. Fernandez, Attorney for Respondent
Jose Carillo, Complainant

Sabadell United Bank



P.O. BOX 5460
Hialeah FL 33014

CASHIER'S CHECK

63-964/670

NOTICE TO CUSTOMERS
In the event this check is lost, misplaced or stolen the purchase of an indemnity bond for twice the amount of the check, or a declaration of loss and 90 day waiting period may be required before it is replaced or refunded.

DATE: July 20, 2015

Serial No.

133005

Issued in US Dollars

Pay to the order of ***FLORIDA ELECTIONS COMMISSION***

\$ *****300.00

THE SUM OF THREE HUNDRED DOLLARS AND ZERO CENTS

MEMO ***ADAM A CEDRATI***
***AGENCY CASE NO. FEC14-316**

10-189

Money Return voided
Check only



MP



FILED

15 JUN 16 PM 9:33

STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 14-316

v.

**Adam A. Cedrati,
Respondent.**

ORDER OF PROBABLE CAUSE

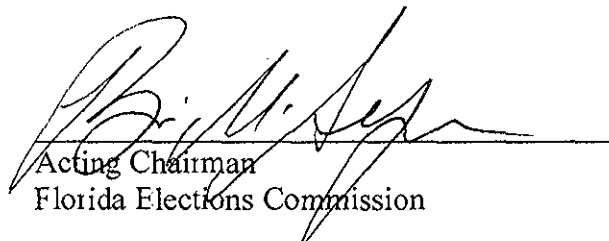
THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on May 20, 2015, in Tallahassee, Florida.

Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

Count 1:

On or about January 16, 2013, Adam A. Cedrati violated Section 106.07(5), Florida Statutes, when he certified that the campaign's 2013 TR-MS Report was true, correct, and complete when it was not

DONE AND ORDERED by the Florida Elections Commission on May 20, 2015.


Acting Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Robert H. Fernandez, Attorney for Respondent
Jose Carillo, Complainant

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violation(s) and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

Third, you may request a formal hearing held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann Malphurs. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Adam A. Cedrati

Case No.: FEC 14-316

TO: Robert H. Fernandez, Esquire
ROIG Lawyers
500 S Dixie Highway, Suite 302
Coral Gables, FL 33146

Jose Carillo
9313 SW 130th Street
Miami, FL 33176

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on **May 20, 2015, at 11:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee FL 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
May 5, 2015

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.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

Division of Elections, State of Florida

Complainant,

CASE NO: FEC 14-316

vs.

Adam A. Cedrati,

Respondent.

**RESPONDENT ADAM A. CEDRATI'S RESPONSE TO THE
FLORIDA ELECTIONS COMMISSION STAFF RECOMMENDATION**

Pursuant to Florida Elections Commission Rule 2B-1.0027(8), the Respondent, Adam A. Cedrati ("**Cedrati**"), by and through undersigned counsel, hereby submits his response to the Florida Elections Commission's Staff Recommendation ("**Staff Recommendation**") as follows:

INTRODUCTION

Complainant alleges that Cedrati violated Florida's election laws by issuing campaign checks totaling \$1,200 which were returned due to insufficient funds, by making or authorizing one or more expenditures prohibited by Chapter 106, Florida Statutes, by certifying that the campaign's 2013 TR-MS Report was true, correct and complete when it was not, and by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes, in the campaign's 2013 TR-MS Report. *Florida Elections Commission Staff Recommendation for Case No.: FEC 14-316 dated April 9, 2015 (hereinafter "SR") SR ¶ 4.* The Staff Recommendation herein recommends no probable cause to charge Cedrati with violating Sections 106.11(4), 106.19(1)(c), and 106.19(1)(d), Florida Statutes (2014). Cedrati agrees with these recommendations of no probable cause, therefore, Cedrati would like to focus his response

to the Florida Elections Commission (the “**Commission**”) on the single finding of probable cause as it relates to the alleged violation of Section 106.07(5), Florida Statutes (2014).

Specifically, the Staff Recommendation states that “[o]n or about January 16, 2013, Adam A. Cedrati violated Section 106.07(5), Florida Statutes, when he certified that the campaign’s 2013 TR-MS Report was true, correct and complete when it was not.” SR p. 5 & ¶ 19. Respectfully, Cedrati believes that under the totality of facts and circumstances that the 2013 TR-MS Report filed by Cedrati on behalf of the Gimenez Mayoral Campaign was in good faith true, correct and complete when it was filed---contrary to the Staff Recommendation herein.

BRIEF FACTUAL BACKGROUND

1. Cedrati was the treasurer for Mayor Carlos A. Gimenez, a 2012 candidate for re-election to the office of Mayor of Miami-Dade County. SR ¶ 2.

2. On September 26, 2014, the Commission received a sworn complaint alleging that Cedrati violated Chapter 106, Florida Statutes. SR ¶ 1. The Commission staff investigated whether Cedrati violated the following statutes: (i) Section 106.07(5), Florida Statutes, prohibiting a campaign treasurer from certifying the correctness of a campaign treasurer’s report that is incorrect, false or incomplete; (ii) Section 106.11(4), Florida Statutes, prohibiting a campaign treasurer from authorizing any expenses from the campaign account without sufficient funds on deposit in the account; (iii) Section 106.19(1)(c), Florida Statutes, prohibiting a person or organization from falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes; and (iv) Section 106.19(1)(d), Florida Statutes, prohibiting a person or organization from making or authorizing any expenditure prohibited by Chapter 106, Florida Statutes. SR ¶ 3.

3. As stated previously, the Staff Recommendation has found no probable cause to charge Cedrati with violating Sections 106.11(4), 106.19(1)(c), and 106.19(1)(d), Florida Statutes (2014). *SR p.1.* However, the Staff Recommendation found that Section 106.07(5), Florida Statutes, was violated by Cedrati when he certified that the campaign’s 2013 TR-MS Report was true, correct and complete when it was not. *SR p.5.* The entire Complaint and all the alleged violations of Florida’s election laws stem from this one single entry on the 2013 TR-MS Report as illustrated below:

TABLE 1: RESPONDENT’S 2013 TR-MS CTR- ITEMIZED EXPENDITURES					
Date	Full Name, Street Address & City, State, Zip Code	Purpose	Expenditure Type	Amend.	Amount
Sequence#					
10/1/2012	Returned Checks,	Non-sufficient funds/informatio n requested	MO		\$1,200.00
7					

Specifically, the Staff Recommendation asserts:

18. When a treasurer determines that a contribution check was returned or a credit card payment did not process due to insufficient funds the treasurer is required to report the returned item as a negative contribution. (Attachment C) The item must be disclosed on the campaign treasurer’s report which coincides with the return date of the item. When several items are returned within the same day or reporting period each item must be disclosed separately.

19. It appears [Cedrati] certified that the campaign’s 2013 TR-MS Report was true, correct, and complete when it was not. [Cedrati] disclosed multiple bounced checks and failed credit card payments in differing amounts from different individuals and/or entities as a single expenditure when no expenditure took place. The checks and credit card payments should have been disclosed separately as negative contributions on the campaign treasurer’s report(s) that coincided with the date the items were returned.

See SR ¶¶18-19. Respectfully, Cedrati believes this recommendation is incorrect for the following reasons identified herein.

4. The Staff Recommendation analysis assumes that Cedrati and the Gimenez Mayoral campaign were able to easily ascertain and specifically identify the returned contributions at the end of the Mayoral campaign—which is simply not true. Cedrati in his Affidavit of Background Information provided to investigator Keith Smith herein stated:

15. At the end of the Mayoral campaign, we did an overall campaign reconciliation and realized that we reported contributions on the campaign reports that never physically cleared in the campaign account at the bank. Since the campaign received over 2,600 individual contributions, it was not practical or cost effective to go back through each and all the contributions to find and identify the handful of contributions that eventually never made it to the campaign account due to insufficient funds. This Mayoral campaign raised over \$1 million dollars during the 2011 -2012 campaign cycle and this endeavor would have taken time and resources. We contacted the Miami-Dade County Supervisor of Elections to get some guidance on what to do as far as reporting since we have never encountered this type of situation before. Based on the attached email from the Miami-Dade County Supervisor of Elections Office, we were advised to enter the overstatement of contributions as “Returned Checks” on the campaign termination report so that is what we did. Further, I want to reiterate that each and every single contribution that was received by the Mayoral campaign was properly and timely reported as required by the Florida Election Code even those that eventually were not properly deposited in the campaign account due to lack of sufficient funds by the disclosed contributor.

See Florida Elections Commission Report of Investigation (“ROI”) Exhibit 4 ¶15.

5. Cedrati faced with having to spend significant time and monetary resources at the end of the campaign attempting to locate a handful of returned contributions (the proverbial needles in the haystack) reached out to the Miami-Dade Supervisor of Elections Office for guidance on how to properly report this minor discrepancy. In an e-mail sent to Christina White, the Deputy Supervisor of Elections for Miami-Dade County, Cedrati communicated the following:

Dear Christina,

Thank you for taking the time to speak with me this afternoon. Per our conversation. I wanted to give you an explanation for Expenditure – Sequence #7 on our Termination Report. During the course of the campaign several checks that we entered as Contributions on the elections website were returned by the bank for Non-Sufficient Funds. This happened several times during the campaign and more often than not, the checks cleared when re-deposited. There were three checks that ultimately never cleared the bank and remained on our report as contributions. Since these contributions never cleared our bank, I listed them as expenditure on the termination report so that our election report would reflect a zero balance. Please let me know if you require anything further on the above so that our reports are in good standing with elections.

See ROI Exhibit 6 (emphasis added). Cedrati specifically requested guidance from the Miami-Dade Supervisor of Elections Office and offered to provide whatever additional information is needed in order to address any concerns about the single expenditure entry on the 2013 TR-MS Report.

6. In response to Cedrati's e-mail, Christina White, the Deputy Supervisor of Elections for Miami-Dade County, communicated to Cedrati, **"Adam...I am in receipt of your e-mail and have instructed staff to close out the report."** In that same e-mail sent to Cedrati, Ms. White instructed Vanessa Innocent (from the Supervisor of Elections Office) to **"[p]lease place this in his file/make a note in the database. This explanation satisfies the deficiencies stated in the incomplete letter. You can close the report."** *See E-mail exchange between Adam A. Cedrati and Christina White dated January 30, 2013 attached hereto as Exhibit "A."* (emphasis added)¹ Relying on the e-mail from the Deputy Supervisor of Elections, Cedrati in good faith believed that any deficiency in the entry in question was satisfied and the reporting of the entry in compliance with the Florida Election Code.

¹ As part of the ROI, this e-mail exchange was previously provided to investigator Keith Smith.

**COMPLAINANT DIVISION OF ELECTIONS IS SEEKING TO IMPOSE
LIABILITY ON CEDRATI DESPITE GETTING APPROVAL FROM
THE MIAMI-DADE SUPERVISOR OF ELECTIONS OFFICE**

As stated in the Staff Recommendation, Complainant Division of Elections states that Section 106.07(5), Florida Statutes, was violated by Cedrati when he certified that the campaign's 2013 TR-MS Report was true, correct and complete when it was not. *SR p.5.* However, this finding of probable cause by the Division of Elections appears to completely disregard the fact that Cedrati communicated with the Miami-Dade Supervisor of Elections Office on this very issue and after explaining and providing information was told by the Deputy Supervisor of Elections (in writing) that the matter was closed and the deficiencies addressed.

Cedrati does not dispute and absolutely agrees that the timely and accurate filing of campaign reports is one of the most basic requirements and goes to the heart of campaign finance laws. See *Beardslee v. Florida Elections Commission*, 962 So. 2d 390, 394 (Fla. 5th DCA 2007). However, Staff's Recommendation herein in reference to violation of Section 106.07(5), Florida Statutes, would be imposing a strict liability standard regardless of what reasonable and good faith efforts Cedrati made to report timely and complete campaign reports. Based upon the specific facts and circumstances as stipulated in the Staff's Recommendation, this Commission should not find that Cedrati violated Section 106.07(5). It was reasonable for Cedrati to rely on the written representations made by the Miami-Dade Supervisor of Elections Office in reference to the entry in question herein. If the Miami-Dade Supervisor of Elections Office had communicated to Cedrati to find the proverbial needles in the haystack (regardless of the time and financial resources necessary), then Cedrati and the Gimenez Mayoral campaign would have dedicated those resources. However, that is not what was communicated by the Supervisor of

Elections Office which Cedrati believes was also acting in good faith in accepting the explanation for the entry in question.

The evidence presented by Staff to this Commission is that Cedrati did everything he could in good faith to file accurate, complete and timely reports on behalf of Gimenez Mayoral campaign. Further, this is certainly true if this Commission were to apply the correct clear and convincing standard of proof if you were to seek to impose fines on Cedrati under Chapter 106. See Diaz de la Portilla v. Florida Elections Commission, 857 So. 2d 913, 916-917 (Fla. 3d DCA 2003)(“**..the standard of proof in a case seeking fines under chapter 106 is clear and convincing evidence.**”). Respectfully, there is no clear and convincing evidence presented to this Commission that Cedrati violated Section 106.07(5), Florida Statutes, considering that he in good faith reasonably relied on the guidance of the Miami-Dade Supervisor of Elections Office on the very issue before this Commission.²

RECOMMENDATION

Based upon the Staff's Recommendation, the laws of the State of Florida, as well as the above Respondent Adam A. Cedrati's Response to the Florida Elections Commission Staff Recommendation, it is hereby recommended that the Commission find no probable cause to believe that Cedrati has violated Section 106.07(5) in Count 1 for the all the reasons stated herein and no probable cause on all other alleged violations.

² It is also worth noting that if this Commission were to move forward beyond probable cause, Cedrati would seek to mitigate any potential fines due to the fact Cedrati by clear and convincing evidence “**..has shown good faith in attempting to comply with the provisions of this chapter.**” See Section 106.265, Florida Statutes. Respectfully, Cedrati has met that burden. Therefore, allowing this case to move forward beyond a probable cause determination would only cause Cedrati to incur additional attorney's fees and costs unnecessarily if in the end it is most likely the fines will be waived.

RESPECTFULLY submitted this 29th day of April 2015.

ZUMPARNO CASTRO LLC

Attorneys for Respondent


500 South Dixie Highway, Suite #302

Coral Gables, Florida 33146

Telephone: (305) 503-2990

Facsimile: (305) 774-5908

Email: robert.fernandez@zumpanocastro.com

By: 
Robert H. Fernandez, Esq.
Florida Bar No: 091080

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by electronic mail this 29th day of April, 2015 to:

Amy McKeever Toman Executive Director Florida Elections Commission 107 W. Gaines Street, Suite 224 Collins Building Tallahassee, Florida 32399-1050	Stephanie J. Cunningham Assistant General Counsel Florida Elections Commission 107 W. Gaines Street, Suite 224 Collins Building Tallahassee, FL 32399-1050
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Attorney

From: Adam A. Cedrati
Sent: Wednesday, January 30, 2013 4:46 PM
To: 'White, Christina (Elections)'
Subject: RE: Gimenez TR-MS-12

Thank you.
Regards,
Adam

From: White, Christina (Elections) [mailto:bacogc@miamidade.gov]
Sent: Wednesday, January 30, 2013 4:45 PM
To: Adam A. Cedrati
Subject: FW: Gimenez TR-MS-12

Adam,

I am in receipt of your email and have instructed staff to close out the report.

Best Regards,
Christina White
Deputy Supervisor of Elections
Election Coordination, Campaigns and Compliance
Miami-Dade Elections Department
305.499.8403
305.499.8501

From: White, Christina (Elections)
Sent: Wednesday, January 30, 2013 4:42 PM
To: Innocent, Vanessa (Elections)
Subject: FW: Gimenez TR-MS-12

Vanessa,

Please place this in his file/make a note in the database. This explanation satisfies the deficiencies stated in the incomplete letter. You can close the report. Thank you.

Best Regards,
Christina White
Deputy Supervisor of Elections
Election Coordination, Campaigns and Compliance
Miami-Dade Elections Department
305.499.8403
305.499.8501

From: Adam A. Cedrati [mailto:acedrati@mallahfurman.com]



Sent: Wednesday, January 30, 2013 4:25 PM
To: White, Christina (Elections)
Subject: Gimenez TR-MS-12

Dear Christina,

Thank you for taking the time to speak with me this afternoon.

Per our conversation, I wanted to give you an explanation for Expenditure - Sequence #7 on our Termination Report.

During the course of the campaign several checks that we entered as Contributions on the elections website were returned by the bank for Non-Sufficient Funds. This happened several times during the campaign and more often than not, the checks cleared when re-deposited. There were three checks that ultimately never cleared the bank and remained on our report as contributions.

Since these contributions never cleared our bank, I listed them as an expenditure on the termination report so that our elections report would reflect a zero balance.

Please let me know if you require anything further on the above so that our reports are in good standing with elections.

Regards,

Adam

Adam A. Cedrati

<<mailto:acedrati@mallahfurman.com>> [cid:image001.gif@01CDDF09.30120BD0] <<http://www.mallahfurman.com/>>

1001 Brickell Bay Drive, Suite 1400

Miami, Florida 33131

Tel [305-371-6200](tel:305-371-6200) ext 1301

Fax [305-371-8726](tel:305-371-8726)

E-mail us at acedrati@mallahfurman.com <<mailto:acedrati@mallahfurman.com>>

Visit us at www.mallahfurman.com <<http://www.mallahfurman.com/>>

Securely Send us a File <<http://www.mallahfurman.com/filedrop.php4>>

[cid:image002.jpg@01CDDF09.30120BD0]

International Accounting Alliance

www.jhi.com <<http://www.jhi.com>>

Pursuant to Internal Revenue Service Circular 230, we are required to advise you that if there is any tax advice contained herein, it is not intended to be used, and cannot be used, by the addressee or any taxpayer, for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code.

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to others. Please notify the sender that you have received this email in error by replying to the email. Please then delete the email and any copies of it.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Adam A. Cedrati

Case No.: FEC 14-316

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the sworn complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(5), Florida Statutes**, and that there is **no probable cause** to charge Respondent with violating **Sections 106.11(4), 106.19(1)(c), and 106.19(1)(d) Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on March 11, 2015, the following facts and law support this staff recommendation:

1. On September 26, 2014, the Florida Elections Commission ("Commission") received a sworn complaint from Jose Carillo ("Complainant"), alleging that Adam A. Cedrati ("Respondent") violated Chapter 106, Florida Statutes.

2. Respondent was the treasurer for Mayor Carlos A. Gimenez, a 2012 candidate for re-election to the office of Mayor of Miami-Dade County (Attachment A)

3. By letter dated January 22, 2015, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(5), Florida Statutes: Respondent, campaign treasurer for the 2012 re-election campaign of Mayor Carlos Gimenez, certified that the campaign's 2013 TR-MS report was true, correct, and complete when it was not, as alleged in the complaint.

Section 106.11(4), Florida Statutes: As alleged in the complaint, Respondent, campaign treasurer for the 2012 re-election campaign of Mayor Carlos Gimenez, incurred one or more expenses for the purchase of goods or services, without sufficient funds on deposit in the primary depository account

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, campaign treasurer for the 2012 re-election campaign of Mayor Carlos Gimenez, falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes.

Section 106.19(1)(d), Florida Statutes: As alleged in the complaint, Respondent, campaign treasurer for the 2012 re-election campaign of Mayor Carlos Gimenez, made or authorized one or more expenditures prohibited by Chapter 106, Florida Statutes.

4. Complainant alleged that Respondent violated Florida's election laws by issuing campaign checks totaling \$1,200 which were returned due to insufficient funds, by making or authorizing one or more expenditures prohibited by Chapter 106, Florida Statutes, by certifying that the campaign's 2013 TR-MS Report was true, correct, and complete when it was not, and by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes, in the campaign's 2013 TR-MS Report (ROI Exhibit 1)¹

Alleged Violation: Section 106.11(4), Florida Statutes

5. Complainant alleged that Respondent violated Florida's election laws by issuing campaign checks totaling \$1,200 which were returned due to insufficient funds.

6. The campaign's 2013 TR-MS Report reflects an expenditure to "Returned Checks" for the purpose of "non-sufficient funds/information requested" on October 1, 2012, in the amount of \$1,200.00. (ROI Exhibit 1, page 1)

7. Respondent stated that this allegation is based upon Complainant's incorrect interpretation of the returned checks expenditure on the campaign's 2013 TR-MS Report. Respondent alleged that the campaign account had sufficient funds on deposit to pay all expenditures incurred during the campaign. (ROI Exhibit 2, page 1)

8. Respondent stated that the returned checks expenditure represents the total amount of contributions reported in prior campaign treasurer's reports that were never deposited into the campaign's bank account because either the checks bounced due to insufficient funds on the part of the contributor or the credit card payments did not properly process through the online vendor. (ROI Exhibit 4, pages 2 & 5)

9. Respondent also stated that the campaign received three checks that were reported as contributions but ultimately returned due to insufficient funds. Respondent stated that he disclosed the returned checks expenditure so that the campaign's termination report reflected a zero balance at the close of the campaign (ROI Exhibit 5, page 1; ROI Exhibit 6, page 1)

10. The campaign's bank records show several deposit items as being returned. The records do not appear to show any debit or check transactions as being returned due to insufficient funds. It also does not appear that the bank assessed any insufficient funds or overdraft fees against the account. (ROI Exhibit 3)

¹ The Report of Investigation is referred to herein as "ROI."

11. It appears that Respondent did not authorize expenses or sign checks drawn on the campaign depository without sufficient funds on deposit to pay the full amount of the authorized expenses.

Alleged Violation: Section 106.19(d), Florida Statutes

12. Complainant alleged that Respondent violated Florida's election laws by making or authorizing one or more expenditures prohibited by Chapter 106, Florida Statutes. Complainant's allegation is based solely upon Complainant's contention that Respondent issued campaign checks totaling \$1,200 which were returned due to insufficient funds. Based upon the above analysis, it does not appear that Respondent made or authorized one or more expenditures prohibited by Chapter 106, Florida Statutes.

Alleged Violation: Section 106.07(5), Florida Statutes

13. Complainant alleged that Respondent violated Florida's election laws by certifying that the campaign's 2013 TR-MS Report was true, correct, and complete when it was not.

14. The campaign's 2013 TR-MS Report reflects an expenditure to "Returned Checks" for the purpose of "non-sufficient funds/information requested" on October 1, 2012, in the amount of \$1,200.00 (ROI Exhibit 1, page 1)

15. On January 24, 2013, the Miami-Dade County Supervisor of Elections mailed Respondent a letter regarding the campaign's 2013 TR-MS Report. The letter requested that Respondent amend the report regarding the returned checks expenditure to add a complete address and a specific purpose. (Attachment B)

16. The Miami-Dade County Supervisor of Elections called Respondent regarding the incomplete report and was advised that the returned checks expenditure was due to three checks that were reported as contributions in prior reports that were ultimately returned due to insufficient funds. Respondent stated that he contacted the bank regarding the three checks but had not received a response. Respondent stated that he disclosed the returned checks expenditure so that the campaign's termination report reflected a zero balance at the close of the campaign. Based upon Respondent's statements the Miami-Dade County Supervisor of Elections accepted the report as complete. It should be noted that Respondent did not mention the possibility that the \$1,200 returned checks expenditure was due to multiple credit card contributions that failed to process. (ROI Exhibit 5, page 1; ROI Exhibit 6, page 1; and ROI Exhibit 7, page 2)

17. Respondent stated that the campaign could not identify \$1,200 in credit card contributions that did not properly process through the online vendor. (ROI Exhibit 2, page 2) Respondent also stated that the campaign received over 2,600 contributions, including 314 credit card contributions, and raised over \$1,000,000. Respondent stated that some of the credit card contributions were not processed due to insufficient funds or a glitch with the online vendor, and that some of the check contributions were returned due to insufficient funds. Respondent stated that it was not practical or cost effective to identify the contributions that were never received. Respondent stated that he reported the overstatement of contributions as the returned checks

expenditure because he was advised to do so by the Miami-Dade County Supervisor of Elections. (ROI Exhibit 4, pages 2, 4-5)

18. When a treasurer determines that a contribution check was returned or a credit card payment did not process due to insufficient funds the treasurer is required to report the returned item as a negative contribution. (Attachment C) The item must be disclosed on the campaign treasurer's report which coincides with the return date of the item. When several items are returned within the same day or reporting period each item must be disclosed separately.

19. It appears that Respondent certified that the campaign's 2013 TR-MS Report was true, correct, and complete when it was not. Respondent disclosed multiple bounced checks and failed credit card payments in differing amounts from different individuals and/or entities as a single expenditure when no expenditure took place. The checks and credit card payments should have been disclosed separately as negative contributions on the campaign treasurer's report(s) that coincided with the date the items were returned.

Alleged Violation: Section 106.19(1)(c), Florida Statutes

20. Complainant alleged that Respondent violated Florida's election laws by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes, in the campaign's 2013 TR-MS Report.

21. While it does appear that the returned items were incorrectly disclosed on the campaign's 2013 TR-MS Report, it does not appear that Respondent deliberately failed to include information or falsely reported information on the campaign's 2013 TR-MS Report, when Respondent reported the returned checks expenditure. Respondent communicated with the Miami-Dade County Supervisor of Elections' office regarding the returned checks expenditure and the campaign's 2013 TR-MS Report was accepted. As such, it does not appear that Respondent deliberately falsely reported contributions and expenditures.

22. "Probable Cause" is defined as reasonable grounds of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v State*, 590 So. 2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Department of Highway Safety and Motor Vehicles v. Favino*, 667 So. 2d 305, 309 (Fla. 1st DCA 1995).

23. The facts set forth above show that Respondent was the treasurer for Mayor Carlos A. Gimenez, a 2012 candidate for re-election to the office of Mayor of Miami-Dade County. The campaign's 2013 TR-MS Report reflects an expenditure to "Returned Checks" for the purpose of "non-sufficient funds/information requested" on October 1, 2012, in the amount of \$1,200.00. The campaign's bank records do not appear to show any debit or check transactions as being returned due to insufficient funds and Respondent denies that the account had insufficient funds at any point during the campaign. Therefore, it appears that Respondent did not authorize expenses or sign checks drawn on the campaign depository without sufficient

funds on deposit to pay the full amount of the authorized expenses. Therewith, it does not appear that Respondent made or authorized one or more expenditures prohibited by Chapter 106, Florida Statutes.

24. It appears that Respondent certified that the campaign's 2013 TR-MS Report was true, correct, and complete when it was not as Respondent disclosed multiple bounced checks and failed credit card payments in differing amounts from different individuals and/or entities as a single expenditure when no expenditure took place. It does not appear, however, that Respondent deliberately falsely reported contributions and expenditures.

Based upon these facts and circumstances, I recommend that the Commission find no probable cause to charge Respondent with violating Sections 106.11(4), 106.19(1)(c), and 106.19(1)(d), Florida Statutes, and find probable cause to charge Respondent with violating the following:

Count 1:

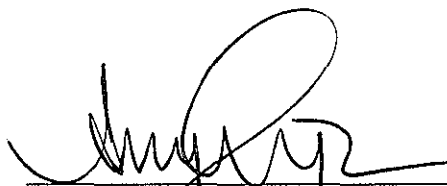
On or about January 16, 2013, Adam A. Cedrati violated Section 106.07(5), Florida Statutes, when he certified that the campaign's 2013 TR-MS Report was true, correct, and complete when it was not.

Respectfully submitted on April 9, 2015



Stephanie J. Cunningham
Assistant General Counsel

I reviewed this Staff Recommendation this 9th day of April 2015.



Amy McKeever Tomah
Executive Director

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F S)

(PLEASE PRINT OR TYPE)

RECEIVED

2012 JAN -9 AM 10:02

MIAMI DADE COUNTY
ELECTIONS DEPARTMENT

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)

Carlos A. Gimenez

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

4061 South Lejeune Road
Miami, FL 33146

4. Telephone

(305) 814-8435

5. E-mail address

gimenez4mayor@gmail.com

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

Mayor - Miami-Dade County

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation _____ Party candidate

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

10. Name of Treasurer or Deputy Treasurer

Adam A. Cedrati

11. Mailing Address

1001 Brickell Bay Drive, Suite 1400

12 Telephone

(305) 371-6200

13 City

Miami

14 County

Miami-Dade

15. State

Florida

16 Zip Code

33131

17. E-mail address

acedrati@mallahfurman.com

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

19. Name of Bank

Sabadell United National Bank, N.A.

20. Address

1111 Brickell Avenue, 29th Floor

21. City

Miami

22. County

Miami-Dade

23 State

Florida

24 Zip Code

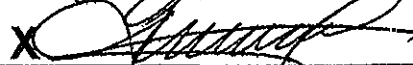
33131

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

11-28-2011

26 Signature of Candidate

X 

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

I, Adam A. Cedrati, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

11-28-2011

Date

X


Signature of Campaign Treasurer or Deputy Treasurer



miamidade.gov

Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-8683 F 305-499-8547
TTY: 305-499-8480

January 24, 2013

Mr. Adam A. Cedrati
1001 Brickell Bay Driver, Suite 1400
Miami, FL 33131

INCOMPLETE NOTICE
Carlos Gimenez
TR-MS-12 Original Campaign Treasurer's Report
Due Date: 1/16/2013
Period Covered: 10/1/2012 – 1/16/2013

Dear Mr. Cedrati,

The TR-MS-12 Original Campaign Treasurer's Report filed with our office was submitted on 1/16/2013 and does not comply with the requirements of Florida Statute 106 07(2) for the following reason(s):

- **Expenditures: Sequence #7 needs a complete address and a specific purpose.**

As such, you are required to provide the information necessary to complete the report **within seven (7) days** of your receipt of this notice. Please submit an amended report addressing these matters on the Elections Department website at www.miamidade.gov/elections/campaignreports. Failure to file a complete report constitutes a violation of Chapter 106, Election Laws of the State of Florida.

To assist you with submitting an amendment report correctly, please review section 5.1 of the Candidate Qualifying Handbook located on our website at <http://www.miamidade.gov/elections/qual-handbook.asp>. Instructions for amending reports begin on page 37.

If you have any questions, please contact Christina White, Deputy Supervisor of Elections, at 305-499-8403.

Sincerely,

A handwritten signature in black ink, appearing to read "Penelope Townsley". The signature is stylized and somewhat cursive.

Penelope Townsley
Supervisor of Elections

Enclosure

C: Carlos Gimenez

Certified No: 7008 1830 0003 9579 4912

Attachment B

Miami-Dade County Elections Department
Guidelines to Successful Campaign Treasurer's Reports
(Per Chapter 106, Florida Statutes)

Contributions

- All Contributions must have complete itemized information including the date, name, complete address, occupation (if over \$100.00) and dollar amount.
- Contributions entered must fall within the time period covered by the report.
- Contributions to candidates are limited to \$500 per election, per person. There is no contribution limit for political committees supporting or opposing only issues. The maximum cash contribution per election is \$50.00.
- For reporting purposes, a credit card, debit card, money order, or Paypal contribution is considered a check and it has a limit of \$500.00.
- A cashier's check is reported as cash and it has a limit of \$50.00.
- Contributions collected via Paypal or a third-party vendor to collect contributions must be reported in full (transaction fees are not deducted from the contribution amount, but rather reflected as an expenditure)
- Occupation needs to be specific. Do not use "Businessman/woman, Business Owner, Sales, Salesman/woman," etc. Examples of acceptable occupations include Car Sales, Printing Shop Owner, Bank Manager, Attorney, etc.
- The person signing the check is the contributor, except for a company check that is a "Business" entity.
- In-kind contributions are also limited to \$500 per election, per person.

Expenditures

- All expenditures must have complete itemized information including the date, name, complete address, purpose of expenditure, and dollar amount.
- Expenditures entered must fall within the time period covered by the report.
- A reimbursement from the campaign account is allowable directly to an individual/organization that has incurred approved expenses on behalf of the campaign. The report must include the full name, full address, specific purpose, and amount of reimbursement. Campaign accounts should not provide a direct payment to the credit card of an individual/organization as a form of reimbursement.
- Poll workers should be paid with a campaign check and itemized for each poll worker who is paid.
- Fees assessed by Paypal or a third-party vendor to collect contributions must be reported as expenditures (not deducted from the contribution amount).

Petty Cash

- The Petty Cash Withdrawn limit is \$500.00 per calendar quarter prior to qualifying. Thereafter, it is \$100.00 per week.
- It shall be spent only in amounts less than \$100 and only for office supplies, transportation expenses and other necessities.

- The Petty Cash Withdrawn must be reported in the period that was withdrawn from the bank.
- The Petty Cash Spent must also be reported in the period that it was spent. When it is described as Petty Cash Spent, it will not impact the Total Expenditures for the period, only when it is withdrawn.
- Petty Cash Withdrawn and Petty Cash Spent must equal at the end of the campaign.

Notices

- You will be notified of any deficiencies or violations.
- Typical violations include late filing, fine due, and incomplete information on a campaign report.
- *Following these guidelines will reduce notices sent to you and thus the number of amendment reports that will need to be filed.*

Amending a Report

- To make any changes to a submitted report, click on the "amend" button of Original Report to create an Amendment Report.
- In the Amendment Report, first click on the type of transaction to amend (i.e. "Enter Contributions", etc):
 - To add new item, add a new sequence
 - To amend existing item, click "Amend Item from Original Report" to view list of all items previously submitted. Click on desired sequence, enter edits, and click submit. This will display two transactions (one to "delete" original and one to "add" new item)
 - To delete existing item, click "Amend Item from Original Report", click on desired sequence, and just click submit. This will display two transactions (one to "delete" original and one to "add" new item). Delete "add" sequence, leaving only "delete" sequence.

Fines

- Fines assessed to candidates must be paid from candidate's personal funds.
- Fines to political action committees, committees of continuous existence, electioneering communication organizations, and "independent expenditures over \$5,000" are to be paid from their campaign account.
- Fines must be paid to the filing officer within 20 days after receipt of the notice of payment due, unless an appeal is made to the Florida Elections Commission within 20 days after receipt of the notice of payment due.
- Please reference Florida Statute 106.07(8)(b) for fine amounts.

Termination Report (Applicable only to Candidates)

- At the end of the Campaign, the "Total Contributions to Date" and "Total Expenditures to Date" on the Termination Report must equal; and, the campaign account must be closed.

English

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Search USPS.com or Track Packages

Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

Track & Confirm

GET EMAIL UPDATES



YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
70081830000396794912		Delivered	January 29 2013 12:51 pm	MIAMI FL 33131	Certified Mail™

Check on Another Item

What's your label (or receipt) number?



LEGAL

- Privacy Policy
- Terms of Use
- FOIA
- No FEAR Act EEO Data

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CERTIFIED MAIL RECEIPT
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7008 1830 0003 9579 4912

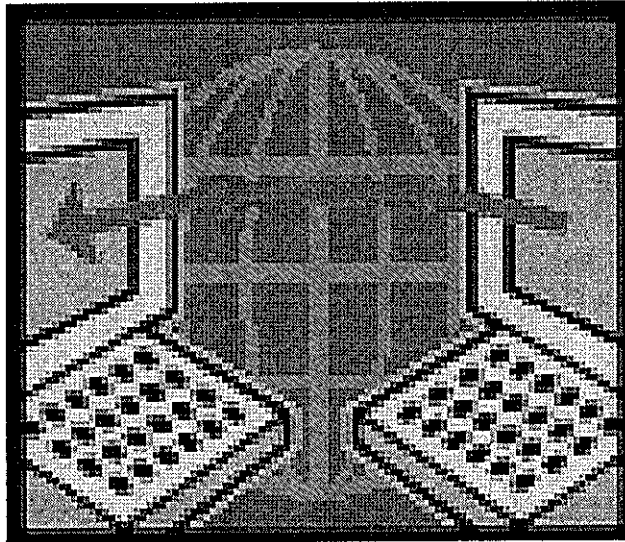
Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: MR. ANTON A. CELESTI

Address: HONORABLE CARLOS GIMENEZ
1001 BRICKELL BAY DR STE 1400
MIAMI FL 33131

Department of State
Division of Elections

Candidate EFS User's Guide



Florida Department of State
Division of Elections
R.A. Gray Building, Room 316
500 S Bronough Street
Tallahassee, FL 32399-0250

EFS HELP LINE: 850-245-6280

January 2011

Rule 1S-2 017, F A.C

DS-DE 110A (eff 01/11)

Attachment C

Contribution #: this field will be automatically populated by the system in sequential numbers.

Date: enter date the contribution was received.

Last Name, Suffix: enter contributor's last name and suffix (if given). Do not use titles such as Dr., Colonel, Reverend, etc. **NOTE:** if this is a business, the name must be placed in the "Last Name" field. If you put it in the "First, Middle Name" field, you will get an error message.

First, Middle Name: enter contributor's first name and middle name or initial (if given).

Address: enter contributor's complete street address or post office box number.

City: enter contributor's city.

State: click arrow and choose contributor's state. If the contributor resides outside the United states, choose State: at the bottom of the drop down list.

Zip: enter contributor's zip code.

Contributor Type: click arrow and choose one of the listed contributor types.

Important – you must report contributions from the candidate using the contributor type "Candidate to Themselves" to avoid getting an error message for excessive contributions.

Contribution Type: click arrow and choose one of the listed contribution types.

Cash – used to report the receipt of cash and cashiers' check.

Check – includes traditional paper checks, wire transfers, Paypal, contributions by credit card, and other types of electronic funds transfers.

In-kind – item of value other than money or volunteer services

Interest – money earned on campaign or interest bearing accounts.

Loan – money that is loaned to the campaign rather than given outright

Money Order - used to report the receipt of contribution by money order

Refund – used to report bad checks or contributions returned (in whole or in part) to the contributor. **Refunds must always be entered as a negative amount.**

Occupation: enter contributor's specific occupation (This field is required if the contribution is over \$100.) Do not use generic occupations such as "businessman" or "sales" Use specifics such as pharmaceutical sales or insurance

In-kind Description: if Contribution Type is In-kind, enter a specific description of the in-kind contribution. Example: Food and beverage

Amendment: defaults to Not Amended.

Amount: enter exact amount of contribution (dollars and cents).

Click

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 14-316

Respondent: Adam A. Cedrati
Counsel for Respondent: Robert H. Fernandez

Complainant: Jose Carillo

On September 26, 2014, the Florida Elections Commission received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. The Commission staff investigated whether Respondent violated the following statutes:

Section 106.07(5), Florida Statutes, prohibiting a campaign treasurer from certifying to the correctness of a campaign treasurer's report that is incorrect, false, or incomplete;

Section 106.11(4), Florida Statutes, prohibiting a campaign treasurer from authorizing any expenses from the campaign account without sufficient funds on deposit in the account;

Section 106.19(1)(c), Florida Statutes, prohibiting a person or organization from falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes; and

Section 106.19(1)(d), Florida Statutes, prohibiting a person or organization from making or authorizing any expenditure prohibited by Chapter 106, Florida Statutes

I. Preliminary Information:

1. Respondent, Adam A. Cedrati, served as the campaign treasurer for the 2012 re-election campaign of Miami-Dade County Mayor Carlos Gimenez¹
2. Respondent is represented by Robert H. Fernandez, Esquire.
3. Complainant, Jose Carillo, is a private investigator. He obtained his private investigator license in 1988

II. Alleged Violation of Section 106.07(5), Florida Statutes:

¹ Initially, in an Appointment of Campaign Treasurer form (DS-DE 9), filed with the Miami-Dade County Supervisor of Elections' office on October 3, 2011, Respondent was appointed to serve as the campaign's deputy treasurer. On January 9, 2012, another DS-DE 9 form was filed the Miami-Dade County Supervisor of Elections' office appointing Respondent as the campaign treasurer

4. I investigated whether Respondent violated this section of the election laws by certifying to the correctness of a campaign treasurer's report as true, correct and complete, when, according to Complainant, it was not.

5. Complainant submitted with his complaint a copy of Respondent's termination report identified as "TR-MS." Complainant questioned the last entry disclosed on the "Itemized-Expenditures" page.

6. Table 1 is reflective of how the expenditure was reported. The campaign report was filed with the Miami-Dade County Supervisor of Elections' office (MDCSOE) on January 16, 2013. The reporting period covered October 1, 2012 through January 16, 2013. Respondent certified that the campaign report was true, correct and complete. To review the page from the report depicting the expenditure and the page certifying the report, refer to Exhibit 1.

TABLE 1: RESPONDENT'S 2013 TR-MS CTR - ITEMIZED EXPENDITURES					
Date	Full Name, Street Address & City, State, Zip Code	Purpose	Expenditure Type	Amend.	Amount
Sequence #					
10/1/2012 7	Returned Checks,	Non-sufficient funds/information requested	MO		\$1,200.00

7. Respondent's counsel, Robert H. Fernandez, offered a written response to the complaint. Counsel reported that the entry at issue was included in the campaign report to account for the fact that the campaign could not identify \$1,200 in credit card contributions that were made online but that were never deposited into the campaign account. Counsel added that the campaign sought advice from the MDCSOE on how to document this \$1,200 discrepancy. Counsel further added that the MDCSOE's office did not object to how the entry was recorded in the campaign report. To review counsel's response, refer to Exhibit 2.

8. I secured bank records from the campaign depository, Sabadell United Bank. I reviewed the bank records and found no record of the campaign having been charged for insufficient funds or overdraft fees at anytime during the campaign. The only notation concerning a returned item appears with the description, "Dep Item Returned," indicating a deposit item was returned rather than a campaign check issued from the campaign depository. In reviewing the bank statements, it appears that the account had sufficient funds throughout the course of the campaign. To review bank records, refer to Exhibit 3.

9. In an affidavit, Respondent stipulated that the campaign did not issue a single check, or multiple checks, from the campaign made payable to: "Returned Checks." Respondent added, "This amount represents the total amount of contributions reported to the Miami-Dade County Supervisor of Elections despite the fact that the funds never physically cleared into the campaign account at our bank due to bounced check(s) or credit card processing issues due to insufficient funds."

10. In his affidavit, Respondent acknowledged that as campaign treasurer, he entered all of the expenditure information on the campaign reports. Respondent added that he contacted the local supervisor of elections office for guidance on what to do as far as reporting "since we have never encountered this type of situation before." Respondent further added that he was advised to enter the overstatement of contributions as "Returned Checks" on the campaign report "so that is what we did." In addition, Respondent alluded to an e-mail exchange between him and representatives from the MDCSOE's office (which will be discussed in paragraph 12). To review Respondent's response to the questionnaire-affidavit, refer to Exhibit 4.

11. According to a document from the MDCSOE's office titled, "Miscellaneous Information," on January 24, 2013, an employee, Vanessa Innocent, called Respondent relative to a letter that was mailed to him. Ms. Innocent had called Respondent concerning the termination report at issue and the entry marked, "Returned checks." According to Ms. Innocent, Respondent told her that he had previously spoken with Maria Acosta and he had explained to her (Ms. Acosta) that three contributions given to the campaign as contributions had been deemed as not having sufficient funds. To review the document, "Miscellaneous Information," refer to Exhibit 5.

12. On January 30, 2013, Respondent e-mailed Christina White², a representative with the MDCSOE's office, relative to a telephone call she made to him earlier in the day. In his e-mail, Respondent reiterated his explanation for reporting the expenditure the way he did. In a subsequent e-mail, Ms. White advised Ms. Innocent that she could close the report (TR-MS-12) as the explanation from Respondent satisfied the deficiencies stated in the incomplete letter³. To review the e-mail exchange between Respondent and Ms. White, refer to Exhibit 6.

13. In a telephone interview, Maria Acosta said that she could not recall speaking with Respondent as to how to report the entry at issue. However, she explained that sometimes during a busy election season, she may be working on something and she will take a call from someone with a question relative to reporting. She said that she does not always write down or take notes from every telephone call and she is assuming that may have happened in this particular instance, since her name was referenced in e-mail exchanges between Respondent and the supervisor of elections' office.

14. No record was found to indicate that Respondent has previously violated this section of the election laws.

III. Alleged Violation of Section 106.11(4), Florida Statutes:

15. I investigated whether Respondent violated this section of the election laws by authorizing expenses without having sufficient funds on deposit in the campaign account.

16. Complainant alleges that Respondent authorized campaign expenses and signed campaign checks when there were not sufficient funds on deposit in the campaign depository.

² At the time, Ms. White was the Deputy Supervisor of Elections for the Election Coordination and Compliance Division.

³ According to the "Miscellaneous Information" document, the "incomplete letter" was due to the entry at issue.

17. As per paragraph five, Complainant offered a copy of Respondent's termination report identified as "TR-MS" and he questioned the last entry disclosed on the Itemized-Expenditures page; an expenditure to "Returned Checks" for the reported purpose of "Non-sufficient funds/information requested."

18. As per paragraph seven, counsel reported that some online contributions were never deposited into the campaign account

19. In his affidavit, Respondent acknowledged that the campaign utilized the services of "Pirix, Inc" as the credit card processor for campaign contributions. Respondent explained that as campaign treasurer, he received over 2,600 separate contributions including approximately 314 credit card contributions. Respondent further explained that some credit card contributions were not processed due to insufficient funds and some written contribution checks bounced as well. Respondent added, "Checks would then be re-deposited to the bank and at times these checks would bounce again." To review Respondent's response to the questionnaire-affidavit, refer to Exhibit 4

20. As per paragraph eight, bank records indicate that the campaign was never assessed a fee for insufficient funds or an overdraft fee and it appeared that the campaign had sufficient funds.

21. No record was found to indicate that Respondent has previously violated this section of the election laws

IV. Alleged Violation of Section 106.19(1)(c), Florida Statutes:

22. I investigated whether Respondent violated this section of the election laws by falsely reporting information

23. As per paragraph five, Complainant questioned the last entry in Respondent's report identified as "TR-MS"

24. As to information relative to the reporting of the entry at issue, please refer to paragraph 6 through 13.

25. No record was found to indicate that Respondent has previously violated this section of the election laws.

V. Alleged Violation of Section 106.19(1)(d), Florida Statutes:

26. I investigated whether Respondent violated this section of the election laws by authorizing an expenditure prohibited by this Chapter.

27. As per paragraph 16, Complainant alleges that Respondent authorized campaign expenses and signed campaign checks when there were not sufficient funds on deposit in the campaign depository

28. As to information relative to allegedly authorizing campaign expenses and signing campaign checks, refer to paragraphs 6 through 13

29. No record was found to indicate that Respondent has previously violated this section of the election laws.

VI. FEC History:

30. Respondent has no prior history with the Florida Elections Commission.

Conclusion:

31. On March 11, 2015, I interviewed Respondent's counsel for the purpose of providing him with a brief overview of the case. With regards to Section 106.07(5), Florida Statutes, specifically the reporting of the entry at issue, counsel reported that his client sought guidance on how to record the entry. Counsel explained that when his client did a complete reconciliation between the campaign reports and bank records is when he discovered the \$1,200 discrepancy. Counsel further explained that when his client learned that certain contributions, whether made electronically through the online vendor or via a written check, did not clear the account, he sought guidance from the local supervisor of elections' office since he had already recorded the contributions on the campaign reports.

32. Counsel added that he had nothing else to add to the case at this time other than to report that his client had nothing to hide as this was not a situation where the campaign issued campaign checks without having sufficient funds on deposit. Counsel further added that his client followed the guidance offered to him from the local supervisor of elections' office since he was unsure as to how report the entry at issue.

33. In an affidavit, Miami-Dade County Supervisor of Elections Penelope Townsley, attested that her office has no record of Respondent ever having sought elective office within her jurisdiction. Ms. Townsley did attest that Respondent was also appointed to serve as the campaign treasurer for a candidate seeking election to the county commission. In her affidavit, Ms. Townsley attested that Respondent was copied on certain correspondence sent to the candidate and each letter would have contained a link to their Candidate Qualifying Handbook, which she said, included the *Candidate and Campaign Treasurer Handbook* and other relevant materials. To review the affidavit of Penelope Townsley, refer to Exhibit 7.

34. In an affidavit, Respondent attested that he has not sought elective office but he previously served as the campaign treasurer for Carlos Gimenez in the 2004 and 2008 elections. He added that he also served as the campaign treasurer for a local political committee until it disbanded in 2013.

35. Respondent further attested that he does possess a copy of Chapter 106, Florida Statutes, and has "reviewed applicable portions of Chapter 106 as specific issues or questions arose." Respondent had been asked what actions had he taken to determine his responsibilities under Florida's election laws. He stated, "I read as needed the Candidate and Campaign Treasurer Handbook and also attended a workshop hosted by the Florida Division of Elections and held at the Miami Beach Commission Chambers." To review Respondent's response to the questionnaire-affidavit, refer to Exhibit 4.

Respectfully submitted on March 11, 2015

Keith Smith

Keith Smith
Investigation Specialist

Current address of Respondent

Adam A. Cedrati
1001 Brickell Bay Drive – Suite 1400
Miami, Florida 33131

Current address of Complainant

Jose Carillo
9313 S.W. 130th Street
Miami, Florida 33176

Current Address of Respondent's Atty.:

Robert H. Fernandez, Esquire
500 South Dixie Highway – Suite 302
Coral Gables, Florida 33146

Name and Address of Filing Officer:

The Honorable Penelope Townsley
Miami-Dade County Supervisor of
Elections
2700 N.W. 87th Avenue
Miami, Florida 33172

Copy furnished to: David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Adam A. Cedrati -- FEC 14-316

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Page from IR-MS report re: expenditure/certification page
Exhibit 2	Response from counsel
Exhibit 3	Bank records
Exhibit 4	Respondent's Q/A
Exhibit 5	"Miscellaneous Information" document
Exhibit 6	Copy of e-mail dated 01/30/13
Exhibit 7	Affidavit of Penelope Townsley

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name Carlos Gimenez

(2) I.D. Number 1049

10/1/2012 through 1/16/2013

(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
(6) Sequence Number					
11/15/2012 / /	Coffey Burlington, 2699 South Bayshore Drive Miami, FL 33133	legal fees	MO		\$6,500.00
1					
11/15/2012 / /	Miami Dade Exploratory Committ, 2520 SW 22 Street Suite 2-169 Miami, FL 33145	contribution	MO		\$4,000.00
2					
11/15/2012 / /	Robert H Fernandez, PA, 500 South Dixie Hwy, Suite 302 Miami, FL 33146	legal fees	MO		\$5,000.00
3					
11/15/2012 / /	BYG STRATEGIES, 950 Brickell Bay Drive Suite 400 Miami, FL 33131	consulting	MO		\$500.00
4					
11/30/2012 / /	Mallah Furman, 1001 Brickell Bay Drive Suite 1400 Miami, FL 33131	accounting fees	MO		\$1,775.39
5					
10/1/2012 / /	Piryx Inc., 144 2nd Street First Floor San Francisco, CA 94105	credit card processing fees	MO		\$468.96
6					
10/1/2012 / /	Returned Checks,	non-sufficient funds/informati on requested	MO		\$1,200.00
7					
/ /					

EXHIBIT

1 (pg 1 of 2)

01-16-2013 5:39 PM PINassn #1051672 Report PINed('CAND' 'TRES')
(Eastern)

01-16-2013 5:39 PM RptSub Report (#1051672) submitted
(Eastern)

01-30-2013 3:01 PM LogIn Success
(Eastern)

[Return to Candidate List](#)

EXHIBIT 1 (pg 2 of 2)

ROIG

LAWYERS

October 8, 2014

Via Federal Express and E-mail

Erin Riley
Deputy Agency Clerk
Florida Elections Commission
107 W. Gaines Street
Collins Building , Suite 224
Tallahassee, Florida 32399-4539

Re: Case No.: FEC 14-316—Respondent Adam A. Cedrati

Dear Erin Riley:

Please allow this correspondence to serve as a response to your letter of September 26, 2014 and the attached Complaint. I will file a written notice of appearance on behalf Adam A. Cedrati under separate cover. The allegations in the Complaint are false, legally insufficient and should be immediately dismissed by the Florida Elections Commission (“Commission”) in accordance with Rule 2B-1.0025(2).

The Complaint claims that the mayoral campaign of Miami-Dade Mayor Carlos Gimenez from 2012 violated Section 106.11(4), Fla. Stat. (2014) because (as it alleges) the mayoral campaign did not have sufficient funds in the campaign account to pay for all the campaign expenditures incurred. This false conclusion is not based on any personal knowledge but based solely on Mr. Carillo’s incorrect interpretation of a single entry from a Treasurer’s Report that was filed that shows an itemized expenditures of **\$1,200.00** with a description of “*Returned Checks*”.

This is a completely false and frivolous allegation. As reflected in all the campaign finance reports filed with Miami-Dade Supervisor of Elections Office, the Gimenez mayoral campaign at all times had sufficient funds in the campaign account to pay for any and all expenditures incurred during the campaign. There is no basis for the Complaint. This single entry in question was included in the Treasurer’s Report to account for the fact that the campaign

Ltr to Erin Riley

10/08/14

Pg 2

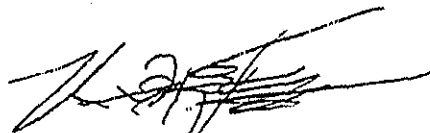
could not identify \$1,200.00 in credit card contributions that were made online that for one reason or another (*possibly contributor changed mind or insufficient funds in the contributor's account*) were not eventually processed by the online vendor and those contributions never made it into the mayoral campaign account. This online contribution mechanism takes several days to process and complete. The 2012 mayoral campaign had a universe of 313 credit card authorizations processed for online contributions. Of this universe of contributions, \$1,200.00 was not processed for whatever reason and that is what is reflected in that line item. The mayoral campaign was not able to identify which of these 313 online contributors were the ones that could not be processed, therefore, it was reflected in the Treasurer's Report as an itemized expenditure of \$1,200.00 with a description of "Returned Checks" and "non-sufficient funds/information requested".

All campaign contributions (even the \$1,200 that was eventually not processed or deposited into the campaign account due to the contributor's fault) were properly disclosed and reported by the Gimenez mayoral campaign. Further, it is worth noting that the Gimenez mayoral campaign sought advice from the Miami-Dade Elections Department on how to document this \$1,200.00 discrepancy and the Miami-Dade Elections Department had no objection to how it was eventually documented in the Campaign Treasurer's Report that was attached to this Complaint

Lastly, it is worth noting that Mr. Carillo leaked this Complaint to the Miami Herald and had no qualm in basically admitting that he filed this Complaint solely for political reasons. I have attached a copy of the Naked Politics Blog entry written by Miami Herald reporter Patricia Mazzei last Friday October 3, 2014.

For all the reasons stated herein, this Complaint does not meet the requirements of Rule 2B-1.0025(2) and respectfully should be dismissed as legally insufficient. Thank you in advance for your anticipated cooperation

Sincerely,



Robert H. Fernandez, Esq.

Statement of Account

Last statement: October 31, 2011
This statement: November 30, 2011
Total days in statement period: 30

Direct inquiries to:

Sabadell United Bank, N.A.
1111 Brickell Avenue, 29TH Floor
Miami Florida 33131

CARLOS GIMENEZ FOR MAYOR
4061 S LEJEUNE RD
MIAMI FL 33146

7

Summary of Account Balance

Account	Number	Ending Balance
Business Checking	[REDACTED]	\$141,100.13

Business Checking

Account number

[REDACTED]

Beginning balance	\$135,781.01	Total subtractions	\$-17,717.88
Total additions	\$ 23,037.00		

7 Enclosures

Number	Date	Amount	Control
1001	11-14	3,600.00	000001000010899
1003 *	11-21	1,366.45	000001000001948
1005 *	11-25	3,750.00	000001000004758
1006	11-25	210.83	000001000007921
289112 *	11-01	4,792.60	000001000005545
289114 *	11-03	3,750.00	000001000006633
289115	11-04	48.00	000001000002855

* skip in check sequence

Date	Description	Control number	Additions	Subtractions
11-15	#Deposit	000000013000065	16,480.00	
11-18	#Deposit	000000008001261	100.00	
11-18	#Dep Item Returned	000008888811111		-100.00
11-21	#ACH Credit PIRYX, INC. ACH 111121	028000081504356	478.50	

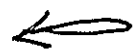


EXHIBIT 3 (pg 1 of 5)

November 30, 2011

Date	Description	Control number	Additions	Subtractions
11-22	#ACH Credit PIRYX, INC. ACH 111122	028000084780737	478.50	
11-23	#Dep Item Returned	00000888811111		-100.00
11-28	#Deposit	00000008000340	4,650.00	
11-29	#Deposit	00000008000126	850.00	



Daily balances

Date	Amount	Date	Amount	Date	Amount
10-31	135,781.01	11-15	140,070.41	11-25	135,600.13
11-01	130,988.41	11-18	140,070.41	11-28	140,250.13
11-03	127,238.41	11-21	139,182.46	11-29	141,100.13
11-04	127,190.41	11-22	139,660.96		
11-14	123,590.41	11-23	139,560.96		

EXHIBIT 3 (pg 2 of 5)

##XXH1768DPCSTM

Statement of Account

Last statement: November 30, 2011
This statement: December 30, 2011
Total days in statement period: 30

Direct inquiries to:

Sabadell United Bank, N.A.
1111 Brickell Avenue, 29TH Floor
Miami Florida 33131

CARLOS GIMENEZ FOR MAYOR
4061 S LEJEUNE RD
MIAMI FL 33146

8

Summary of Account Balance

Account	Number	Ending Balance
Business Checking	[REDACTED]	\$338,956.39

Business Checking

Account number

Beginning balance	\$141,100.13	Total subtractions	\$-12,307.59
Total additions	\$ 210,163.85		

8 Enclosures

Number	Date	Amount	Control
1004	12-07	1,250.00	000001000008804
1007 *	12-09	1,000.00	000001000001391
1009 *	12-15	1,390.00	000004444000226
1010	12-20	1,286.30	000001000006544
1011	12-23	4,826.04	000001000000526
1012	12-30	185.50	000001000005984
1013	12-30	1,250.00	000001000002238
1014	12-30	69.75	000001000007347

* Skip in check sequence

Date	Description	Control number	Additions	Subtractions
12-02	#ACH Credit PIRYX, INC. ACH 111202	028000082631714	478.50	
12-05	#Deposit	00000008001377	32,900.00	
12-08	#Deposit	00000008001652	46,150.00	
12-08	#Dep Item Returned	00000888811111		-500.00

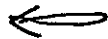


EXHIBIT 3 (pg 3 of 5)

December 30, 2011

Date	Description	Control number	Additions	Subtractions
12-09	#ACH Credit PIRYX, INC. ACH 111209	028000086357133	574.20	
12-12	#ACH Credit PIRYX, INC. ACH 111212	028000088491476	3,205.95	
12-13	#Deposit	000000008000187	83,850.00	
12-14	#ACH Credit RALLY/PIRYX ACH 111214	028000084568016	957.00	
12-15	#Deposit	000000008000735	28,600.00	
12-15	#ACH Credit RALLY/PIRYX ACH 111215	028000086965720	478.50	
12-15	#Deposit Correction	000000999000273		-50.00
12-16	#Deposit	000000008001004	500.00	
12-16	#ACH Credit RALLY/PIRYX ACH 111216	028000089311524	3,588.75	
12-16	#Dep Item Returned	00000888811111		-500.00
12-20	#ACH Credit RALLY/PIRYX ACH 111220	028000084252831	4.78	
12-21	#ACH Credit RALLY/PIRYX ACH 111221	028000087020390	2,918.85	
12-22	#ACH Credit RALLY/PIRYX ACH 111222	028000089390625	2,009.70	
12-23	#ACH Credit RALLY/PIRYX ACH 111223	028000081292010	2,296.80	
12-28	#ACH Credit RALLY/PIRYX ACH 111228	028000087326489	478.50	
12-29	#ACH Credit RALLY/PIRYX ACH 111229	028000080047637	478.50	
12-30	#ACH Credit RALLY/PIRYX ACH 111230	028000081932438	693.82	



Daily balances

Date	Amount	Date	Amount	Date	Amount
11-30	141,100.13	12-12	221,658.78	12-21	339,330.36
12-02	141,578.63	12-13	305,508.78	12-22	341,340.06
12-05	174,478.63	12-14	306,465.78	12-23	338,810.82
12-07	173,228.63	12-15	334,104.28	12-28	339,289.32
12-08	218,878.63	12-16	337,693.03	12-29	339,767.82
12-09	218,452.83	12-20	336,411.51	12-30	338,956.39

EXHIBIT 3 (pg 4 of 5)

January 31, 2012

Date	Description	Control number	Additions	Subtractions
01-04	#ACH Credit RALLY/PIRYX ACH 120104	028000089163740	478.50	
01-05	#Deposit	000000008000595	47,120.00	
01-06	#ACH Credit RALLY/PIRYX ACH 120106	028000084363509	669.90	
01-10	#Dep Item Returned	000008888811111		-500.00
01-11	#ACH Credit RALLY/PIRYX ACH 120110	028000080035350	105.27	
01-11	#ACH Credit RALLY/PIRYX ACH 120111	028000082464196	119.62	
01-12	#Deposit	000000008000425	4,600.00	
01-20	#Deposit	000000008000583	2,000.00	
01-30	#ACH Credit RALLY/PIRYX ACH 120130	028000082851470	239.25	



Daily balances					
Date	Amount	Date	Amount	Date	Amount
12-30	338,956.39	01-06	383,515.39	01-18	385,840.28
01-03	339,482.74	01-10	383,015.39	01-20	387,840.28
01-04	336,563.50	01-11	383,240.28	01-23	383,240.28
01-05	382,845.49	01-12	387,840.28	01-30	379,694.53

EXHIBIT 3 (pg. 5 of 5)

AFFIDAVIT OF BACKGROUND INFORMATION
Case Number: FEC 14-316

STATE OF FLORIDA
County of Miami-Dade

Adam A. Cedrati, being duly sworn, says: Please See Attached

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by _____ as _____.
3. Have you ever run for public office? If so, please name the office(s) you ran for and the date(s) of the election(s) you ran in.

4. Have you ever been appointed to act as a campaign treasurer for a candidate other than for the 2012 Carlos Gimenez campaign? If so, please name the candidate(s) you served as treasurer, the office(s) the candidate ran for, and the dates of the election(s).

5. Have you ever held the office of chairperson or treasurer for a political committee? If so, please list the names and addresses of the committees and dates when you held the position.

6. What action have you taken to determine your responsibilities under Florida's election laws?

7. Do you possess a copy of Chapter 106, Florida Statutes? Yes No

8. If so, when did you first obtain it? _____

9. Have you read Chapter 106, Florida Statutes? Yes No

10. Do you possess a copy of the *Candidate and Campaign Treasurer Handbook*? Yes No

EXHIBIT 4 (pg 1 & 5)

11. If so, when did you first obtain it? _____

12. Have you read the *Candidate and Campaign Treasurer Handbook*? Yes No

13. According to the campaign report identified as "TR-MS," entry #6 discloses an expenditure to "Piryx, Inc.," for the purpose of "debit card processing fees." Did the Gimenez campaign utilize the services of Piryx, Inc. as the online vendor? () Yes () No. If no, please list the name of the online vendor

14. It is my understanding that due to either credit card and/or technical glitches, certain online donations made through the vendor were never debited from the donor's account. However, the campaign had already reported the donations but in some instances had never actually received the money in the campaign account. Is this correct? () Yes () No. If no, please explain otherwise.

15. When (on what date) and how (written notification, etc.) did the campaign realize that certain contributions were not debited from certain donor's accounts?

16. According to the campaign report identified as "TR-MS," entry #7 discloses an expenditure to "Returned Checks" in the amount of \$1,200.00. However, there was no single check (or multiple checks) issued from the campaign account and made payable to: "Returned Checks." Is this correct? () Yes () No.

17. As campaign treasurer for the 2012 Gimenez campaign, were you responsible for entering all of the expenditure information onto the campaign report identified as "TR-MS"? () Yes () No. If no, please list the name (and position) of the person(s) who entered the information.

EXHIBIT 4 (pg 2 of 5)

18. In the space below, please describe your duties and responsibilities as campaign treasurer for the 2012 Gimenez campaign.

19. Please provide the following information when returning this affidavit.

- o A list of the contributors who contributed through the online vendor; and
- o Whether the campaign asked for and received from the online vendor a letter of explanation as to what exactly happened with the particular donations (previously requested in an e-mail dated February 6, 2015.)

I HEREBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[Signature] - Adan Cepeda
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 10th day of MARCH, 2015

[Signature]
Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public



CAROLINA TESILLO
MY COMMISSION # FF 097434
EXPIRES: March 22, 2018
Bonded Thru Budget Notary Services

Personally Known or Produced Identification

Type of Identification Produced: _____

Case Investigator: KS

EXHIBIT 4 (pg 3 of 5)

AFFIDAVIT OF BACKGROUND INFORMATION

CASE NUMBER: FEC 14-316

ADAM A. CEDRATI

- 1
- 2 Boucher Brothers Management, Inc – as Chief Financial Officer
- 3 No
- 4 I have been appointed as campaign treasurer for the following campaigns:
 - a Carlos Gimenez for Miami-Dade County Mayor (2011 & 2012)
 - b Carlos Gimenez for Miami-Dade County Commissioner – (2004 & 2008)
 - c Lynda Bell for Miami-Dade County Commissioner (2014)
 - d Michael Grieco for Miami Beach City Commissioner (2013)
- 5 I was appointed as the campaign treasurer of a political committee named Citizens for Miami Beach’s Future – 1920 Meridian Avenue, Miami Beach, FL 33139 I held this position from the time of inception of this political entity until it was closed in September 2013.
- 6 I read as needed the Candidate and Campaign Treasurer Handbook and also attended a workshop hosted by the Florida Division of Elections and held at the Miami Beach Commission Chambers.
- 7 Yes
- 8 I received a copy of Chapter 106, Florida Statutes, when Carlos Gimenez first became a candidate for Miami-Dade County Commissioner
- 9 As a campaign treasurer for various campaigns during several different campaign cycles, I have reviewed applicable portions of Chapter 106 as specific issues or questions arose
- 10 Yes. I have maintained a copy of the *Candidate and Campaign Treasurer Handbook* as it has been updated by the Florida Division of Elections from time to time
- 11 The first version of the *Candidate and Campaign Treasurer Handbook* I received was when Carlos Gimenez first filed as a candidate for Miami-Dade County Commissioner.
- 12 Yes.
- 13 Yes. Piryx, Inc was our credit card processor for campaign contributions [including online campaign contributions] for the Gimenez Mayoral Campaign.
- 14 Yes this is correct. Throughout the campaign, I received over 2,600 separate contributions including approximately 314 credit card contributions. Some credit card contributions were not processed due to insufficient funds as well as some written contribution checks bounced. Checks would then be re-deposited to the bank and at times these checks would bounce again.
15. At the end of the Mayoral campaign, we did an overall campaign reconciliation and realized that we reported contributions on the campaign reports that never physically cleared in the campaign account at the bank. Since the campaign received over 2,600 individual contributions, it was not practical or cost effective to go back through each and all the contributions to find and identify the handful of contributions that eventually never made it to the campaign account due to insufficient funds. This Mayoral campaign raised over \$1 million dollars during the 2011 - 2012 campaign cycle and this endeavor would have taken time and resources. We contacted the Miami-Dade County Supervisor of Elections to get some guidance on what to do as far as reporting since we have never encountered this type of situation before. Based on the attached email from the Miami-Dade County Supervisor of Elections Office, we were advised to

EXHIBIT

4 (pg 4 & 5)

enter the overstatement of contributions as "Returned Checks" on the campaign termination report so that is what we did. Further, I want to reiterate that each and every single contribution that was received by the Mayoral campaign was properly and timely reported as required by the Florida Election Code even those that eventually were not properly deposited in the campaign account due to lack of sufficient funds by the disclosed contributor

16. Yes this is correct. This amount represents the total amount of contributions reported to the Miami-Dade County Supervisor of Elections despite the fact that the funds never physically cleared into the campaign account at our bank due to bounced check(s) or credit card processing issues due to insufficient funds.
17. Yes I entered all expenditures on the campaign reports.
18. As campaign treasurer, I would receive checks from the campaign, photocopy them and then prepare a bank deposit. We would make sure that each batch presented to the bank had a corresponding deposit slip for the exact amount. When it came to credit cards, there was usually a five day lag between a confirmation of a contribution and the monies showing up as deposited our campaign account. Because of reporting requirements, we would enter credit card contributions based on the earlier confirmation emails. As for expenditures, I would get emails with invoices attached for payment. I would review the invoices and if necessary discuss the expenditure with the campaign manager. I would then copy the invoice and the check for our records and mail payment to the vendor. We would also make sure that all campaign workers submitted a W-9 form so that if we paid them in excess of \$600 for the year, we could issue 1099's.
19. I have attached hereto a list of all the contributors who donated through the online vendor. The campaign did not request from Piryx, Inc. an explanation letter due to the fact that it could not accurately pinpoint which online contributions and/or bounced checks made up the \$1,200 difference in the campaign account reconciliation.

EXHIBIT

4

(pg 5&5)

Miscellaneous Information

1049 Carlos Gimenez

ConvDate:	EmpName:	Conversation:
7746	1/30/2013 Christina White	CW spoke to Mr Cedrati who sent her an email to explain the Expenditure Sequence #7 on the Termination Report. He wrote that "during the course of the campaign several checks that we entered as Contributions on the elections website were returned by the bank for Non-Sufficient Funds. This happened several times during the campaign and more often than not, the checks cleared when re-deposited. There were three checks that ultimately never cleared the bank & remained on their report as contributions. Since these contributions never cleared our bank, he listed them as an expenditure on the termination report so that the report would reflect a zero balance " Per CW's instructions, I'm making this note in the database & closing the termination report. (Vanessa)
7737	1/24/2013 Vanessa Innocent	I called Mr. Cedrati to let him know that we mailed him an incomplete letter for the TR-MS-12. He asked what it was I told him he had "returned checks" in the name portion. He said that he had spoken to Maria about this a while back. He does not have the records for these returned checks. He had contacted the bank but had not heard back from them regarding those 3 returned checks. He is going to call the bank again. He said he would prefer solving that issue with the bank so that he does not have to place a letter in the file. However, if the bank can't help he will write the letter. He will comply within the deadline
7730	1/16/2013 Vanessa Innocent	I called Mr Cedrati to remind him that the Special Report is due today 1/16. He said he was now reviewing it and that he would submit it by the end of the day & thanked me for the reminder
7626	11/29/2012 Maria Acosta	Left a message for Mr. Cedrati and also sent him an email to let him know that the Termination Report is due 1/16/13 and it covers from 10/1/12 thru 1/16/13.
7536	10/5/2012 Maria Acosta	Mr Cedrati called me back and I explained to him that due to the lawsuit they will not have a termination report on 11/12/12 but instead the Termination Report will be 90 days after the lawsuit is settled and in the interim they will have special quarterly reports, the next one is due on 10/10/12
7534	10/5/2012 Maria Acosta	Left a message for Mr Cedrati (treasurer) to call me in reference to a new additional report created and which will be due on 10/10/12. We are going to set up a special report for the 3rd Quarter in 2012 and he will need to file quarterly until the lawsuit is settled and then the Termination Report will be due 90 days after.

EXHIBIT

5 (pg 1 of 2)

Miscellaneous Information

1049 **Carlos Gimenez**

ConvDate:	EmpName:	Conversation:
7522	10/1/2012 Maria Acosta	Mr. Cedrati sent me an email on 9/28/12 (I was out of the office) saying that he will get in contact with me Monday. He called and told me that he should have all of the information to fix the items by tonight and he will do the amendments. He thinks that the cash contributions were really checks but he is double cheking the information and will call me tomorrow.
7521	9/25/2012 Maria Acosta	Spoke with Mr. Cedrati (treasurer) in reference to the F1-12 and F3-12 incomplete items
7520	9/25/2012 Maria Acosta	An email was sent to Mr. Cedrati in reference to the F1-12 and F3-12 incomplete items.

EXHIBIT 5 (pg 2 of 2)

From: White, Christina (Elections)
Sent: Wednesday, January 30, 2013 4:42 PM
To: Innocent, Vanessa (Elections)
Subject: FW: Gimenez TR-MS-12

Vanessa,

Please place this in his file/make a note in the database. This explanation satisfies the deficiencies stated in the incomplete letter. You can close the report. Thank you

Best Regards,
Christina White
Deputy Supervisor of Elections
Election Coordination, Campaigns and Compliance
Miami-Dade Elections Department
305 499 8403
305 499 8501

From: Adam A. Cedrati [<mailto:acedrati@mallahfurman.com>]
Sent: Wednesday, January 30, 2013 4:25 PM
To: White, Christina (Elections)
Subject: Gimenez TR-MS-12

Dear Christina,
Thank you for taking the time to speak with me this afternoon.
Per our conversation, I wanted to give you an explanation for Expenditure - Sequence #7 on our Termination Report.
During the course of the campaign several checks that we entered as Contributions on the elections website were returned by the bank for Non-Sufficient Funds. This happened several times during the campaign and more often than not, the checks cleared when re-deposited. There were three checks that ultimately never cleared the bank and remained on our report as contributions.
Since these contributions never cleared our bank, I listed them as an expenditure on the termination report so that our elections report would reflect a zero balance.
Please let me know if you require anything further on the above so that our reports are in good standing with elections.
Regards,

Adam

Adam A. Cedrati

MF
Mallah Furman
REGISTERED PUBLIC ACCOUNTANTS
1001 Brickell Bay Drive, Suite 1400
Miami, Florida 33131
Tel 305-371-6200 ext 1301
Fax 305-371-8726

EXHIBIT 6 (pg 1 of 2)

E-mail us at acedrati@mallahfurman.com

Visit us at www.mallahfurman.com

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International Accounting Alliance

www.iaa.com

Pursuant to Internal Revenue Service Circular 230, we are required to advise you that if there is any tax advice contained herein, it is not intended to be used, and cannot be used, by the addressee or any taxpayer, for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code. This e-mail communication is confidential and is intended only for the individual(s) or entity named above and others who have been specifically authorized to receive it. If you are not the intended recipient, please do not read, copy, use or disclose the contents of this communication to others. Please notify the sender that you have received this email in error by replying to the email. Please then delete the email and any copies of it.

EXHIBIT 6 (pg 2 of 2)

AFFIDAVIT OF FILING OFFICER
Case Number: FEC 14-316

STATE OF FLORIDA
County of Miami-Dade

RECEIVED

2015 FEB 16 A 7 44

Penelope Townsley, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by Miami-Dade County as Supervisor of Elections.
3. Does your office have any record of Adam A. Cedrati having ever been a candidate for elective office within your jurisdiction? No Yes. If yes, please list the office(s) he ran for, the date(s) of the election(s), and the results(s) of the election(s).

4. Other than serving as the campaign treasurer for the 2012 Carlos Gimenez campaign, does your office have any record of Adam A. Cedrati having previously been appointed to serve as a campaign treasurer/deputy treasurer for a candidate within your jurisdiction? No Yes. If yes, please list the name(s) of the candidate(s) and the date(s) of the election(s).

On 4/12/11, Mr. Cedrati was appointed as the Deputy Campaign Treasurer for Carlos Gimenez, a 2012 candidate for the office of County Mayor (see Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates included as Attachment 1). On 01/09/12, our office became aware that he was appointed Campaign Treasurer (see appointment letter from the candidate and the accompanying Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates included as Attachment 2). On 3/25/13 Mr. Cedrati was appointed as the Campaign Treasurer for Lynda G. Bell, a 2014 candidate for the office of County Commissioner, District 8 (see Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates included as Attachment 3).

5. Does your office have any record of Adam A. Cedrati having previously been appointed to serve as a treasurer or chairperson for a political committee within your jurisdiction? No Yes. If yes, please list the name of the political committee.

6. As campaign treasurer for the 2012 Carlos Gimenez campaign, would your office have provided Adam A. Cedrati with a copy of Chapter 106, Florida Statutes and/or the *Candidate and Campaign Treasurer Handbook* or a similar publication produced by your office? No Yes.

Mr. Cedrati was included on correspondence sent to the campaign effective 01/09/12, once he became the Campaign Treasurer. He was copied on the post-qualifying letter sent to the candidate and received the incomplete letters for the Q4-11, Q1-12 and TR-MS-12 reports (Attachments 4, 5, 6, and 7). Each of these letters contained the link to our Candidate Qualifying Handbook, which includes the Candidate and Campaign Treasurer Handbook and other relevant materials.

7. Did you or your staff have any conversations with Adam A. Cedrati concerning a provision of Chapter 106, Florida Statutes? () No (X) Yes. If yes, please indicate whether the conversation was in person, in writing, or by telephone and the subject matter of the conversation. If applicable, please provide copies documenting the discussion.

Please see details provided in Item 8 below.

8. To your knowledge, did you or your staff have any conversation with Adam A. Cedrati, or anyone affiliated with the 2012 Carlos Gimenez campaign, relative to the reporting of entry #7 under the heading "Itemized-Expenditures" as denoted in the campaign report type: TR-MS and covering the reporting period of 10/01/12 to 01/16/13? () No (X) Yes. If so, please provide a brief summary of the discussion as it relates to the reporting of this particular entry. If correspondence, such as e-mails, exists between a representative of your office and Mr. Cedrati and/or anyone affiliated with the 2012 Carlos Gimenez campaign relative to a conversation concerning the reporting of this particular entry, please provide copies.

As referenced in the Miscellaneous Information Report (Attachment 8), staff member Vanessa Innocent gave a courtesy call to Mr. Cedrati on 01/24/13 to inform him that an incomplete letter for the TR-MS-12 Report had been mailed (referenced above as Attachment 7). Christina White, which at the time was the Deputy Supervisor of Elections for the Election Coordination, Campaigns and Compliance Division, also spoke to Mr. Cedrati on 1/30/13 regarding this topic. Mr. Cedrati followed up with an email to summarize the conversation (Attachment 9).

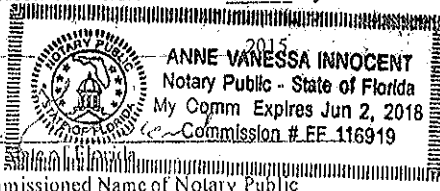
I SWEAR OR AFFIRM THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 11 day of

February

Signature of Notary Public



Print Type or Stamp Commissioned Name of Notary Public

Personally Known or Produced Identification

Type of Identification Produced: _____

Case investigator KS

EXHIBIT

7 (pg 2 of 2)



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street,
Suite 224 Collins Building
Tallahassee, Florida 32399-1050
Telephone: (850) 922-4539
Fax: (850) 921-0783

January 22, 2015

Robert H. Fernandez, Esquire
ROIG Lawyers
500 S. Dixie Highway
Suite 302
Coral Gables, FL 33146

RE: Case No.: FEC 14-316; Respondent: Adam A. Cedrati

Dear Mr. Fernandez:

On September 26, 2014, the Florida Elections Commission received a complaint alleging that your client violated Florida's election laws. I have reviewed the complaint and find that it contains one or more legally sufficient allegations. The Commission staff will investigate the following alleged violations:

Section 106.07(5), Florida Statutes: Respondent, campaign treasurer for the 2012 re-election campaign of Mayor Carlos Gimenez, certified that the campaign's 2013 TR-MS report was true, correct, and complete when it was not, as alleged in the complaint.

Section 106.11(4), Florida Statutes: As alleged in the complaint, Respondent, campaign treasurer for the 2012 re-election campaign of Mayor Carlos Gimenez, incurred one or more expenses for the purchase of goods or services, without sufficient funds on deposit in the primary depository account.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, campaign treasurer for the 2012 re-election campaign of Mayor Carlos Gimenez, falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes.

Section 106.19(1)(d), Florida Statutes: As alleged in the complaint, Respondent, campaign treasurer for the 2012 re-election campaign of Mayor Carlos Gimenez, made or authorized one or more expenditures prohibited by Chapter 106, Florida Statutes.

You may respond to the allegations above by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegations. Your response will be included as an attachment to the investigator's report.

When we conclude the investigation, a copy of the Report of Investigation will be mailed to you at the above address. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. A copy of the Staff Recommendation will be mailed to you and you may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause.

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapters 104 or 106, Florida Statutes. You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence.

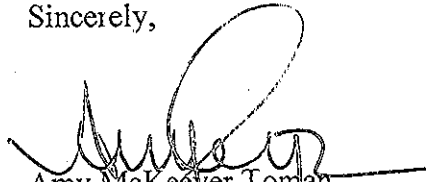
At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

The Report of Investigation, Staff Recommendation, and Notice of Hearing will be mailed to the above address as this letter. Therefore, if your address changes, you must notify this office of your new address. Otherwise, you may not receive these important documents. Failure to receive the documents will not delay the probable cause hearing.

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you unless you waive confidentiality in writing. The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

If you have any questions or need additional information, please contact **Keith Smith**, the investigator assigned to this case.

Sincerely,



Amy McKeever Toman
Executive Director

AMT/enr

ROIG LAWYERS

October 8, 2014

Via Federal Express and E-mail

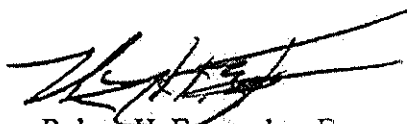
Erin Riley
Deputy Agency Clerk
Florida Elections Commission
107 W. Gaines Street
Collins Building , Suite 224
Tallahassee, Florida 32399-4539

Re: Case No.: FEC 14-316—Respondent Adam A. Cedrati

Dear Erin Riley:

Please allow this correspondence to serve as a formal Notice of Appearance on behalf of Respondent Adam A. Cedrati in the above captioned matter, Case No.: FEC 14-316. Please serve any pleadings or correspondence in this matter to undersigned counsel.

Sincerely,



Robert H. Fernandez, Esq.

ROIG LAWYERS

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October 8, 2014

Via Federal Express and E-mail

Erin Riley
Deputy Agency Clerk
Florida Elections Commission
107 W. Gaines Street
Collins Building , Suite 224
Tallahassee, Florida 32399-4539

Re: Case No.: FEC 14-316—Respondent Adam A. Cedrati

Dear Erin Riley:

Please allow this correspondence to serve as a response to your letter of September 26, 2014 and the attached Complaint. I will file a written notice of appearance on behalf Adam A. Cedrati under separate cover. The allegations in the Complaint are false, legally insufficient and should be immediately dismissed by the Florida Elections Commission (“Commission”) in accordance with Rule 2B-1.0025(2).

The Complaint claims that the mayoral campaign of Miami-Dade Mayor Carlos Gimenez from 2012 violated Section 106.11(4), Fla. Stat. (2014) because (as it alleges) the mayoral campaign did not have sufficient funds in the campaign account to pay for all the campaign expenditures incurred. This false conclusion is not based on any personal knowledge but based solely on Mr. Carillo’s incorrect interpretation of a single entry from a Treasurer’s Report that was filed that shows an itemized expenditures of **\$1,200.00** with a description of “*Returned Checks*”.

This is a completely false and frivolous allegation. As reflected in all the campaign finance reports filed with Miami-Dade Supervisor of Elections Office, the Gimenez mayoral campaign at all times had sufficient funds in the campaign account to pay for any and all expenditures incurred during the campaign. There is no basis for the Complaint. This single entry in question was included in the Treasurer’s Report to account for the fact that the campaign

Ltr to Erin Riley
10/08/14
Pg. 2

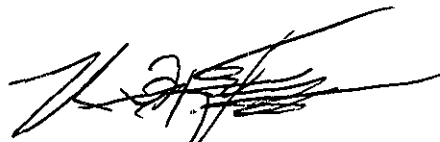
could not identify \$1,200.00 in credit card contributions that were made online that for one reason or another (*possibly contributor changed mind or insufficient funds in the contributor's account*) were not eventually processed by the online vendor and those contributions never made it into the mayoral campaign account. This online contribution mechanism takes several days to process and complete. The 2012 mayoral campaign had a universe of 313 credit card authorizations processed for online contributions. Of this universe of contributions, \$1,200.00 was not processed for whatever reason and that is what is reflected in that line item. The mayoral campaign was not able to identify which of these 313 online contributors were the ones that could not be processed, therefore, it was reflected in the Treasurer's Report as an itemized expenditure of \$1,200.00 with a description of "Returned Checks" and "non-sufficient funds/information requested".

All campaign contributions (even the \$1,200 that was eventually not processed or deposited into the campaign account due to the contributor's fault) were properly disclosed and reported by the Gimenez mayoral campaign. Further, it is worth noting that the Gimenez mayoral campaign sought advice from the Miami-Dade Elections Department on how to document this \$1,200.00 discrepancy and the Miami-Dade Elections Department had no objection to how it was eventually documented in the Campaign Treasurer's Report that was attached to this Complaint.

Lastly, it is worth noting that Mr. Carillo leaked this Complaint to the Miami Herald and had no qualm in basically admitting that he filed this Complaint solely for political reasons. I have attached a copy of the Naked Politics Blog entry written by Miami Herald reporter Patricia Mazzei last Friday October 3, 2014.

For all the reasons stated herein, this Complaint does not meet the requirements of Rule 2B-1.0025(2) and respectfully should be dismissed as legally insufficient. Thank you in advance for your anticipated cooperation.

Sincerely,



Robert H. Fernandez, Esq.



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 State/Politics Editor
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Absentee-ballot broker tipster files complaint to remain thorn in Miami-Dade mayor's side

@PatriciaMazzei

Still sore about losing out on a police award for his work to find missing children a private investigator filed a complaint last week against the man he blames for standing in his way: Miami-Dade County Mayor **Carlos Gimenez**.

Joe Carrillo admits he took the step more to remain a thorn in the mayor's side than because of concern over Gimenez's last 2012 campaign-finance report filed in January 2013

I wanted to make sure that he remembers I exist ' Carrillo said

The question Carrillo raised -- that Gimenez listed \$1 200 in 'returned checks' -- appears to be a non-issue Carrillo argues that Gimenez violated Florida law that requires campaigns to have 'sufficient funds' for any expenses incurred That assumes the item on the mayor's report lists bounced checks

But that's not case according to Gimenez's elections attorney **Robert Fernandez**

The item refers to \$1 200 donated online to Gimenez's campaign that for various credit-card and technical glitches were never debited from donors' accounts Having already reported the donations but never received the money Gimenez's campaign asked the Miami-Dade elections department how they could reconcile the funds in their reporting They settled on calling it 'returned checks' Fernandez said

I have no doubt it will be dismissed rather quickly Fernandez said of the state elections complaint which he called 'frivolous' and filed solely for political reasons

Carrillo makes no effort to argue otherwise

The two men have a history: Carrillo tipped off county anti-corruption police to illegal absentee-ballot brokers working the local 2012 campaign circuit One of the brokers, **Deisy Cabrera** was spotted in Gimenez's Hialeah campaign office Gimenez denied any involvement with her

Cabrera ended up serving probation Neither Gimenez nor any other candidates linked to her or to broker **Sergio 'Tio' Robaina** were ever accused of wrongdoing Carrillo and an officer who worked the case and says he was then forced out of the police department **Luis Rodriguez** accused Gimenez of meddling with the case and downsizing the anti-corruption unit in retaliation

Yet Carrillo said his reason for filing the complaint last week was more personal

Last year before leaving the department Rodriguez had nominated Carrillo for an annual Florida Department of Law Enforcement award for

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


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Carrillo's pro-bono efforts to find missing children. When police brass found out about the nomination, they contacted FDLE in opposition, Carrillo says, and he didn't get the award.

Police Director J.D. Patterson told El Nuevo Herald at the time that he was upset to learn about Rodriguez's nomination, which Patterson said should have been cleared through his office. "My office can't be ignored for favors or personal preferences," he said. "That's not acceptable."

Carrillo said he timed last month's elections complaint with the annual FDLE award.

"I just want to let the mayor know that I remember what he did to me," he said.

Posted by Patricia Mazzei at 6:30 PM on Friday, Oct 3, 2014 in Miami-Dade Politics | Permalink

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14-316

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050
Telephone Number: (850) 922-4539
www.fec.state.fl.us

CONFIDENTIAL COMPLAINT FORM

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: Jose Carillo Work Phone: (305) 926-3110
Address: 9313 SW 130th Street Home Phone: ()
City: Miami County: Miami-Dade State: FL Zip Code: 33176

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints)

Name of individual or entity: Adam A. Cedrati
Address: 1001 Brickell Bay Drive, Suite 1400 Phone: (305) 371-6200
City: Miami County: Miami-Dade State: FL Zip Code: 33131

If individual is a candidate, list the office or position sought: _____

Have you filed this complaint with the State Attorney's Office? (check one) Yes No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: **Chapter 104, Chapter 106, and Section 105.071, Florida Statutes.** Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

PLEASE SEE ATTACHMENT "A"

Additional materials attached (check one)? Yes No

4. OATH

STATE OF FLORIDA
COUNTY OF Miami-Dade.

I swear or affirm, that the above information is true and correct to the best of my knowledge.

Joe Linnell
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 25 day of
September, 20 14



Raycer Gonzalez
State of Florida
MY COMMISSION # EE 865081
Expires: January 14, 2017

Raycer Gonzalez
Signature of Officer Authorized to Administer Oaths or Notary public

Raycer Gonzalez
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known _____ Or Produced Identification
Type of Identification Produced U.S. Passport

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775 082 and 775 083, Florida Statutes

ATTACHMENT "A"

Florida Statutes Section 106.11 (4) states in pertinent parts:

No candidate, campaign manager, treasurer, deputy treasurer, or political committee or any officer or agent thereof, or any person acting on behalf of any of the foregoing, shall authorize any expenses, nor shall any campaign treasurer or deputy treasurer sign a check drawn on the primary campaign account for any purpose, unless there are sufficient funds on deposit in the primary depository account of the candidate or political committee to pay the full amount of the authorized expense, to honor all other checks drawn on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid...Any expense incurred or authorized in excess of such funds on deposit shall, in addition to other penalties provided by law, constitute a violation of this chapter [emphasis added]

(See copy of The 2012 Florida Statutes Section 106 11, attached as **Exhibit "B"**)

Carlos A. Gimenez was a candidate for mayor of Miami-Dade County in a 2012 election cycle, and appointed Howard L. Goldstein and Adam A. Cedrati as campaign treasurer and campaign deputy treasurer, respectively. (See **Exhibit "C"**) Carlos A. Gimenez shall hereafter be referred to as "Candidate"; Howard L. Goldstein shall hereafter be referred to as "Treasurer"; and Adam A. Cedrati shall hereafter be referred to as "Deputy Treasurer". The respective addresses and phone numbers for Candidate, Treasurer, and Deputy Treasurer can be found in attached Exhibit "C".

Pursuant to Florida Statutes Section 106.07, **Treasurer's Report TR-MS**, covering the reporting period of between 10/01/2012 and 01/16/2013, was filed and certified as "true, correct, and complete" by Candidate and Treasurer or Deputy Treasurer (See **Exhibit "D"**)

Said Treasurer's Report TR-MS, under Itemized Expenditures, item #7, item dated 10/1/2012, lists "**Returned Checks**," under column (7) and "**non-sufficient funds/information requested**" as the purpose in column (8), is coded "**MO**" as expenditure type in column (9), and states an amount of "**\$1,200.00**" in column (11). Therefore, it appears that this Expenditure entry is disclosing an expenditure of \$1,200.00 for purposes of covering "Returned Checks" due to "non-sufficient funds" in violation of Florida Statutes Section 106.11(4).

(See copy of Campaign Treasurer's Report TR-MS, attached as **Exhibit "E"**)

ATTACHMENT "B"

Select Year:

The 2012 Florida Statutes

Title IX
ELECTORS AND ELECTIONS

Chapter 106
CAMPAIGN FINANCING

[View Entire Chapter](#)

106.11 Expenses of and expenditures by candidates and political committees.—Each candidate and each political committee which designates a primary campaign depository pursuant to s. 106.021(1) shall make expenditures from funds on deposit in such primary campaign depository only in the following manner, with the exception of expenditures made from petty cash funds provided by s. 106.12:

(1)(a) The campaign treasurer or deputy campaign treasurer of a candidate or political committee shall make expenditures from funds on deposit in the primary campaign depository only by means of a bank check drawn upon the campaign account of the candidate or political committee. The campaign account shall be separate from any personal or other account and shall be used only for the purpose of depositing contributions and making expenditures for the candidate or political committee.

(b) The checks for such account shall contain, as a minimum, the following information:

1. The statement “ (name of candidate or political committee) Campaign Account.”
2. The account number and the name of the bank.
3. The exact amount of the expenditure.
4. The signature of the campaign treasurer or deputy treasurer.
5. The exact purpose for which the expenditure is authorized.
6. The name of the payee.

(2)(a) For purposes of this section, debit cards are considered bank checks, if:

1. Debit cards are obtained from the same bank that has been designated as the candidate’s or political committee’s primary campaign depository.
2. Debit cards are issued in the name of the treasurer, deputy treasurer, or authorized user and state “ (name of candidate or political committee) Campaign Account ”
3. No more than three debit cards are requested and issued.
4. The person using the debit card does not receive cash as part of, or independent of, any transaction for goods or services.
5. All receipts for debit card transactions contain:
 - a. The last four digits of the debit card number.
 - b. The exact amount of the expenditure.
 - c. The name of the payee.
 - d. The signature of the campaign treasurer, deputy treasurer, or authorized user
 - e. The exact purpose for which the expenditure is authorized.

Any information required by this subparagraph but not included on the debit card transaction receipt may be handwritten on, or attached to, the receipt by the authorized user before submission to the treasurer.

(b) Debit cards are not subject to the requirements of paragraph (1)(b).

(3) The campaign treasurer, deputy treasurer, or authorized user who signs the check shall be responsible for the completeness and accuracy of the information on such check and for insuring that such expenditure is an authorized expenditure.

(4) No candidate, campaign manager, treasurer, deputy treasurer, or political committee or any officer or agent thereof, or any person acting on behalf of any of the foregoing, shall authorize any expenses, nor shall any campaign treasurer or deputy treasurer sign a check drawn on the primary campaign account for any purpose, unless there are sufficient funds on deposit in the primary depository account of the candidate or political committee to pay the full amount of the authorized expense, to honor all other checks drawn on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid. However, an expense may be incurred for the purchase of goods or services if there are sufficient funds on deposit in the primary depository account to pay the full amount of the incurred expense, to honor all checks drawn on such account, which checks are outstanding, and to meet all other expenses previously authorized but not yet paid, provided that payment for such goods or services is made upon final delivery and acceptance of the goods or services; and an expenditure from petty cash pursuant to the provisions of s. 106.12 may be authorized, if there is a sufficient amount of money in the petty cash fund to pay for such expenditure. Payment for credit card purchases shall be made pursuant to s. 106.125. Any expense incurred or authorized in excess of such funds on deposit shall, in addition to other penalties provided by law, constitute a violation of this chapter. As used in this subsection, the term "sufficient funds on deposit in the primary depository account of the candidate or political committee" means that the funds at issue have been delivered for deposit to the financial institution at which such account is maintained. The term shall not be construed to mean that such funds are available for withdrawal in accordance with the deposit rules or the funds availability policies of such financial institution.

(5) A candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:

(a) Purchase "thank you" advertising for up to 75 days after he or she withdraws, becomes unopposed, or is eliminated or elected.

(b) Pay for items which were obligated before he or she withdrew, became unopposed, or was eliminated or elected.

(c) Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.

(d) Dispose of surplus funds as provided in s. 106.141.

(6) A candidate who makes a loan to his or her campaign and reports the loan as required by s. 106.07 may be reimbursed for the loan at any time the campaign account has sufficient funds to repay the loan and satisfy its other obligations.

History.—s. 11, ch. 73-128; s. 8, ch. 74-200; s. 48, ch. 77-175; s. 2, ch. 78-403; s. 10, ch. 79-365; s. 8, ch. 85-226; s. 13, ch. 89-256; s. 14, ch. 91-107; s. 643, ch. 95-147; s. 25, ch. 2002-17; s. 4, ch. 2002-197; s. 64, ch. 2011-40

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MIAMI-DADE
ELECTIONS

**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)

Carlos A. Gimenez

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

4061 South Lejeune Road
Miami, FL 33146

4 Telephone

(305) 814-8435

5 E-mail address

gimenez4mayor@gmail.com

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

Mayor - Miami-Dade County

7 If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation _____ Party candidate.

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

10 Name of Treasurer or Deputy Treasurer

Howard L. Goldstein

11, Mailing Address

1001 Brickell Bay Drive, Suite 1400

12 Telephone

(305) 371-6200

13 City

Miami

14. County

Miami-Dade

15 State

Florida

16. Zip Code

33131

17 E-mail address

hgoldstein@mallahfurman.com

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

19 Name of Bank

Sabadell United Bank, N.A.

20 Address

1111 Brickell Avenue, 29th Floor

21 City

Miami

22 County

Miami-Dade

23 State

Florida

24. Zip Code

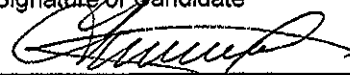
33131

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

10/3/11

26 Signature of Candidate



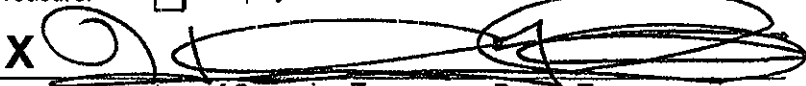
27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Howard L. Goldstein, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

10.3.11

Date


Signature of Campaign Treasurer or Deputy Treasurer

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MIAMI-DADE ELECTIONS

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):

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

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

3 Address (include post office box or street, city, state, zip code) 4061 South Lejeune Road Miami, FL 33146

4. Telephone (305) 814-8435

5. E-mail address gimenez4mayor@gmail.com

6 Office sought (include district, circuit, group number) Mayor - Miami-Dade County

7 If a candidate for a nonpartisan office, check if applicable: [] My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a [] Write-In [] No Party Affiliation [] Party candidate

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

10 Name of Treasurer or Deputy Treasurer Adam A. Cedrati

11 Mailing Address 1001 Brickell Bay Drive, Suite 1400

12 Telephone (305) 371-6200

13. City Miami

14 County Miami-Dade

15 State Florida

16. Zip Code 33131

17 E-mail address acedrati@mallahfurman.com

18 I have designated the following bank as my [X] Primary Depository [] Secondary Depository

19 Name of Bank Sabadell United Bank, N.A.

20 Address 1111 Brickell Avenue, 29th Floor

21 City Miami

22 County Miami-Dade

23 State Florida

24 Zip Code 33131

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 10/3/11

26. Signature of Candidate [X] [Signature]

27 Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block) I, Adam A. Cedrati, do hereby accept the appointment (Please Print or Type Name)

designated above as: [] Campaign Treasurer [X] Deputy Treasurer

10-3-2011

X

[Signature]

Date

Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

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MIAMI-DADE
ELECTIONS

I, Carlos A. Gimenez,

candidate for the office of Mayor - Miami-Dade County;

have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.


Signature of Candidate

10/3/11
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

**Campaign Treasurer's Report
Electronic Filing Requirements
for Miami-Dade County**



- Candidate (office sought): Mayor - Miami-Dade County
- Political Committee: _____
- Party Executive Committee: _____
- Other: _____


2011 OCT - 8 PM 3: 15
MIAMI-DADE
ELECTIONS

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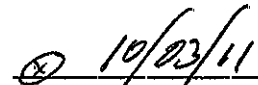
I, Carlos A. Gimenez
(Please print name of Candidate or Chairperson)

understand that Campaign Treasurer's Reports must be filed electronically in order to comply with Miami-Dade County requirements.

Additionally, a hard copy of the Campaign Treasurer's Reports must be printed from the Miami-Dade County Elections Department website and submitted by the reporting deadline with original signatures.



Signature of Candidate or Chairperson



Date

Day Time Telephone No: 305-814-8435

Email Address: gimenez4mayor@gmail.com

This form must be filed with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository form is filed.

**Receipt of Handbook and the
Election Laws of the State of Florida**



Candidate/Chairperson:


Carlos	A.	Gimenez
First Name	Middle Name	Last Name

Mayor - Miami-Dade County

Office Sought / Organization

This is to acknowledge my receipt of the following documents:

Handbooks Available	Edition	Downloaded from Internet	CD-Rom	Other
The Election Laws of the State of Florida		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Miami-Dade County Qualifying Handbook		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Committee Handbook		<input type="checkbox"/>	<input type="checkbox"/>	
Electioneering Committee Handbook		<input type="checkbox"/>	<input type="checkbox"/>	

Received by: 
Candidate/Chairperson Signature

Date: 10/3/11

Phone No.: 305-814-8435 Fax No.: _____

E-mail address: gimenez4mayor@gmail.com

MIAMI-DADE
ELECTIONS

2011 OCT -3 PM 3: 15

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ATTACHMENT "D"

Select Year:

The 2012 Florida Statutes

Title IX
ELECTORS AND ELECTIONS

Chapter 106
CAMPAIGN FINANCING

[View Entire Chapter](#)

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Except for the third calendar quarter immediately preceding a general election, reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

(a) Except as provided in paragraph (b), the reports shall also be filed on the 32nd, 18th, and 4th days immediately preceding the primary and on the 46th, 32nd, 18th, and 4th days immediately preceding the election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

(b) Any statewide candidate who has requested to receive contributions pursuant to the Florida Election Campaign Financing Act or any statewide candidate in a race with a candidate who has requested to receive contributions pursuant to the act shall also file reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the primary election, and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general election.

(c) Following the last day of qualifying for office, any unopposed candidate need only file a report within 90 days after the date such candidate became unopposed. Such report shall contain all previously unreported contributions and expenditures as required by this section and shall reflect disposition of funds as required by s. 106.141.

(d)1. When a special election is called to fill a vacancy in office, all political committees making contributions or expenditures to influence the results of such special election or the preceding special primary election shall file campaign treasurers' reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

2. When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on the ballot, all political committees making contributions or expenditures in support of or in opposition to such issue shall file reports on the 18th and 4th days prior to such election.

(e) The filing officer shall provide each candidate with a schedule designating the beginning and end of reporting periods as well as the corresponding designated due dates.

(2)(a)1. All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. All candidates who file with the Department of State

shall file their reports pursuant to s. 106.0705. Except as provided in s. 106.0705, reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All such reports shall be open to public inspection.

2. This subsection does not prohibit the governing body of a political subdivision, by ordinance or resolution, from imposing upon its own officers and candidates electronic filing requirements not in conflict with s. 106.0705. Expenditure of public funds for such purpose is deemed to be for a valid public purpose.

(b)1. Any report that is deemed to be incomplete by the officer with whom the candidate qualifies shall be accepted on a conditional basis. The campaign treasurer shall be notified by certified mail or by another method using a common carrier that provides a proof of delivery of the notice as to why the report is incomplete and within 7 days after receipt of such notice must file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.

2. Notice is deemed complete upon proof of delivery of a written notice to the mailing or street address of the campaign treasurer or registered agent of record with the filing officer.

(3) Reports required of a political committee shall be filed with the agency or officer before whom such committee registers pursuant to s. 106.03(3) and shall be subject to the same filing conditions as established for candidates' reports. Incomplete reports by political committees shall be treated in the manner provided for incomplete reports by candidates in subsection (2).

(4)(a) Each report required by this section must contain:

1. The full name, address, and occupation, if any of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is \$100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor or the principal type of business need not be listed.

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses as provided in s. 106.021(3) has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually. Receipts for reimbursement for authorized expenditures shall be retained by the treasurer along with the records for the campaign account.

8. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

9. The total sum of expenditures made by such committee or candidate during the reporting period.

10. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

11. Transaction information for each credit card purchase. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

12. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

13. The primary purposes of an expenditure made indirectly through a campaign treasurer pursuant to s. 106.021(3) for goods and services such as communications media placement or procurement services, campaign signs, insurance, and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.

(b) The filing officer shall make available to any candidate or committee a reporting form which the candidate or committee may use to indicate contributions received by the candidate or committee but returned to the contributor before deposit.

(5) The candidate and his or her campaign treasurer, in the case of a candidate, or the political committee chair and campaign treasurer of the committee, in the case of a political committee, shall certify as to the correctness of each report; and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer, candidate, or political committee chair who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) The records maintained by the campaign depository with respect to any campaign account regulated by this chapter are subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any of such records to the Division of Elections or Florida Elections Commission upon request.

(7) Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate, political committee, or committee of continuous existence has not received funds, made any

contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate, political committee, or committee of continuous existence not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

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

1. In the General Revenue Fund, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or
2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

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

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each special primary election, special election, primary election, and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For reports required under s. 106.141(7), the fine is \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair or registered agent of the political committee. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.
5. When the electronic receipt issued pursuant to s. 106.0705 or other electronic filing system authorized in this section is dated.

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

(c) Any candidate or chair of a political committee may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the

mitigating and aggravating circumstances contained in s. 106.265(2) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the candidate or chair of the political committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

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

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

History.—s. 7, ch. 73-128; ss. 5, 15, 17, ch. 74-200; ss. 1, 2, ch. 75-8; s. 2, ch. 75-139; s. 1, ch. 77-174; s. 46, ch. 77-175; s. 23, ch. 79-164; ss. 7, 8, ch. 79-365; s. 4, ch. 79-378; s. 58, ch. 79-400; s. 52, ch. 81-259; s. 27, ch. 81-304; s. 2, ch. 82-143; s. 11, ch. 83-251; s. 37, ch. 84-302; s. 6, ch. 85-226; s. 1, ch. 86-134; s. 13, ch. 87-224; s. 9, ch. 89-256; s. 31, ch. 90-315; s. 2, ch. 90-338; s. 18, ch. 90-502; s. 7, ch. 91-107; s. 2, ch. 95-140; s. 640, ch. 95-147; s. 15, ch. 95-280; s. 7, ch. 97-13; s. 6, ch. 2001-75; s. 29, ch. 2002-17; s. 2, ch. 2002-197; s. 8, ch. 2003-1; ss. 17, 18, ch. 2004-252; s. 24, ch. 2005-286; ss. 5, 10, ch. 2006-300; s. 29, ch. 2008-95; s. 59, ch. 2011-40; s. 6, ch. 2012-5

ATTACHMENT "E"

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

(1) Carlos Gimenez
Name
(2) 4061 South Le Jeune Road
Address (number and street)
Miami, FL 33146
City, State, Zip Code

OFFICE USE ONLY
ONLINE SUBMISSION
[1051672]
Submitted on:
1/16/2013 17:39:02 (eastern)

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: 1049

(4) Check appropriate box(es):

- Candidate (office sought): Mayor 2012
 Political Committee
 Committee of Continuous Existence
 Party Executive Committee
 Electioneering Communication

- CHECK IF PC HAS DISBANDED
 CHECK IF CCE HAS DISBANDED
 CHECK IF NO OTHER ELECTIONEERING COMMUNICATION REPORTS WILL BE FILED

(5) REPORT IDENTIFIERS

Cover Period: From 10/1/2012 To 1/16/2013 / Report Type TR-MS
 Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 9,589.87
 Loans \$ 0.00
 Total Monetary \$ 9,589.87
 In-Kind \$ 0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 19,444.35
 Transfers to Office Account \$ 0.00
 Total Monetary \$ 19,444.35

(8) Other Distributions \$ 0.00

(9) TOTAL Monetary Contributions To Date
 \$ 1,116,048.87

(10) TOTAL Monetary Expenditures To Date
 \$ 1,116,048.87

(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 Carlos Gimenez (2) I.D. Number 1049
 10/1/2012 through 1/16/2013
 (3) Cover Period / / through / / (4) Page 1 of 3

(5) Date	(7) Full Name (Last, Suffix, First Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number							
10/1/2012 / /	Miyares, Andres 1421 Ancona Avenue Coral Gables, FL 33146	I	real estate	CH			\$500.00
1							
10/1/2012 / /	Lastra, Alex P. 4041 Collins Avenue Apt 421 Miami Beach FL 33140	I	real estate	CH			\$500.00
2							
10/1/2012 / /	Italkraft International LLC, 2900 NW 77th Court Miami FL 33122-1113	B	constructi on	CH			\$500.00
3							
10/1/2012 / /	Rojas, Rodolfo 160 Bonaventure Blvd Apt 202 Weston FL 33326	I	constructi on	CH			\$500.00
4							
10/1/2012 / /	Ryan, William H 6030 NW 81st Terrace Parkland FL 33067	I	site contractor	CH			\$500.00
5							
10/1/2012 / /	Vadia, Alejandra 1412 Garcia Avenue Coral Gables FL 33146	I	homemaker	CH			\$500.00
6							
10/1/2012 / /	Corona, Nicole C 6834 Sunrise Drive Coral Gables FL 33133	I	lawyer	CH			\$500.00
7							
10/1/2012 / /	Corona, Ramon E 6834 Sunrise Drive Coral Gables FL 33133	I	healthcare	CH			\$500.00
8							

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Carlos Gimenez (2) I.D. Number 1049

(3) Cover Period 10/1/2012 through 1/16/2013 (4) Page 2 of 3

(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
10/1/2012 / /	Delgado, Juan M 7380 NW 77th Court Miami, FL 33166	I constructio n	CH			\$500 00
9						
10/1/2012 / /	Frances Anillo Toledo LLC, 1385 Coral Way Suite 204 Miami, FL 33145	B architects	CH			\$500 00
10						
10/1/2012 / /	South Miami Ave, LLC, 1300 S Miami Ave Miami, FL 33130	B real estate	CH			\$500 00
11						
10/1/2012 / /	Vadia Development Inc., 3211 Ponce De Leon Blvd Suite 202 Coral Gables, FL 33134	B real estate	CH			\$500 00
12						
10/1/2012 / /	RRAC University Apts, LLC, 3211 Ponce De Leon Blvd Suite 202 Coral Gables, FL 33134	B real estate	CH			\$500 00
13						
10/1/2012 / /	Vistalmar, LLC, 3211 Ponce De Leon Blvd Suite 202 Coral Gables, FL 33134	B real estate	CH			\$500 00
14						
10/1/2012 / /	Newport Property Construction, 3211 Ponce De Leon Blvd Suite 202 Coral Gables, FL 33134	B constructi on	CH			\$500 00
15						
10/1/2012 / /	Newport Property Ventures LTD, 3211 Ponce De Leon Blvd Suite 202 Coral Gables, FL 33134	B real estate	CH			\$500 00
16						

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Carlos Gimenez (2) I.D. Number 1049

10/1/2012 through 1/16/2013

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

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number							
10/1/2012 / /	Palm Beach Polo, Inc., 11198 Polo Club Road Wellington, FL 33414	B	polo club	CH			\$500.00
17							
11/20/2012 / /	AT&T, 175 E Houston San Antonio, TX 78205	O	refund tele svcs	RE			\$588.83
18							
11/20/2012 / /	Florida Power & Light, General Mail Facility Miami, FL 33188	B	refund electric svcs	RE			\$251.04
19							
1/14/2013 / /	City of North Miami, 776 NE 125 Street North Miami, FL 33161	B	never cashed - voided	RE			\$250.00
20							
/ /							
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

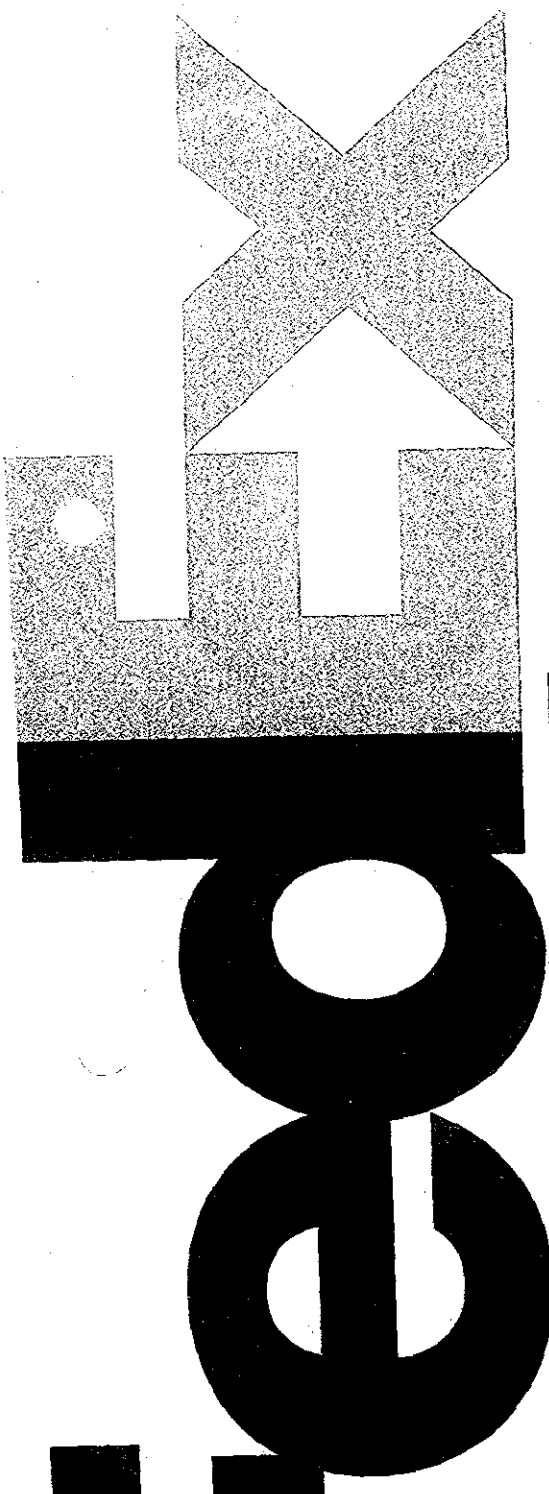
(1) Name Carlos Gimenez

(2) I.D. Number 1049

(3) Cover Period 10/1/2012 through 1/16/2013

(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					
11/15/2012 / /	Coffey Burlington, 2699 South Bayshore Drive Miami, FL 33133	legal fees	MO		\$6,500.00
1					
11/15/2012 / /	Miami Dade Exploratory Committ, 2520 SW 22 Street Suite 2-169 Miami, FL 33145	contribution	MO		\$4,000.00
2					
11/15/2012 / /	Robert H Fernandez, PA, 500 South Dixie Hwy, Suite 302 Miami, FL 33146	legal fees	MO		\$5,000.00
3					
11/15/2012 / /	BYG STRATEGIES, 950 Brickell Bay Drive Suite 400 Miami, FL 33131	consulting	MO		\$500.00
4					
11/30/2012 / /	Mallah Furman, 1001 Brickell Bay Drive Suite 1400 Miami, FL 33131	accounting fees	MO		\$1,775.39
5					
10/1/2012 / /	Piryx Inc., 144 2nd Street First Floor San Francisco, CA 94105	credit card processing fees	MO		\$468.96
6					
10/1/2012 / /	Returned Checks,	non-sufficient funds/informati on requested	MO		\$1,200.00
7					
/ /					



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envelope shipping

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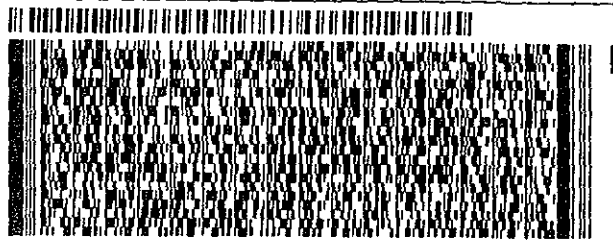
STATE OF FLORIDA
ELECTIONS COMMISSION

ORIGIN ID: JDMA (305) 926-3110
JOSE CARILLO
9313 SW 130TH ST
MIAMI, FL 33176
UNITED STATES US

SHIP DATE: 25SI
ACTWT: 0.7 LB
CAD: 6991269/81

TO STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION
107 WEST GAINES ST
STE 224
TALLAHASSEE FL 32399

(850) 922-4539 REF: DEPT:
INV: PO:



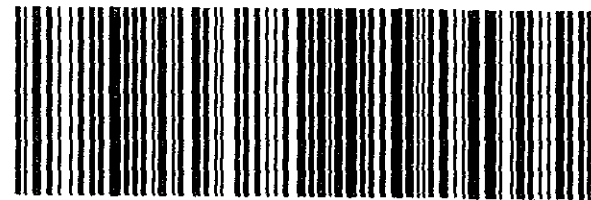
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