

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Miriam Steinberg**

**Case No.: FEC 14-455**

**TO: Michael Steinberg, Esquire  
Michael A. Steinberg & Associates  
4925 Independence Parkway, Suite 195  
Tampa, FL 33634**

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

**NOTICE OF HEARING (AUTOMATIC FINE)**

A hearing will be held in this case before the Florida Elections Commission on **May 20, 2015, at 8:30 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:

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~~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.~~

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

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

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

**FLORIDA ELECTIONS COMMISSION**  
**CASE REPORT**  
Case Number: FEC-14-455

**NAME:** MIRIAM STEINBERG

**DATE APPEAL RECEIVED:** 11/21/14

**DATE HEARING REQUEST RECEIVED:** N/A

**DATE REPORT DUE:** 10/31/14 (2014 G7)

**DATE OF ELECTRONIC RECEIPT:** 11/1/14

**DATE FILING OFFICER RECEIVED REPORT:** 11/1/14

**NUMBER OF DAYS LATE:** 1

**AMOUNT OF FINE:** \$500.00

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

**TOTAL RECEIPTS FOR REPORTING PERIOD:** \$100 00

**TOTAL EXPENDITURES FOR REPORTING PERIOD:** \$3,068.65

**DATE OF FIRST NOTIFICATION:** 11/5/14

**SUMMARY:** Miriam Steinberg was a candidate for State Representative, District 64 in the 2014 elections. Michael Steinberg was her treasurer and is representing her as an attorney in this matter.

Michael Steinberg is appealing the fine claiming that the election was unusual; therefore, he does not believe the \$500 fine is appropriate. According to Mr. Steinberg, since a general or primary election did not take place in this race, the fine should be no more than \$50 per day or 25% of the contributions or expenditures for the period reported. Mr. Steinberg also notes that he attempted to file the report on 10/31/14 but had difficulty utilizing the system and was not able to complete the filing until shortly after midnight.

- The 2014 G7 Report covers the period from 10/18/14-10/30/14; it was due on 10/31/14.
- The 2014 G7 Queued Transaction Report reflects that the report was created on 10/31/14 at 11:55pm, filed on 11/1/14 at 12:20am and amended the same day at 1:57am
- Miriam Steinberg reported receiving 1 contribution, while making 5 expenditures.
- The Division of Elections does not have any notes of file.

**PRIOR CASES:** None

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



**MICHAEL A. STEINBERG  
& ASSOCIATES**

4925 Independence Parkway  
Suite 195  
Tampa, Florida 33634-7540  
(813) 221-1300  
Fax (813) 221-1702  
Outside Tampa Call 800-875-8064

Attorneys:

Michael A. Steinberg, Esq.  
Martin J. Cohen, Esq.  
Susan S. Sandler, Esq.

Of Counsel:  
Max J. Lonetto Sr., Esq.  
Bernardo V. Narvaez, Esq.  
David F. Chalola, Esq.

RECEIVED  
14 NOV 21 AM 9:42  
DIVISION OF ELECTIONS  
SECRETARY OF STATE

November 14, 2014

7014 2120 0003 4518 3207

Florida Division of Elections  
Room 316, R A Gray Building  
500 South Bronough Street  
Tallahassee, Fl 32399-0250

Dear Sirs:

Miriam Steinberg is in receipt of a copy of your letter advising that she will be fined \$500 for filing a late report. Although I am her husband and the campaign treasurer, I am also a licensed Florida attorney and will be representing her in this capacity for the purposes of objecting to the fine.

This election was a little unusual, therefore, I do not believe the \$500 fine is appropriate.

Under section 106.07 (8) (b), for reports immediately preceding an election, the fine is \$500 per day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Although the general election was scheduled to take place on November 4, 2014, the State of Florida, First District Court of Appeals, found that an earlier decision by a Circuit Court Judge disqualifying a write-in candidate, was improper, and therefore, the election between the two Republican candidates should have been a closed election to Republicans only, and not an open election to all voters. The decision was made just a few days prior to the election, and there was insufficient time to remove the names of the candidates from the ballot and not to tally the votes, however, the election between the two candidates in this race was a nullity, and since a general election or primary election did not take place in this race, the fine should be no more than \$50 per day or 25% of the contributions or expenditures for the period reported.

Notwithstanding the above, the candidate was without fault in filing the report late. I, as the treasurer, attempted to file the report on October 31, 2014, but had difficulty utilizing the program provided by the Department of Elections. By the time I was able to determine how to complete and file the report (I had filed other reports, but usually there was a waiver because there were few contributions and expenditures), it was shortly after the midnight deadline on the day that it was due. I was at fault by waiting until the night it was due to file the report and not Miriam.

Under these mitigating circumstances, the candidate would request that the fine be waived.

Thank you for your consideration of the above

Sincerely,

  
Michael A. Steinberg



FLORIDA DEPARTMENT OF STATE

**Ken Detzner**  
Secretary of State

DIVISION OF ELECTIONS

November 5, 2014

Miriam Steinberg  
Candidate for State Representative, District 64  
14706 Clarendon Drive  
Tampa, FL 33624-3624

Re: CAN 63369

Dear Ms Steinberg:

The campaign treasurer's report that was due October 31, 2014, was not filed until November 1, 2014. Accordingly, you are fined in the amount of \$500.00. The fine must be paid to the Division of Elections within 20 days of receipt of this notice unless appealed to the Florida Elections Commission. Please note that as a candidate, the fine is not an allowable campaign expenditure and must be paid from personal funds.

If you wish to appeal the fine, you must submit a notice of appeal to the Commission within 20 days of the date of the receipt of this notice. (See Rules 2B-1.005 and 2B-1.0055, Florida Administrative Code.) The Florida Elections Commission's address is 107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-0100.

Please send a copy of your notice of appeal to the Bureau of Election Records at the address listed below. If you have any questions, please contact us at (850) 245-6240.

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records

cc: Michael Steinberg, Treasurer

## Filed Campaign Treasurer's Report

Miriam Steinberg  
63369 - STR 064

Elect ID: 20141104-GEN

From: 10/18/201

Amd: Y

Wvr: N

Filed: **FIL** 11/1/2014 12:21:41 A

Report: 2014 G7 (14)

To: 10/30/201

Cmplt: COM

Reviewed: **AUD** 11/1/2014 1:53:08 A

## Original Report

Submitted: 11/1/2014 12:21:41 A

*CONTRIBUTIONS*

<i>Seq Date</i>	<i>Name</i>	<i>Address</i>	<i>Contributor Type</i>	<i>Occupation Inkind Description</i>	<i>Errors Amd</i>	<i>Amount</i>
1	ADERHOLD	5215 WILCOX RD.	I	RETIRED	I	\$100.00
	BARBARA	TAMPA FL 33624	CHE			

*EXPENDITURES*

<i>Seq Date</i>	<i>Name</i>	<i>Address</i>	<i>Type</i>	<i>Office Purpose</i>	<i>Errors Amd</i>	<i>Amount</i>
1	GOOD GUY SIGNS	1400 E. HILLSBOROUGH AVE	MON		0	\$402.00
10/30/2014		TAMPA FL 33604		SIGNS		
2	POLITICAL VICTORY COMPANY	P.O. BOX 5536	MON		0	\$500.00
10/30/2014		TAMPA FL 33675		WALK LIST		
3	FRANKLIN DAVIS PRINTING	1706 W. GRACE ST	MON		0	\$1,041.65
10/30/2014		TAMPA FL 33607		PALM CARDS		
4	SALADINO	2739 W. BEACH ST	MON		0	\$1,125.00
10/30/2014	STEVE	TAMPA FL 33607		GRAPHIC DESIGN		
5	BANK OF AMERICA	P.O. BOX 25118	MON		I	\$0.00
10/30/2014		TAMPA FL 33622		BANK SERVICE CHARGE		

## Filed Campaign Treasurer's Report

Miriam Steinberg  
63369 - STR 064

Elect ID: 20141104-GEN  
Report: 2014 G7 (14)

From: 10/18/201  
To: 10/30/201

Amd: Y Wvr: N  
Cmpit: COM

Filed: FIL 11/1/2014 12:21:41 A  
Reviewed: AUD 11/1/2014 1:53:08 A

## Amended Report

Submitted: 11/1/2014 1:42:54 A

## CONTRIBUTIONS

Seq Date	Name	Address	Contributor Type	Occupation Inkind Description	Errors Amd	Amount
2	STEINBERG	14706 CLARENDON DRIVE	I	ATTORNEY	0	\$57.95
10/30/2014	MICHAEL	TAMPA FL 33624	CHE		ADD	

## EXPENDITURES

Seq Date	Name	Address	Type	Office Purpose	Errors Amd	Amount
6			X		8	\$0.00
					ADD	

## Amended Report

Submitted: 11/1/2014 1:57:12 A

## CONTRIBUTIONS

Seq Date	Name	Address	Contributor Type	Occupation Inkind Description	Errors Amd	Amount
1	ADERHOLD	5215 WILCOX RD.	I	RETIRED	0	\$100.00
10/27/2014	BARBARA	TAMPA FL 33624	CHE		UPD	

## EXPENDITURES

Seq Date	Name	Address	Type	Office Purpose	Errors Amd	Amount
5	BANK OF AMERICA	P.O.BOX 25118	MON		0	\$17.00
10/30/2014		TAMPA FL 33622		BANK SERVICE CHARGE	UPD	
6			X		8	\$0.00
					DEL	



1/22/2015

# Filed Campaign Treasurer's Report

Page 3

Miriam Steinberg

63369 - STR 064

Elect ID: 20141104-GEN

From: 10/18/201

Amd: Y

Wvr: N

Filed: **FIL** 11/1/2014 12:21:41 A

Report: 2014 G7 (14)

To: 10/30/201

Cmplt: **COM**

Reviewed: **AUD** 11/1/2014 1:53:08 A

**Queued Items for 2014-G7**

Account: 63369

STR 064 Miriam Steinberg

Rpt Seq: 14

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	63369	10/31/2014 11:55:42 PM	10/31/2014 11:55:42 PM
Review Pending Report	Processing Complete	63369	11/1/2014 12:20:20 AM	11/1/2014 12:20:20 AM
File Pending Report	Processing Complete	63369	11/1/2014 12:21:41 AM	11/1/2014 12:21:42 AM
Amend Filed Report	Processing Complete	63369	11/1/2014 1:34:51 AM	11/1/2014 1:34:51 AM
Review Pending Report	Processing Complete	63369	11/1/2014 1:41:38 AM	11/1/2014 1:41:38 AM
File Pending Report	Processing Complete	63369	11/1/2014 1:42:54 AM	11/1/2014 1:42:54 AM
Review Filed Report	Processing Complete	63369	11/1/2014 1:47:31 AM	11/1/2014 1:47:31 AM
Review Filed Report	Processing Complete	63369	11/1/2014 1:48:20 AM	11/1/2014 1:48:20 AM
Amend Filed Report	Processing Complete	63369	11/1/2014 1:49:19 AM	11/1/2014 1:49:19 AM
Review Pending Report	Processing Complete	63369	11/1/2014 1:50:59 AM	11/1/2014 1:50:59 AM
Review Pending Report	Processing Complete	63369	11/1/2014 1:53:08 AM	11/1/2014 1:53:08 AM
File Pending Report	Processing Complete	63369	11/1/2014 1:57:12 AM	11/1/2014 1:57:12 AM



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Miriam Steinberg

Name:

Account: 63369

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
10/31/2014	G7	11/1/2014	APP	1	\$500 00		\$500 00	\$0 00
10/24/2014	G6	11/1/2014	FEC	8	\$0 00		\$0 00	\$0 00
10/17/2014	G5	10/31/2014	FEC	14	\$0 00		\$0 00	\$0 00
10/10/2014	G4	11/1/2014	FEC	22	\$0 00		\$0 00	\$0 00
10/3/2014	G3	10/3/2014						
9/19/2014	G2	9/26/2014	FEC	7	\$0 00		\$0 00	\$0 00
9/5/2014	G1	9/2/2014						
8/22/2014	P7	9/2/2014	FEC	11	\$0 00		\$0 00	\$0 00
8/15/2014	P6	8/15/2014						
8/8/2014	P5	8/15/2014	FEC	7	\$0 00		\$0 00	\$0 00
8/1/2014	P4	8/15/2014	FEC	14	\$0 00		\$0 00	\$0 00
7/25/2014	P3	7/25/2014						
7/11/2014	P2	7/4/2014						
6/27/2014	P1	6/27/2014						