

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: FLORIDIANS FOR
CONSERVATIVE VALUES,
RESPONDENT

Case No.: FEC 11-224

NOTICE OF HEARING ON APPEAL OF AUTOMATIC FINE

TO: Dodger Arp, Esq. The Honorable Penelope Townsley
5730 Corporate Way Miami-Dade Co. Supervisor of Elections
#214 2700 NW 87th Avenue
West Palm Beach, FL 33407 Doral, Florida 33172

PLEASE TAKE NOTICE that on **February 21, 2011**, at **8:30am** or thereafter as the parties can be heard, the Florida Elections Commission will bring on to be heard Respondent's appeal of the fine imposed by the filing officer for Respondent failing to file timely a campaign treasurer's report. The Commission shall meet at: **City Hall, City Commission Chambers, 300 S. Adams Street, Tallahassee, Florida.**

Respondent and staff shall have the opportunity to briefly present their case to the Commission. Failure to appear in accordance with this notice will constitute a waiver of your right to a hearing, and the Commission will decide this case on the record before it. Convenience of location is not a basis for continuing or postponing the scheduled hearing. **See reverse side for additional instructions.**

If you require an accommodation due to a disability, contact Donna Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 48 hours before the hearing.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Dated on January 19, 2012.



Rosanna Catalano
Executive Director

INSTRUCTIONS FOR HEARING ON APPEAL OF AUTOMATIC FINE

Please be advised that other cases have been scheduled for the same time. Therefore, your case may not be called exactly at the time set forth on this notice.

At the automatic fine hearing, the Florida Elections Commission will decide whether Respondent's campaign treasurers report was timely filed or whether there were unusual circumstances that excuse his failure to timely file his report.

Rule 2B-1.0055, *Florida Administrative Code*, defines **unusual circumstances** as "uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act in accordance with the filing requirements. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirement shall be deemed not to constitute unusual circumstances."

The hearing will be conducted pursuant to Section 106.07(8)(c), *Florida Statutes*, if Respondent is a candidate, a political committee, or an electioneering communications organization; Section 106.04(8)(c), *Florida Statutes*, if Respondent is a committee of continuous existence; or Section 106.29(3)(c), *Florida Statutes*, if Respondent is a political party; and Commission Rules 2B-1.005, 1.0052, & 1.0055, *Florida Administrative Code*.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

Before making a decision, the Commission will review the written documents submitted by Respondent and staff at least ten days before the hearing and the information presented at the hearing. Rule 2B-1.005, *Florida Administrative Code*, provides that unless good cause is shown, the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the hearing.

When the case is called, the Chair will read a brief statement and may ask the Respondent and his attorney, if one is present, to state their names for the record. Respondent will then have time to present his case to the Commission. Witnesses may be called to testify under oath on Respondent's behalf. If Respondent calls witnesses, the staff attorney may cross-examine those witnesses after Respondent's questioning is finished. After Respondent's presentation, staff will have the same amount of time to present its case. If the staff attorney calls witnesses, Respondent may cross-examine those witnesses after staff's questioning is finished.

At any time during the presentations the Commissioners may ask questions of Respondent, his attorney, the witnesses, and staff. After the presentations are concluded, the Commissioners will discuss the case and decide whether Respondent's report was timely filed or whether there were unusual circumstances that excuse his failure to file timely his report. The Commission will make a decision by a majority vote of those members present and voting.

After the Commission meeting, the Commission will send Respondent a written order reflecting the Commission's decision. If the Commission upholds the fine, Respondent will have 30 days to pay the fine.

If you have any questions about the procedures for the hearing, please contact Donna Malphurs at 107 W. Gaines Street Collins Building, Suite 224 Tallahassee, FL 32399-1050, phone number: (850) 922-4539.



FLORIDA ELECTIONS COMMISSION

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

December 5, 2011

Dodger Arp, Esq.
5730 Corporate Way, #214
West Palm Beach, Florida 33407

RE: Case No.: FEC 11-224

Dear Mr. Arp:

The Florida Elections Commission at its last regularly scheduled meeting considered the above referenced case and issued the order that is enclosed.

Please let me know if you have any questions.

Sincerely,

Rosanna Catalano

Rosanna Catalano
Executive Director

Enclosure: Order

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

Florida Elections Commission,
Petitioner,

v.

Agency Case No.: FEC 11-224

Floridians for Conservative Values,
Respondent.

STATE OF FLORIDA
ELECTIONS COMMISSION

11 DEC -5 PM 12:20

FILED

ORDER CONTINUING CASE

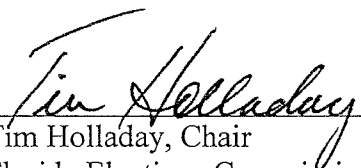
THIS CAUSE came on to be heard before the Florida Elections Commission at its regularly scheduled meeting held on in on November 15, 2011, in Tallahassee, Florida.

The Commission reviewed Respondent's Motion for Continuance, heard the arguments of counsel and carefully reviewed all pleadings and documents submitted.

Therefore, it is

ORDERED that the Respondent's Request to Continue the Hearing filed by Respondent is **Granted**.

DONE AND ORDERED by the Florida Elections Commission on 11-30, 2011.



Tim Holladay, Chair
Florida Elections Commission

Copies furnished to:

Eric M. Lipman, General Counsel
Citizens First, Respondent
Dodger Arp, Respondent's Attorney

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**RE: FEC 11-218, JEAN MONESTIME
FEC 11-223, CITIZENS FIRST
FEC 11-224, FLORIDIANS FOR CONSERVATIVE
VALUES
FEC 11-227, RENIER DIAZ DE LA PORTILLA
FEC 11-210, DARRIN G. ELLIS
FEC 11-212, PRESERVE OUR KEY BISCAYNE
FEC 11-213, REPUBLICAN PARTY OF MIAMI-
DADE COUNTY
FEC 11-214, LYNDA BELL
FEC 11-225, EDDIE LEWIS**

NOTICE OF HEARING ON APPEAL OF AUTOMATIC FINE

TO: Lester Sola
Supervisor of Elections, Miami-Dade
2700 NW 87th Avenue
Doral, Florida 33172

PLEASE TAKE NOTICE that on **November 15, 2011**, at **9:00 a.m.** or thereafter as the parties can be heard, the Florida Elections Commission will consider the Respondent's appeal of the automatic fine imposed by the filing officer. The Commission will meet at: **City Hall, City Commission Chambers, 300 S. Adams Street, Tallahassee, Florida.**

Respondent and staff shall have the opportunity to briefly present their case to the Commission. Failure to appear in accordance with this notice will constitute a waiver of your right to a hearing, and the Commission will decide this case on the record before it. Convenience of location is not a basis for continuing or postponing the scheduled hearing. **See reverse side for additional instructions.**

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PLEASE GOVERN YOURSELF ACCORDINGLY.

Dated on October 13, 2011.


Rosanna Catalano
Executive Director

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STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: FLORIDIANS FOR CONSERVATIVE
VALUES, RESPONDENT

Case No.: FEC 11-224

NOTICE OF HEARING ON APPEAL OF AUTOMATIC FINE

TO: Dodger Arp, Esq.
5730 Corporate Way, #214
West Palm Beach, FL 33407

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PLEASE GOVERN YOURSELF ACCORDINGLY.

Dated on October 12, 2011.



Rosanna Catalano
Executive Director

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If you have any questions about the procedures for the hearing, please contact Donna Malphurs at 107 W. Gaines Street Collins Building, Suite 224 Tallahassee, FL 32399-1050, phone number: (850) 922-4539.

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC-11-224

NAME: FLORIDIANS FOR CONSERVATIVE VALUES

DATE APPEAL RECEIVED: 6/20/11
DATE HEARD BY FEC: 11/15/11
DATE HEARING REQUEST RECEIVED: 6/20/11
DATE REPORT DUE: 5/20/11 (2011 SF2)
DATE OF POSTMARK: 5/23/11

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

DATE FILING OFFICER RECEIVED REPORT: 5/23/11
NUMBER OF DAYS LATE: 3

AMOUNT OF FINE: \$1,500.00

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

TOTAL RECEIPTS FOR REPORTING PERIOD: \$75,000.00

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$58,375.98

DATE FIRST NOTIFICATION WAS RECEIVED: Fine letter dated 5/26/11

SUMMARY: Floridians for Conservative Values is an electioneering communications organization (ECO) registered with the State of Florida. The ECO's chair and treasurer is Mark Langley. Dodger Arp is an attorney representing the ECO in this appeal.

Mr. Arp is appealing the fine claiming that the ECO was unaware of the additional requirement to file a signed hard copy of the report with the filing officer. Mr. Arp states that as a state-registered ECO, the ECO is only required to file electronic reports. Mr. Arp further states that when the ECO became involved in the local Miami-Dade County special election, it was unaware that the report must also be postmarked by the filing deadline. Mr. Arp added that the report was timely filed electronically on 5/20/11.

Commission staff interviewed Maria Acosta of the Miami-Dade County Supervisor of Elections office by telephone on 10/6/11. Ms. Acosta stated she could not verify whether the ECO received notice that they were required to file a signed hard copy of the report in addition to the electronic filing.

PRIOR CASES: This ECO has had no prior cases before the Commission.

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

Dodger Arp, Esq
5730 Corporate Way, #214
West Palm Beach, FL 33407
June 13, 2011

RECEIVED
11 JUN 20 11 1:16
STATE OF FLORIDA
TALLAHASSEE

Florida Election Commission
Room 224, The Collins Building
107 West Gaines Street
Tallahassee, FL 32399-1050

Ladies and Gentlemen:

The purpose of this correspondence is to appeal the fine imposed by the Miami-Dade County Supervisor of Elections on May 26, 2011, against Floridians for Conservative Values, an Electioneering Communications Organization, in connection with a late filed campaign treasurer's report for the April 23, 2011 through May 19, 2011 reporting period (SF2 2011) as required by Florida Statute 106.07 (8)(b). With respect to this appeal, Mr. Mark Langley, Chairperson for Floridians for Conservative Values, requests a hearing before the Florida Elections Commission ("FEC") and respectfully asks the Commission consider the following unusual circumstances surrounding the Committee's failure to file *wholly* by the designated due date:

Under the direction of Mr. Langley, Floridians for Conservative Values has operated legally and without incident in Florida since July of 2004. During this time, Floridians for Conservative Values has timely filed each and every one of its required treasurer reports with the Division of Elections electronically as required by Florida Law.

In April of 2011, the Committee decided to become involved in the Miami-Dade Special Election. The Committee then became aware of its legal obligation to file treasurer reports at both the state level and the county level for this special election.

The Committee relies on an accountant who prepares the treasure reports for the Chairperson, and after the Chairperson's approval, handles filing the reports with the appropriate agencies. Up to this point, the accountant had only filed with the Division of Elections, which only requires a timely electronic submission of a treasurer's report.

The cover period for the SF2 campaign treasurer's report was from April 23, 2011 through May 19, 2011, with the report due May 20, 2011. After compiling the report for the Mr. Langley's approval, the accountant filed the SF2 report through the Miami-Dade electronic filing system **timely** on May 20, 2011 at 11:31 AM. The report was printed and signed by Mr. Langley later that day.

Unfortunately, the accountant was unaware of Miami-Dade's *additional* requirement that the report be post marked by the filing deadline. Consequentially, after receiving the signed form, he placed the letter in a standard mail box, which was not picked up by a mail carrier until Monday morning, May 23, 2011.

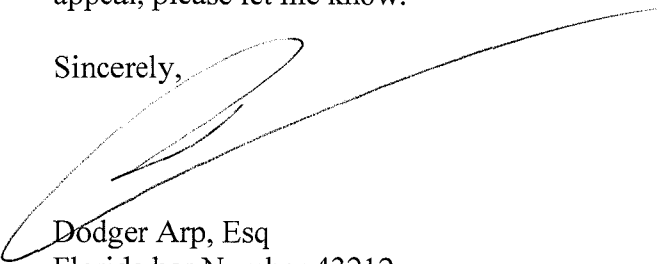
When advised of the error, the Committee immediately contacted the office of Christina White, Director of Governmental Affairs. After speaking with an assistant of Ms. White, she agreed that the additional requirement of sending a hard copy was outdated and that their agency is in the process of removing the outdated requirement of hardcopies and adopting the standard practice of using only electronic report submission now followed by the majority of counties in the state, including the Florida State Division of Elections. Furthermore, the representative of the Miami-Dade Supervisor of election strongly encouraged our committee to file this appeal, as it was obvious this was an honest mistake.

While it is technically correct that the SF2 report was filed late by not having the form postmarked by May 20th, 2011, all contributions and expenditures were reported to the Miami-Dade Supervisor of Elections timely via electronic submission on May 20, 2011, and were available for public inspection consistent, and in the spirit of Florida Statute Section 106.07.

Consistent with the provisions of Section 106.07 (8)(c), Florida Statutes, Mark Langley respectfully requests that the Commission recognize this unfortunate incident for what it was, an honest mistake, and that the amount of the fine imposed by the Miami-Dade Division of Elections on May 26, 2011 be waived in whole or in part for the reasons set forth above.

I trust that this filing complies with the requirements of Section 106.07(8)(c), Florida Statutes. If this is not the case or if the Commission has any additional questions or concerns regarding this appeal, please let me know.

Sincerely,



Dodger Arp, Esq
Florida bar Number 43212
Cell Phone: 561.702.6649



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

miamidade.gov

May 26, 2011

Mr. Mark Langley
Floridians For Conservative Values
931 Village Boulevard, Suite 905-290
West Palm Beach, FL 33409

Subject: Campaign Treasurer's Report SF2-11
Due Date: 5/20/2011
Period Covered: 4/23/2011 - 5/19/2011

NOTICE OF LATE FILING – FINE DUE - \$1,500.00

Dear Sir or Madam,

The SF2-11 Campaign Treasurer's Report filed with our office for Floridians For Conservative Values was postmarked on 5/23/2011. Since this report was not filed by the appropriate filing date, a fine is being assessed for each late day pursuant to Chapter 106.07 of the Florida Statutes.

Per Florida Statute 106.07(8)(b), for reports immediately preceding each primary and general election, the fine shall be \$500.00 per day for each late day. These fines are not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Therefore, since the report was 3 days late, the fine is based on 3 days @ \$500.00 = \$1,500.00. Said fine must be paid to our office at 2700 NW 87th Avenue, Miami, FL 33172 within 20 days of receipt of this letter. The check should be made payable to the Board of County Commissioners in the amount of \$1,500.00

Florida Statute 106.07(8)(b) goes on to say that the fine may be appealed or disputed based upon unusual circumstances surrounding the failure to file by the designated due date. A hearing before the Florida Elections Commission may be requested, which shall have the authority to waive the fine in part or whole. Any such request must be submitted in writing and must be received by the Elections Commission within 20 days of your receipt of this notice. To request an appeal, please write to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, FL 32399-1050. Our office must also be notified of the intent to bring this matter before the Commission.

If you have any questions regarding this matter, please contact me at 305-499-8403.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina White".

Christina White
Director, Office of Governmental Affairs
Miami-Dade Elections Department

Certified No: 7008 1830 0003 9578 8454



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Track & Confirm

Search Results

Label/Receipt Number: **7008 1830 0003 9578 8454**
Service(s): **Certified Mail™**
Status: **Delivered**

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Your item was delivered at 10:14 am on May 28, 2011 in WEST PALM BEACH, FL 33409.

Detailed Results:

- **Delivered, May 28, 2011, 10:14 am, WEST PALM BEACH, FL 33409**
- **Arrival at Unit, May 28, 2011, 8:15 am, WEST PALM BEACH, FL 33417**
- **Processed through Sort Facility, May 28, 2011, 3:00 am, WEST PALM BEACH, FL 33416**

Notification Options

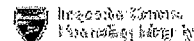
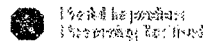
Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

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No FEAR Act EEO Data FOIA



7008 1830 0003 9578 8454

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For delivery information visit our website at www.usps.com

OFFICIAL USE

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

7008 1830 0003 9578 8454

Sent To: _____

Street, or PO: Mr. Mark Langley

City, St: Floridians For Conservative Values

7008 1830 0003 9578 8454

Florida Department of State

Room 316, R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250
(850)245-6200

Division of Elections

Committee Tracking System

Floridians For Conservative Values

Type: Electioneering Communications Organization

Status: Active

Address: 931 Village Boulevard
Suite 905-290
West Palm Beach, FL 33409

Chairperson: Mark Langley

Treasurer: Mark Langley

Registered Agent: John French
1531 Live Oak Drive
Tallahassee, FL 323010000

Purpose:

Affiliates:

Campaign Finance Activity

Campaign Documents

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

(1) Floridians For Conservative Values
Name
(2) 931 Village Boulevard
Address (number and street)
West Palm Beach, FL 33409
City, State, Zip Code

OFFICE USE ONLY
ONLINE SUBMISSION
[1029127]
Submitted on:
5/20/2011 11:40:46 (eastern)

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: 10

(4) Check appropriate box(es):
 Candidate (office sought):
 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

RECEIVED
MAY 25 PM 4:11
MIAMI-DADE COUNTY
ELECTIONS DEPARTMENT

(5) REPORT IDENTIFIERS

Cover Period: From 4/23/2011 To 5/19/2011 Report Type: SF2
 Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$	<u>75,000.00</u>
Loans	\$	<u>0.00</u>
Total Monetary	\$	<u>75,000.00</u>
In-Kind	\$	<u>0.00</u>

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$	<u>58,375.98</u>
Transfers to Office Account	\$	<u>0.00</u>
Total Monetary	\$	<u>58,375.98</u>

(8) Other Distributions
\$ 0.00

(9) TOTAL Monetary Contributions To Date
\$ 75,000.00

(10) TOTAL Monetary Expenditures To Date
\$ 58,375.98

(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.

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

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

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

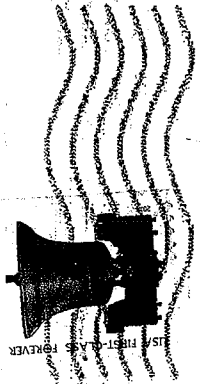
X Mark Langley
Signature

X Mark Langley
Signature

FLORIDA APTS FOR CONSERVATIVE VALUES
931 Village Blvd Suite 905-290
West Palm Beach, FL 33409

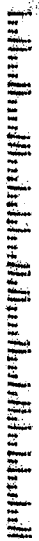
WEST PALM BCH FL 334

23 MAY 2011 PM 8:17



Miami Dade Supervisor of Elections
2700 NW 87 Ave
Doral, FL 33172

33172+1832



(11A)

Acosta, Maria (Elections)

From: Acosta, Maria (Elections)
Sent: Wednesday, May 11, 2011 8:40 AM
To: 'Gary Splain'
Subject: RE: Floridians for Conservative Values

Good Morning Mr. Splain,

Your ID No. is [REDACTED] and the password is [REDACTED] for Floridians For Conservative Values. I have set the ECO in our system for you to be able to enter the reports electronically. A list of the reports for the Special Election can be found in our website at the bottom of the page (Section 5.0) at: http://www.miamidade.gov/elections/committee_info.asp

If you have any questions, please let me know.

Maria Acosta
Miami-Dade Elections Department
Office of Governmental Affairs
305-499-8410
www.miamidade.gov
"Delivering Excellence Every Day"

From: Gary Splain [<mailto:gsplain@hotmail.com>]
Sent: Tuesday, May 10, 2011 2:24 PM
To: Acosta, Maria (Elections)
Subject: FW: Floridians for Conservative Values

Dear Ms. Acosta,

I have attached the print out from the Florida Department of State, Division of Elections, the committee tracking page for Floridians for Conservative Values showing that it is and active ECO in Florida State.

I would appreciate your sending me a user name and password so I can file the election reports with Miami Dade County for the Special Election for Mayor.

Time is of the essence, please get back to me ASAP. If you need anything from me you can call me at 561-289-6279 or email me.

Thank you for your prompt attention in this matter.

Sincerely,

Gary C. Splain



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Suite 224

Collins Building

Tallahassee, Florida 32399-1050

(850) 922-4539

September 14, 2011

Mr. Dodger Arp, Esq.
5730 Corporate Way, #214
West Palm Beach, FL 33407

RE: Case No.: FEC 11-224; Campaign Treasurer's Report due May 20, 2011

Dear Mr. Arp:

The Florida Elections Commission received your letter appealing the fine assessed against Floridians for Conservative Values for failing to timely file their campaign treasurer's report and requesting a hearing before the Commission. The Commission will hear the case at its next meeting, which is presently scheduled for November 15, & 16, 2011, in Tallahassee. The Commission Clerk will notify you at least 14 days in advance of the meeting of the day and the exact time that the Commission will hear the case.

In reaching its decision, the Commission will consider the documents gathered by Commission staff and any documents you submit for the Commission's consideration before the hearing. Unless good cause is shown, the Commission will not consider at the hearing any written document unless it has been filed with the Commission Clerk at least ten days before the hearing. Rules 2B-1005, 1.0052, and 1.0055, *Florida Administrative Code*, are the Commission's rules on the appeal of automatic fines. The Commission Clerk is located at the address listed above.

The Commission will uphold the fine imposed by the filing officer unless you present credible evidence that the report was timely filed or credible evidence that unusual circumstances caused the report to be filed late.

If you are a county, municipal, or special district candidate or committee and your report was received by the filing officer without a postmark or with an illegible postmark more than five days after the due date or it was delivered to the filing officer by a mail delivery service other than the United States Postal Service, it will not be found timely filed unless you submit a copy of a proof of mailing or at a hearing before the Commission, presents the oral testimony of the person who timely mailed the report.

The proof of mailing submitted shall reflect that it was obtained from the United States Postal Service or other mail delivery service at the time of mailing and shall reflect that the report was mailed before midnight on the due date. A metered postage mark does not constitute a postmark

or a proof of mailing. The testimony presented shall indicate that the report was mailed so that it would have received a postmark or a legible postmark on the report's due date but for the failure of the United States Postal Service to properly mark the report.

If you cannot show that your report was timely filed, the Commission may still grant you relief, but only if you show unusual circumstances. **Unusual circumstances is defined in Rule 1D-1.005(4), Florida Administrative Code, to mean "uncommon, rare, or sudden events over which the actor has no control and which directly result in the failure to act in accordance with the filing requirements."** Unusual circumstances must occur within a time period that would clearly have prevented you from filing the report in a timely manner. Unusual circumstances shall not include the failure of the United States Postal Service or other mail delivery service to postmark an envelope, legibly postmark an envelope, or timely deliver mail. Further, unusual circumstances shall not include the failure of the sender to affix sufficient postage to a report that is being mailed.

Without credible evidence, the Commission will not find unusual circumstances. The following circumstances may constitute unusual circumstances so long as credible evidence is presented that unusual circumstances caused the report to be filed late.

1. **Natural disaster or other emergency that prevented timely filing.** Evidence submitted must include copies of newspaper reports or other documents from an independent and reliable source that shows the nature, date, and location of the natural disaster or emergency.
2. **Death of the candidate or campaign treasurer or an immediate family member of the candidate or campaign treasurer.** Evidence submitted must include a copy of the death certificate, newspaper obituary, or funeral program, or notice.
3. **Serious illness, disability or non-elective surgery of the candidate or campaign treasurer.** Evidence submitted must include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability, or surgery; a statement regarding the period of time that the patient was incapacitated; and a statement that surgery, if any, was not elective. Copies of hospital records reflecting the dates of hospitalization may also show the period of incapacitation.
4. **Serious illness, disability, or non-elective surgery of the immediate family member of the candidate or campaign treasurer.** Evidence submitted must include evidence of the relationship of the candidate or treasurer to the family member, the location of the family member, and the reason the presence of the candidate or campaign treasurer was required. Evidence submitted must also include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability or surgery; a statement regarding the period of time that the patient was incapacitated; a statement that surgery, if any, was not

elective; and a statement that the patient required the care of a family member.

5. **Computer or equipment failure caused by events that could not have been anticipated and that made timely filing of the report impossible.** Power outages or program failure does not constitute unusual circumstances unless it is established that reasonable precautions to assure the safety of the equipment or the ability of the program to perform as anticipated were taken before the events causing failure of the equipment or program. Evidence must include a written statement made under oath in the presence of a notary or other person authorized to administer oaths indicating the cause and the duration of the power outage and the reasonable precautions taken to assure the safety of the equipment or the ability of the program to perform as anticipated.
6. **The abrupt and unexpected loss of the campaign treasurer, over which you had no control.** The loss of the campaign treasurer does not constitute unusual circumstances if the appealing party failed to monitor the campaign treasurer's performance before his or her departure or if the appealing party failed to assure prompt preparation of the report after the treasurer's departure. Evidence must include a written statement made under oath in the presence of a notary or other person authorized to administer oaths explaining the departure of your treasurer and the steps taken to monitor the treasurer's performance before his or her departure.

You may, of course, send any additional evidence that you believe supports your position that your report was timely filed or that the reason you failed to timely file your report was due to unusual circumstances. Rule 2B-1.005(3), Florida Administrative Code, provides that if you send additional documentary evidence, the Commission must receive it no later than 20 days from the date of this letter. Remember that the Commission will not consider any written document unless it has been filed with the Commission Clerk at least ten days before the hearing, unless good cause is shown. If the documentary evidence is timely received, it will be presented to the Commission when it considers your appeal of the assessed fine.

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

Sincerely,



Tracie Aulet
Investigation Specialist

Enclosure: Rules 2B- 1.005, 1.0052, and 1.0055, Florida Administrative Code.



FW: Floridians for Conservative Values SF2-10 Appeal
Acosta, Maria (Elections)

to:

Tracie Aulet

09/30/2011 06:24 PM

Cc:

"White, Christina (Elections)", "Lopez, Carolina D. (Elections)"

Show Details

7 Attachments



SF2-11 pdf email ref ID No and reporting dates05-11-11 pdf Filing Inf.pdf Letter Mailed - Fine 05-26-11 pdf MiscInf List-09-30-11.pdf



Memo to Comm on Ethics-09-30-11.pdf Report View with Subtotals-09-30-11.pdf

Good afternoon Tracie,

Attached please find the following documents you requested for Floridians for Conservative Values SF2-10 Report. This ECO is register with Division of Elections. They were doing interim reports because were involved on the Miami-Dade County Special Elections for the Mayor and County Commissioners.

- SF2-11 Report – Postmark Date 5/23/11
- Email in reference to Log in Information and Reporting Dates – 05/11/11
- Filing Documents
- Fine Letter – 5/26/11
- Miscellaneous Information as of 9-30-11
- Filing History – 9/30/11
- Candidate Report View with Subtotals – 9/30/11

If you need any other information, please let me know.

Maria Acosta

Miami-Dade Elections Department

Office of Governmental Affairs

305-499-8410

<http://www.miamidade.gov>>www.miamidade.gov

"Delivering Excellence Every Day"

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Floridians For Conservative Values (2) I.D. Number 1018

(3) Cover Period 4/23/2011 through 5/19/2011 (4) Page 1 of 1

(5) Date	(6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
			Type	Occupation				
4/28/2011 <i>f</i> <i>f</i>	1	Citizens to Reclaim Miami, Dade County Govt c/o 610 S Boulevard Tampa, FL 33606	C	ccce	CH			\$50,000.00
5/13/2011 <i>f</i> <i>f</i>	2	Citizens to Reclaim Maimi, Dade County Govt c/o 610 S Boulevard Tampa, FL 33606	C	ccce	CH			\$25,000.00
<i>f</i> <i>f</i>								
<i>f</i> <i>f</i>								
<i>f</i> <i>f</i>								
<i>f</i> <i>f</i>								
<i>f</i> <i>f</i>								
<i>f</i> <i>f</i>								
<i>f</i> <i>f</i>								

RECEIVED
 2011 MAY 25 PM 4: 16
 MIAMI-DADE COUNTY
 ELECTIONS DEPARTMENT

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name Floridians For Conservative Values (2) I.D. Number 1018

(3) Cover Period 4/23/2011 through 5/19/2011 (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
4/26/2011 / /	Rise Strategies Inc., PO Box 566236 Miami, FL 33256	production	MO		\$4,875.00
1					
4/26/2011 / /	The Factor Inc., 501 Brickell Key Dr. Miami, FL 33131	consulting	MO		\$2,500.00
2					
4/28/2011 / /	Balsera Communications, 2020 Ponce de Leon Coral Gables, FL 33134	consulting	MO		\$30,000.00
3					
5/9/2011 / /	Public Concepts LLC, 5730 Corporate Way West Palm Beach, FL 33407	design and telephone services	MO		\$2,260.98
4					
5/9/2011 / /	McLaughlin & Associates, 566 South Route 303 Blauvelt, NY 10913	research	MO		\$13,740.00
5					
5/9/2011 / /	ADF Consulting LLC, 8460 SW 184 St Miami, FL 33157	consulting	MO		\$5,000.00
6					
/ /					
/ /					
/ /					

RECEIVED
2011 MAY 25 PM 4:16
MIAMI-DADE COUNTY
ELECTIONS DEPARTMENT

Acosta, Maria (Elections)

From: Gary Splain [gsplain@hotmail.com]
Sent: Tuesday, May 10, 2011 2:24 PM
To: Acosta, Maria (Elections)
Subject: FW: Floridians for Conservative Values
Attachments: 20110510141432151.pdf

Dear Ms. Acosta,

I have attached the print out from the Florida Department of State, Division of Elections, the committee tracking page for Floridians for Conservative Values showing that it is and active ECO in Florida State.

I would appreciate your sending me a user name and password so I can file the election reports with Miami Dade County for the Special Election for Mayor.

Time is of the essence, please get back to me ASAP. If you need anything from me you can call me at 561-289-6279 or email me.

Thank you for your prompt attention in this matter.

Sincerely,

Gary C. Splain

Miscellaneous Information

1018 Floridians For Conservative Values

ConvDate: EmpName: Conversation:

- 6822 5/16/2011 Yolanda Washingt Per email 5/10/11 Gary Splain has provided his telephone [REDACTED] and his email address that show [REDACTED] (office use only).
- 6821 5/16/2011 Yolanda Washingt Left a message with Gary Splain for Chairman and Treasurer Mark Langley to inform him of HB that pass and will be sign some point this week. The EV sites will be close on Sunday, May 22nd and Saturday, May 21st the hours are extended to 5pm. Remind him of the report due on 5/20/11 and that the last day to collect contribution is 5/19/11 by midnight. Per Mr. Splain, he is the contact person.



MIAMI-DADE ELECTIONS DEPARTMENT

2700 NW 87th Avenue, Miami, FL 33172

Phone: (305) 499-8500 Fax: (305) 499-8547

TO: Florida Elections Commission

DATE: Friday, September 30, 2011

FROM: Lester Sola
Supervisor of Election

SUBJECT: History of Reports
Floridians For Conservative Values

<u>Report</u>		<u>Due Date</u>	<u>Rec'd Date</u>	<u>Postmark Date</u>	<u>Hand Delv.</u>	<u>Days Late</u>	<u>Notice Sent</u>	<u>Fine Assessed</u>	<u>Date Sent</u>	<u>Certified No.</u>
SF2-11	Original	5/20/2011	5/25/2011	5/23/2011		3		\$1,500.00		
							Fine Due		5/26/2011	7008 1830 0003 9578 8454
SG1-11	Original	6/10/2011	6/13/2011	6/9/2011				\$0.00		
SG2-11	Original	6/24/2011	6/27/2011	6/24/2011				\$0.00		
QSG2-11	Original	7/11/2011	7/13/2011	7/11/2011				\$0.00		

Report Summary

1018 Floridians For Conservative Values

DUE DATE	REP TYPE	DATE RECEIVED	POSTMARK DATE	HAND DEL	DATES LATE	AMENDED REPORT	CASH	LOANS	TOTAL CONTR.	IN-KIND EXPENDITURES	APPE- FINE	AMOUNT PAID	FEC CASE NO
5/20/2011	SF2-11 Original	5/25/2011	5/23/2011		3		\$75,000.00	\$0.00	\$75,000.00	\$0.00	\$58,375.98	\$1,500.00	Y
							Subtotals		\$75,000.00		\$58,375.98		
6/10/2011	SG1-11 Original	6/13/2011	6/9/2011		-1		\$0.00	\$0.00	\$0.00	\$0.00	\$5,000.00	\$0.00	
							Subtotals		\$75,000.00		\$63,375.98		
6/24/2011	SG2-11 Original	6/27/2011	6/24/2011		0		\$0.00	\$0.00	\$0.00	\$0.00	\$16,550.00	\$0.00	
							Subtotals		\$75,000.00		\$79,925.98		
7/11/2011	QSG2-1 Original	7/13/2011	7/11/2011		0		\$33,000.00	\$0.00	\$33,000.00	\$0.00	\$0.00	\$0.00	
							Subtotals		\$108,000.00		\$79,925.98		
							\$108,000.00	\$0.00	\$108,000.00	\$0.00	\$79,925.98	\$1,500.00	



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

miamidade.gov

May 26, 2011

Mr. Mark Langley
Floridians For Conservative Values
931 Village Boulevard, Suite 905-290
West Palm Beach, FL 33409

Subject: Campaign Treasurer's Report SF2-11
Due Date: 5/20/2011
Period Covered: 4/23/2011 - 5/19/2011

NOTICE OF LATE FILING – FINE DUE - \$1,500.00

Dear Sir or Madam,

The SF2-11 Campaign Treasurer's Report filed with our office for Floridians For Conservative Values was postmarked on 5/23/2011. Since this report was not filed by the appropriate filing date, a fine is being assessed for each late day pursuant to Chapter 106.07 of the Florida Statutes.

Per Florida Statute 106.07(8)(b), for reports immediately preceding each primary and general election, the fine shall be \$500.00 per day for each late day. These fines are not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Therefore, since the report was 3 days late, the fine is based on 3 days @ \$500.00 = \$1,500.00. Said fine must be paid to our office at 2700 NW 87th Avenue, Miami, FL 33172 within 20 days of receipt of this letter. The check should be made payable to the Board of County Commissioners in the amount of \$1,500.00

Florida Statute 106.07(8)(b) goes on to say that the fine may be appealed or disputed based upon unusual circumstances surrounding the failure to file by the designated due date. A hearing before the Florida Elections Commission may be requested, which shall have the authority to waive the fine in part or whole. Any such request must be submitted in writing and must be received by the Elections Commission within 20 days of your receipt of this notice. To request an appeal, please write to the Florida Elections Commission, 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, FL 32399-1050. Our office must also be notified of the intent to bring this matter before the Commission.

If you have any questions regarding this matter, please contact me at 305-499-8403.

Sincerely,

Christina White
Director, Office of Governmental Affairs
Miami-Dade Elections Department

Certified No: 7008 1830 0003 9578 8454

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

(1) Floridians For Conservative Values
Name
 (2) 931 Village Boulevard
Address (number and street)
West Palm Beach, FL 33409
City, State, Zip Code

OFFICE USE ONLY

ONLINE SUBMISSION
 [1029127]

Submitted on:
 5/20/2011 11:40:46 (eastern)

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: 1018

(4) Check appropriate box(es):

Candidate (office sought): _____

Political Committee CHECK IF PC HAS DISBANDED

Committee of Continuous Existence CHECK IF CCE HAS DISBANDED

Party Executive Committee

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

(5) REPORT IDENTIFIERS

Cover Period: From 4/23/2011 To 5/19/2011 / _____ Report Type SF2

Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 75,000.00

Loans \$ 0.00

Total Monetary \$ 75,000.00

In-Kind \$ 0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 58,375.98

Transfers to Office Account \$ 0.00

Total Monetary \$ 58,375.98

(8) Other Distributions
 \$ 0.00

(9) TOTAL Monetary Contributions To Date
 \$ 75,000.00

(10) TOTAL Monetary Expenditures To Date
 \$ 58,375.98

(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 Floridians For Conservative Values (2) I.D. Number 1018

4/23/2011 through 5/19/2011

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

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
4/28/2011 / /	Citizens to Reclaim Miami, Dade County Govt c/o 610 S Boulevard Tampa, FL 33606	C	c	ce	CH		\$50,000.00
1							
5/13/2011 / /	Citizens to Reclaim Miami, Dade County Govt c/o 610 S Boulevard Tampa, FL 33606	C	c	ce	CH		\$25,000.00
2							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name Floridians For Conservative Values

(2) I.D. Number 1018

(3) Cover Period 4/23/2011 through 5/19/2011

(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
4/26/2011 //	Rise Strategies Inc., PO Box 566236 Miami, FL 33256	production	MO		\$4,875.00
1					
4/26/2011 //	The Factor Inc., 501 Brickell Key Dr. Miami, FL 33131	consulting	MO		\$2,500.00
2					
4/28/2011 //	Balsera Communications, 2020 Ponce de Leon Coral Gables, FL 33134	consulting	MO		\$30,000.00
3					
5/9/2011 //	Public Concepts LLC, 5730 Corporate Way West Palm Beach, FL 33407	design and telephone services	MO		\$2,260.98
4					
5/9/2011 //	McLaughlin & Associates, 566 South Route 303 Blauvelt, NY 10913	research	MO		\$13,740.00
5					
5/9/2011 //	ADF Consulting LLC, 8460 SW 184 St Miami, FL 33157	consulting	MO		\$5,000.00
6					
//					
//					
//					
//					