

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Palm Beach Gardens Needs Term Limits

Case No.: FEC 15-367

TO: Palm Beach Gardens Needs Term Limits
Michael J. Peragine, Chair
6231 PGA Blvd., Unit 104-308
Palm Beach Gardens, FL 33418

Patricia Snider
10500 North Military Trail
Palm Beach Gardens, FL 33410

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **November 16, 2016 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

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

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
November 1, 2016

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.

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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 15-367

v.

**Palm Beach Gardens Needs Term Limits,
Respondent.**

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on August 17, 2016, in Tallahassee, Florida.

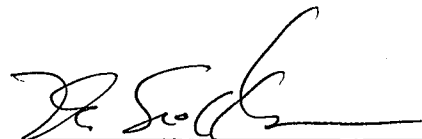
Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

Count 1:

On or about May 11, 2015, Palm Beach Gardens Needs Term Limits violated Section 106.07(7), Florida Statutes, when it failed to notify the filing officer in writing on the prescribed reporting date that it would not be filing its 2015 M4 Report.

The Commission finds that there is **no probable cause** to charge Respondent with violating Section 106.19(1)(c), Florida Statutes.

DONE AND ORDERED by the Florida Elections Commission on August 17, 2016.



M. Scott Thomas, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Palm Beach Gardens Needs Term Limits, Respondent
City of Palm Beach Gardens Clerk, 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: Palm Beach Gardens Needs Term Limits

Case No.: FEC 15-367

TO: Palm Beach Gardens Needs Term Limits
Michael Peragine, Chair
277 Sedona Way
Palm Beach Gardens, FL 33418

Patricia Snider, City Clerk
City of Palm Beach Gardens
10500 North Military Trail
Palm Beach Gardens, FL 33410

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **May 19, 2016 at 12:30 pm**, *or as soon thereafter as the parties can be heard*, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

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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 3, 2016

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.

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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

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

March 1, 2016

Palm Beach Gardens Needs Term Limits
Attn: Michael J Peragine, Chair
277 Sedona Way
Palm Beach Gardens, FL 33418

RE: Case No.: FEC 15-367; Respondent: Palm Beach Gardens Needs Term Limits

Dear Mr. Peragine:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for May 18-19, 2016 in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com

Sincerely,

/s/ Amy McKeever Toman
Executive Director

AMT/dam
cc: City of Palm Beach Gardens Clerk, Complainant

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Palm Beach Gardens Needs Term Limits

Case No.: FEC 15-367

TO: Palm Beach Gardens Needs Term Limits
Michael J. Peragine, Chair
277 Sedona Way
Palm Beach Gardens, FL 33418

Patricia Snider, City Clerk
City of Palm Beach Gardens
Palm Beach Gardens, FL 33410

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **February 17, 2016 at 10:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Florida State Conference Center, 555 West Pensacola Street, Room #108, Tallahassee, Florida 32306.**

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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See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 2, 2016

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FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Suite 224

Collins Building

Tallahassee, Florida 32399-1050

(850) 922-4539

December 1, 2015

Palm Beach Gardens Needs Term Limits

Attn: Michael J. Peragine, Chair

277 Sedona Way

Palm Beach Gardens, FL 33418

RE: Case No.: FEC 15-367; Respondent: Palm Beach Gardens Needs Term Limits

Dear Mr. Peragine:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for February 17-18, 2016 in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com.

Sincerely,

/s/Amy McKeever Toman

Executive Director

AMT/dam

cc: City of Palm Beach Gardens Clerk, Complainant

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Palm Beach Gardens Needs Term Limits

Case No.: FEC 15-367

TO: Palm Beach Gardens Needs Term Limits
Michael J. Peragine, Chair
277 Sedona Way
Palm Beach Gardens, FL 33418

Patricia Snider, City Clerk
10500 North Military Trail
Palm Beach Gardens, FL 33410

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **November 17, 2015 at 10:30 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.

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Amy McKeever Toman
Executive Director
Florida Elections Commission
November 2, 2015

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**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**In Re: Palm Beach Gardens Needs
Term Limits**

Case No.: FEC 15-367

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(7), Florida Statutes**, and that there is **no probable cause** to charge Respondent with violating **Section 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on August 24, 2015, the following facts and law support this staff recommendation:

1. On June 16, 2015, the Florida Elections Commission ("Commission") received a sworn complaint from Patricia Snider, City Clerk, City of Palm Beach Gardens ("Complainant"), alleging that Palm Beach Gardens Needs Term Limits ("Respondent") violated Chapter 106, Florida Statutes.

2. Respondent is a political committee registered with the City of Palm Beach Gardens. (ROI Exhibit 1)¹

3. By letter dated July 21, 2015, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2015 M4

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when it failed to file a report on the prescribed reporting date for the following reporting period:

- 2015 M4

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

4. Respondent's 2015 M4 Report was due to be filed by May 11, 2015; however, Respondent failed to timely file the report or notify the filing officer that no report would be filed. By letter dated May 18, 2015, the City Clerk notified Respondent that its 2015 M4 Report had not been received. (ROI Exhibit 4, page 1) The May 18, 2015 letter was confirmed delivered. (ROI Exhibit 4, pages 2-3)

5. A subpoena was issued to Respondent's designated campaign depository to ascertain whether any financial activity occurred during the relevant reporting period, i.e., April 1, 2015 – April 30, 2015. Respondent's bank records do not show any reportable financial activity. (ROI Exhibit 5) As it appears that Respondent had no financial activity, Respondent was required to notify the filing officer in writing that it would not be filing its 2015 M4 Report on the prescribed reporting date, but failed to do so. Therewith, it does not appear that Respondent falsely reported or deliberately failed to include information in its 2015 M4 Report as the report was waived due to a lack of reportable financial activity.

6. On July 10, 2015, Respondent filed a Waiver of Report with the City Clerk indicating that it had no reportable financial activity during the 2015 M4 reporting period. The notification was 60 days late. (ROI Exhibit 6)

7. Michael Peragine, chairperson and treasurer for Respondent, stated that the waiver notification was submitted late because he is not able to file notices electronically and was out of town on the prescribed reporting date. (Attachment A, Phone Log Entry 7)

8. "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).

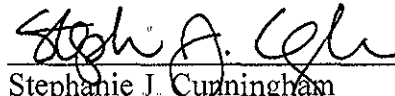
9. The facts set forth above show that Respondent is a political committee registered with the City of Palm Beach Gardens. Respondent failed to timely file its 2015 M4 Report or notify the filing officer that no report would be filed. It appears that Respondent had no reportable financial activity during the 2015 M4 reporting period, and therefore was required to notify the filing officer in writing that it would not be filing its 2015 M4 Report on the prescribed reporting date, but failed to do so. Therewith, it does not appear that Respondent falsely reported or deliberately failed to include information in its 2015 M4 Report as the report was waived due to a lack of reportable financial activity.

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

Count 1:

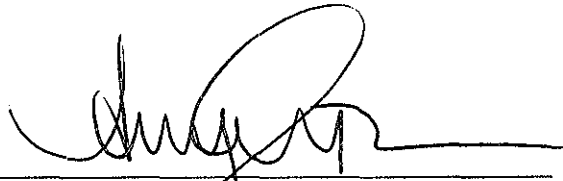
On or about May 11, 2015, Palm Beach Gardens Needs Term Limits violated Section 106 07(7), Florida Statutes, when it failed to notify the filing officer in writing on the prescribed reporting date that it would not be filing its 2015 M4 Report.

Respectfully submitted on September 30, 2015.



Stephanie J. Cunningham
Assistant General Counsel

I reviewed this Staff Recommendation this 30th day of September 2015.



Amy McKeever Toman
Executive Director

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 15-367**

Respondent: Palm Beach Gardens Needs Term Limits

Complainant: Patricia Snider

1. **Date and time:** August 4, 2015 @ 11:35 am
Name: Patricia Snyder—Filing Officer
Phone #: (561) 799-4122
Summary: I had telephone contact to request documents needed to complete investigation. I was informed that the PC has filed a 2015 M2 Report Waiver; however she doesn't have a record of the 2015 M4 Report ever being filed. Ms. Snyder states that she will research and get the requested information to me. I thanked her for her assistance with this matter.
Memo to File? No
Entered by: CKO
2. **Date and time:** August 6, 2015 @ 1:15 pm
Name: Cindy—Depository rep
Phone #: (561) 691-8380
Summary: I had telephone contact to inquire about the best method to send subpoena to their attention. Ms. Cindy instructed me to contact #1-800-706-9991 to obtain this information.
Memo to File? No
Entered by: CKO
3. **Date and time:** August 6, 2015 @ 1:25 pm
Name: Russ—Depository rep
Phone #: (800) 706-9991
Summary: I had telephone contact to inquire about the best method to send subpoena to their attention. I was instructed to mail the subpoena to: Seacoast National Bank, Attn: Loss Prevention, P.O. Box 9012, Stuart, FL 34995.
Memo to File? No
Entered by: CKO
4. **Date and time:** August 6, 2015 @ 1:35 pm
Name: Michael Peragine—Chair
Phone #: (561) 622-7788
Summary: I attempted telephone contact to make initial contact and inquire about the depository account number. I was advised that no Michael Peragine has ever been at this number.
Memo to File? No
Entered by: CKO
5. **Date and time:** August 6, 2015 @ 1:35 pm
Name: Michael Peragine—Chair

Phone #: (561) 342-1258

Summary: I attempted telephone contact to make initial contact and attempt to get campaign account number. I left a message to return my call.

Memo to File? No

Entered by: CKO

6. **Date and time:** August 21, 2015 @ 8:15 am

Name: Wendy—Depository rep

Phone #: (772) 221-2545

Summary: I had telephone contact informing me that she just realized that the subpoena production was due today. She told me that she would fax over the results to me, and follow up with the records being fed-exed to me by Monday, August 24, 2015. I thanked her for her assistance with this matter.

Memo to File? No

Entered by: CKO

7. **Date and time:** August 21, 2015 @ 9:10 am

Name: Michael Peragine—Chair

Phone #: (561) 342-1258

Summary: I had telephone contact to complete final interview. Mr. Peragine advised me that he had received my voice messages however, he had been in and out of town a lot recently due to him going through a "bad custody battle with my ex-wife". Mr. Peragine also told me that the reports were filed late due to him not being able to file electronically. He states that the reports are late when he's out of town on the report due dates. Mr. Peragine expressed concerns about having to personally hand-deliver each report to his filing officer. Mr. Peragine advised me that he's thinking about closing the PC to avoid any further issues. Mr. Peragine told me that he didn't intentionally violate any of the election laws.

Memo to File? No

Entered by: CKO

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 15-367

Respondent: Palm Beach Gardens Needs Term Limits

Counsel for Respondent: n/a

Complainant: Patricia Snider

Counsel for Complainant: n/a

On June 16, 2015, 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(7), Florida Statutes, failure of a political committee that did not receive any contributions or make any expenditures during a reporting period to notify timely the filing officer, in writing, that no report is being filed; and

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.

I. Preliminary Information:

1. Respondent is Palm Beach Gardens Needs Term Limits, a political committee that is registered in Palm Beach Gardens, Florida. The political committee supports term limits for city council members.

2. Complainant is the City Clerk for Palm Beach Gardens, Florida.

3. Respondent's filing officer is Patricia Snider, City Clerk for Palm Beach Gardens, Florida.

4. On February 9, 2015, Respondent filed the most recent Statement of Organization of Political Committee (DS-DE 5) form with their filing officer, Patricia Snider. The area, scope, and jurisdiction of the committee are listed as "Preserve term limits for PBG City Council members". To view a copy of the DS-DE 5 form, refer to exhibit 1.

5. On February 9, 2015, Respondent filed their current Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees (DS-DE 6) form with their filing officer. This form appointed Michael Peragine as treasurer. To view a copy of the current DS-DE 6 form, refer to exhibit 2.

6. On February 9, 2015, Respondent filed their Registered Agent Statement of Appointment (DS-DE 41) form with their filing officer. This form appointed Michael Peragine as the Registered Agent. These forms also acknowledged that Mr. Peragine accepted the

appointment and "confirm that I am familiar with and accept the obligations of the position as set forth in Section 106.022, F.S.". To view a copy of the current DS-DE 41 form, refer to exhibit 3.

7. On May 18, 2015, Complainant mailed Respondent a certified failure-to-file letter stating that Respondent's 2015 M4 Report had not been filed. This letter was mailed to the address Respondent provided on the DS-DE 6 form (Exhibit 2). To review a copy of the May 18, 2015 failure-to-file letter with delivery confirmation, refer to exhibit 4.

8. The allegations that Respondent failed to report campaign activity, or in the alternative, failed to notify the filing officer that no report would be filed for the 2015 M4 reporting period will be discussed in the following paragraphs.

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

9. I investigated whether Respondent violated this section of the election laws by falsely reporting or deliberately failing to include information required by Chapter 106, Florida Statutes, when he failed to file a treasurer's report, or a written notice to the filing officer that no report would be filed due to the lack of reportable activity during the 2015 M4 reporting period, on the prescribed reporting date.

10. I have subpoenaed the depository records covering the 2015 M4 reporting period. This period covers April 1, 2015 through April 30, 2015. These records reflect that no activity occurred during this reporting period. To review depository records covering the 2015 M4 reporting period, refer to exhibit 5.

11. After reviewing the depository records, it has been determined that Respondent should have provided a timely written notice to the filing officer in regards to having no activity occurring during the 2015 M4 reporting period; and advising that no report would be filed for that period. To view depository records covering the 2015 M4 reporting period, refer to exhibit 5.

12. Records from the Palm Beach Gardens City Clerk's office reflect that Respondent filed a waiver for the 2015 M4 reporting period on July 10, 2015. The waiver was due on May 11, 2015. Records reflect that this waiver was filed 61 days late (July 10, 2015). To view a copy of the waiver, refer to exhibit 6.

13. There is a record that Respondent has previously violated this section of the election laws.

III. Alleged Violation of Section 106.07(7), Florida Statutes:

14. I investigated whether Respondent violated this section of the election laws by failing to timely notify the filing officer, in writing, that no report would be filed due to not receiving any contributions or making any expenditures during the 2015 M4 reporting period.

15. The calendar of reporting dates reflect that a waiver was due on May 11, 2015. The waiver was not filed on the prescribed reporting date. To view a copy of the 2015 Calendar of Reporting Dates, refer to exhibit 7.

16. Section 106.07(7), Florida Statutes, states in part:

“Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. Any candidate or political committee 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.”

17. The waiver was not timely filed. To review the circumstances regarding Respondent's contribution and expenditure activity, refer to paragraphs 9-12.

18. There is a record that Respondent has previously violated this section of the election laws.

FEC History

19. Respondent has established a pattern of being involved in automatic-fine investigations.

Conclusion:

20. In a final interview on August 21, 2015 with Michael Peragine, Chair, I was informed that none of the election laws were intentionally broken. Mr. Peragine stated that the waiver was untimely filed due to him being out of town on the due date. Mr. Peragine advised me that all reports have to be hand-delivered, and can't be filed electronically, which causes him to have untimely filings when he's out of town on the due date.

Respectfully submitted on August 24, 2015.



Cedric Oliver
Investigation Specialist

Current address of Respondent	Current address of Complainant
Palm Beach Gardens Needs Term Limits 277 Sedona Way Palm Beach Gardens, Fl 33418	Ms. Patricia Snider 10500 North Military Trail Palm Beach Gardens, Fl 33410
Name and Address of Filing Officer:	Chair of Committee
Ms. Patricia Snider City Clerk 10500 North Military Trail Palm Beach Gardens, Fl 33410	Michael J. Peragine Chair 277 Sedona Way Palm Beach Gardens, Fl 33418

Copy furnished to: Mr. David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Palm Beach Gardens Needs Term Limits -- FEC 15-367

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Respondent's DS-DE 5 form
Exhibit 2	Respondent's DS-DE 6 form
Exhibit 3	Respondent's DS-DE 41 form
Exhibit 4	May 18, 2015 failure-to-file letter with delivery confirmation
Exhibit 5	Records from Respondent's depository
Exhibit 6	2015 M4 Report Waiver
Exhibit 7	2015 Calendar of Reporting Dates
Exhibit 8	Relevant pages from the Political Committee EFS User's Guide

STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE

(PLEASE TYPE)

OFFICE USE ONLY

1. Full Name of Committee

Palm Beach Gardens Needs Term

Telephone

561-342-1258

Mailing Address (include city, state and zip code)

277 Sedona Way PBG, FL 33418

Street Address (include city, state and zip code)

277 Sedona Way PBG, FL 33418

2. Affiliated or Connected Organizations (includes other committees of continuous existence and political committees)

Name of Affiliated or
Connected Organization

Mailing Address

Relationship

N/A

N/A

N/A

3. Area, Scope and Jurisdiction of the Committee

Preserve Term Limits For PBG City Council members

4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.)

Term Limits

5. Identify by Name, Address and Position, the Custodian of Books and Accounts (include treasurer's name)

Full Name

Mailing Address

Committee Title or Position

Michael J
Perotti277 Sedona Way
PBG, FL 33418Chairperson +
Treasurer +
Registered Agent

6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, if Any (include chairman's name)

Full Name	Mailing Address	Committee Title or Position
See	Attached	

7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)

Full Name	Mailing Address	Office Sought	Party
None	None	None	None

8. List Any Issues this Committee is Supporting: Term Limits for City Council members
List Any Issues this Committee is Opposing: None

9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party

N/A

10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?

Donate to a 501(c)(3)

11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds

Name of Bank or Depository & Account Number	Mailing Address
Seacoast National Bank	3001 PGA Blvd. PBG, FL 33410

12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, if Any

Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
Form 8871	Annually April	IRS	03901, UT 84
Form 990	Super 0	IRS	03901, UT 84

STATE OF Florida Palm Beach COUNTY

I, Michael J. Peracore certify that the information in this Statement of Organization is complete, true and correct

X

Signature of Chairman of Political Committee

Date

02/09/15

EXHIBIT 1(2 of 3)

ANSWER TO QUESTION #6/ DS-DE 5

LIST BY NAME, ADDRESS, AND POSITION, OTHER PRINCIPAL OFFICERS, INCLUDING OFFICERS AND MEMBERS OF THE FINANCIAL COMMITTEE, IF ANY.

Finance (MP)

1. JAMES D'LOUGHY, 342 CHAMBORD TERRACE, PALM BEACH GARDENS, FL 33410
(Chair, Treasurer, Secretary) See letter of Resignation 02/09/15 (MP)
2. SIDNEY DINERSTEIN, 15 SAINT GEORGE PLACE, PALM BEACH GARDENS, FL 33410
(Board Member)
3. MICHAEL J. PERAGINE, 277 SEDONA WAY, PALM BEACH GARDENS, FL 33410 (Board Member) Chairperson, Treasurer, Registered Agent (MP)
4. DINA AGRAMA, 155 SEDONA WAY, PALM BEACH GARDENS, FL 33410 (Board Member)
5. KEVIN EASTON, 8511 40TH TERR NOTH, PALM BEACH GARDENS, FL 33410 (Board Member)
6. MARILYN PARMET, 116 ABONDANCE, PALM BEACH GARDENS, FL 33410 (Board Member)
7. FRED SCHEIBL, 1029 SIENA OAKS CIR. W, PALM BEACH GARDENS, FL 33410 (Board Member)
8. IRIS SCHEIBL, 1029 SIENA OAKS CIR. W, PALM BEACH GARDENS, FL 33410 (Board Member)
9. LINDA STOCH, 104 VINTAGE ISLE LANE, PALM BEACH GARDENS, FL 33410 (Board Member)

EXHIBIT 1 (3 of 3)

APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR
POLITICAL COMMITTEES
(Sections 106.011(1) and 106.021(1), F.S.)

02-09-15 A11:31 RCVD

CHECK APPROPRIATE BOX:

OFFICE USE ONLY



Original Appointment of Treasurer



Reappointment of Treasurer



Deputy Treasurer

1. Committee or Organization

Palm Beach Gardens Needs Term Limits

2. Telephone

(561) 342-1258

3. Name of Treasurer or Deputy Treasurer

4. Email (optional)

Michael J. Peracine

5. Telephone (optional)

(561) 342-1258

6. Mailing Address

277 Sedona Way PBG FL 33418

7. Street Address

277 Sedona Way PBG FL 33418

8. The following bank has been designated as the



Primary Depository



Secondary Depository

9. Name of Bank

Sea Coast National

10. Street Address

3001 PGA Blvd.

11. City

Palm Beach Gardens

12. State

FL

13. Zip Code

33410

14. Signature of Chairman

X Michael J. Peracine

15. Name of Chairman (Print or Type)

Michael J. Peracine

Campaign Treasurer's Acceptance of Appointment

Michael J. Peracine

(Please Print or Type)

do hereby accept the appointment as

treasurer or deputy treasurer for

Palm Beach Gardens Needs Term Limits

(Committee or Organization)

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S
ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.

02/09/15

Date

X

Michael J. Peracine
Signature of Campaign Treasurer or Deputy Treasurer

REGISTERED AGENT STATEMENT OF APPOINTMENT <small>(Section 108.022, F.S.)</small>		OFFICE USE ONLY	
<input type="checkbox"/> Original Appointment <input checked="" type="checkbox"/> Change of Appointment <input type="checkbox"/> Change of Mailing Address <input type="checkbox"/> Change of Physical Address			
Registered Agent and Office Information			
Name <u>Michael J. Peracine</u>		Telephone <u>(561) 342-1258</u>	
Street Address <u>277 Sedona Way</u>		Zip Code <u>33418</u>	
City <u>Palm Beach Gardens</u>	State <u>FL</u>	Zip Code <u>33418</u>	
Mailing Address <u>277 Sedona Way</u>		Zip Code <u>33418</u>	
I accept this appointment and confirm that I am familiar with and accept the obligations of the position as set forth in Section 108.022, F.S. I also understand that I may resign this appointment by executing a written statement of resignation and filing it with the applicable filing officer.			
<u>LM Peracine</u> Signature of Registered Agent		<u>02/09/15</u> Date	
Former Registered Agent and Office Information (for changes only)			
Name <u>James D. Hargis</u>		Telephone <u>(561) 922-7788</u>	
Street Address <u>8925 PGA Blvd. Suite 204</u>		Zip Code <u>33410</u>	
City <u>Palm Beach Gardens</u>	State <u>FL</u>	Zip Code <u>33410</u>	
Committee or Organization Information			
Name of Committee or Organization <u>Palm Beach Gardens Neighbors Term Limits</u>			
Street Address <u>277 Sedona Way</u>		Telephone <u>(561) 342-1258</u>	
City <u>Palm Beach Gardens</u>	State <u>FL</u>	Zip Code <u>33418</u>	
<u>LM Peracine</u> Signature of Chairperson			
<u>Michael J. Peracine</u> Printed Name of Chairperson		<u>02/09/15</u> Date	



10500 N. MILITARY TRAIL PALM BEACH GARDENS, FLORIDA 33410-4698
www.pbgfl.com

May 18, 2015

Palm Beach Gardens Needs Term Limits
277 Sedona Way
Palm Beach Gardens FL 33418
Attn: Mr. Michael Peragine, Chairman

Sent via: Certified/Return Receipt

Dear Mr. Peragine:

In accordance with the reporting requirements set forth at Chapter 106, *F.S.*, the Campaign Treasurer's Report for the reporting period covering April 1, 2015 to April 30, 2015 (M4) was required to be submitted to my office no later than 5:00 p.m. on May 11, 2015.

Since this report has not been submitted, a fine must be assessed for your failure to timely file the report in accordance with Section 106.07, *F.S.*

Subsection 106.07(8)(a) states in pertinent part, "[a]ny political committee failing to file a report on the designate due date is subject to a fine as provided in paragraph (b) for each late day." Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due.

Upon receipt of your report, the fine amount will be determined and you will be notified accordingly. Payment of the subject fine must be made by check or money order made payable to the City of Palm Beach Gardens.

- 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 is 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 is deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. (*Sections 106.07, 106.0705 and 106.141, F.S.*)

Please contact my office if you have any questions.

Sincerely,

Patricia Snider, CMC, City Clerk

EXHIBIT 4(1043)

Copy

7014 0510 0000 0659 4460

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only, No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	5-18-15
Certified Fee	PBG-NTL
Return Receipt Fee (Endorsement Required)	Postmark Here
Restricted Delivery Fee (Endorsement Required)	Failure to file timely - NY
Total Postage & Fees \$	
Sent To PBG-NTL ATTN: Michael Perrine Chair	
Street, Apt. No., or PO Box No. 277 Sedona way	
City, State, ZIP+4 PBG, FL 33418	
PS Form 3800, August 2006 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Palm Beach Gardens Needs TERM LIMITS 277 Sedona way Palm Beach Gardens, FL 33418 ATTN: MR. Michael Perrine, CHAIRMAN</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

7014 0510 0000 0659 4460

PS Form 3811, July 2013

Domestic Return Receipt

EXHIBIT 4 (2 of 3)

Copy

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USPS Tracking™

[Customer Service >](#)
Have questions? We're here to help.[Get Easy Tracking Updates >](#)
Sign up for My USPS.com.

Tracking Number: 70140510000006594460

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME

STATUS OF ITEM

LOCATION

May 20, 2015 , 12:29 pm

Delivered

PALM BEACH
GARDENS, FL 33418

Your item was delivered at 12:29 pm on May 20, 2015 in PALM BEACH GARDENS, FL 33418

May 20, 2015 5:09 am

Departed USPS Facility

WEST PALM
BEACH, FL 33416

May 19, 2015 8:29 pm

Arrived at USPS Facility

WEST PALM
BEACH, FL 33416

Available Actions

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Tracking (or receipt) number

[Track It](#)

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EXHIBIT 4 (3 of 3)

Statement of Account

Last statement: March 31, 2015
This statement: April 30, 2015
Total days in statement period: 30

Page 1 of 1

PALM BEACH GARDENS NEEDS TERM LIMITS
CAMPAIGN ACCOUNT
JAMES D'LOUGHY TREASURER
2925 PGA BLVD SUITE 204
PALM BEACH GARDENS FL 33410-2909

Direct inquiries to:
Customer Service Center
800 706-9991

Seacoast National Bank
3001 Pga Boulevard
Palm Beach Gardens FL 33410

0

Summary of Account Balance

Account	Number	Ending Balance
Free Business Checking		\$35.29

Free Business Checking

Account number

Date	Description	Additions	Subtractions	Balance
03-31	Beginning balance			\$35.29
04-30	Ending totals	.00	.00	\$35.29

** No activity this statement period **

EXHIBIT

5

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

07-10-15P04:59 RCVD

OFFICE USE ONLY

Palm Beach Gardens Needs Term Limits

Name

Office Sought

277 Sedona Way

Address

Palm Beach Gardens

City

State

Zip Code

FL

33418

☐ Candidate

☒ Political Committee

☐ Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.07(3)(6), F.S.)

☐ Check here if address has changed since last report.

☐ Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

☒ MONTHLY REPORT

☐ PRIMARY ELECTION

☐ GENERAL ELECTION

☐ OTHER REPORT TYPE

Indicate report #

M 4

Indicate report #

P _____

Indicate report #

G _____

Indicate report type and # as applicable:

☐ TERMINATION REPORT

☐ SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

04/01/15 THROUGH 04/30/15

X Mr. Perazich

Signature

July 10th, 2015

Date

X Mr. Perazich

Signature

July 10th, 2015

Date

REQUIRED SIGNATURES FOR:

Candidates:

Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees:

Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Party Executive Committees:

Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

2015 Calendar of Reporting Dates

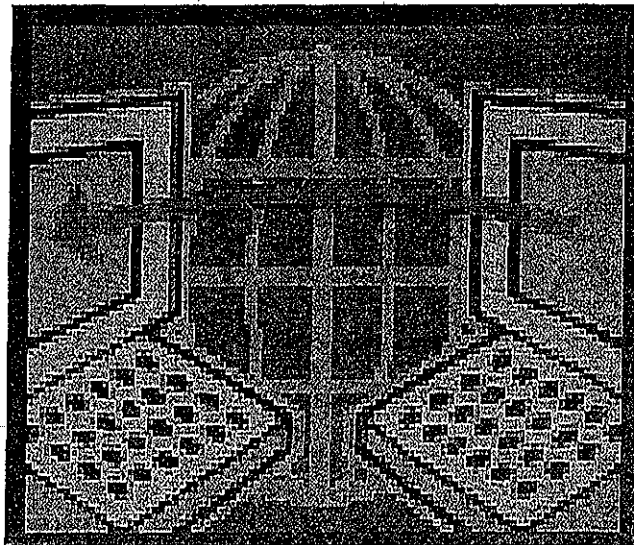
Candidates, Political Committees and
Electioneering Communications Organizations
registered with the Division of Elections

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
12/01/14 – 12/31/14	2014 M12	01/12/15
01/01/15 – 01/31/15	2015 M1	02/10/15
02/01/15 – 02/28/15	2015 M2	03/10/15
03/01/15 – 03/31/15	2015 M3	04/10/15
04/01/15 – 04/30/15	2015 M4	05/11/15
05/01/15 – 05/31/15	2015 M5	06/10/15
06/01/15 – 06/30/15	2015 M6	07/10/15
01/01/2014 – 12/31/14	2015 MUC*	06/30/15
07/01/15 – 07/31/15	2015 M7	08/10/15
08/01/15 – 08/31/15	2015 M8	09/10/15
09/01/15 – 09/30/15	2015 M9	10/13/15
10/01/15 – 10/31/15	2015 M10	11/10/15
11/01/15 – 11/30/15	2015 M11	12/10/15
12/01/15 – 12/31/15	2015 M12	1/11/16

* If not reported as individual contributions when received, a political committee must report contributions that comprise multiple uniform contributions from the same person aggregating no more than \$250 per calendar year, collected by an organization that is the affiliated sponsor of the political committee. The report must list the name, address, and occupation of the person making the contribution; however, the occupation need not be listed if the aggregate contribution from the person is \$100 or less.

Department of State
Division of Elections

Political Committee 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 110B (eff 01/11)

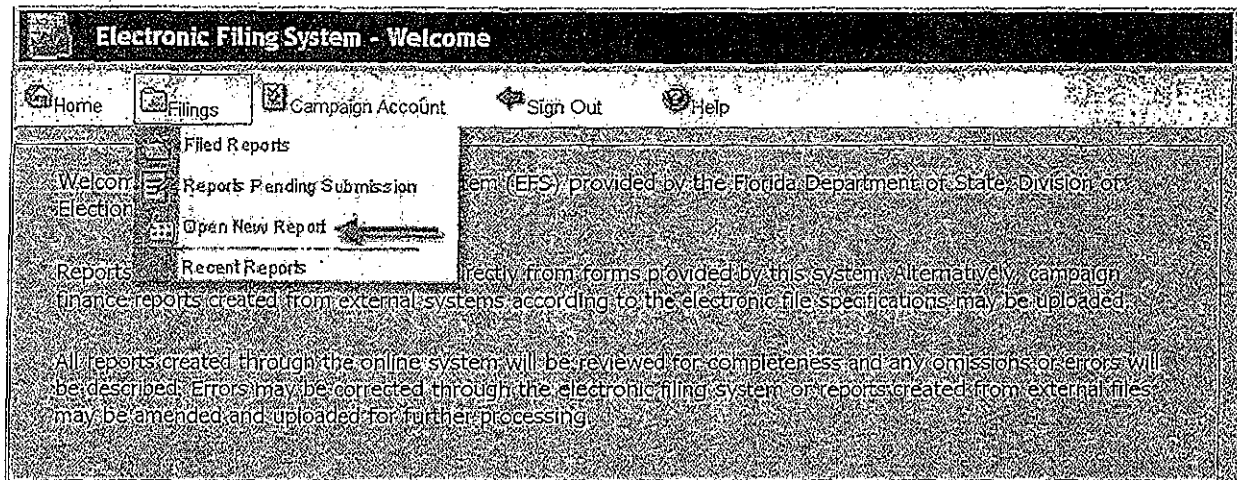
EXHIBIT 8(1 of 6)

Index

Introduction	1
Access the EFS	2
Passwords and PINs	3
Set a Password Recovery Question	3
Recover Password	4
Change a Password	5
Set a PIN Recovery Question	6
Recover a PIN	8
Change a PIN	10
Create a New Report by Data Entry	12
Enter Contributions	14
Enter Expenditures	16
Enter Other Distributions	20
Enter Fund Transfers	23
Report Credit Card Activity	25
Report Prepaid Distributions	29
Report Reimbursements	32
Create a New Report by File Upload	36
Review Data for Errors	39
Create an Error Filter	43
File the Report	45
Print a File Receipt	47
Make Changes to the Report after Chairperson Enters PIN	49
Access a Pending Report	50
Amend a Report	51
Print a Report	56

Create a New Report by Data Entry

From the Welcome screen, click  Filings and then  Open New Report

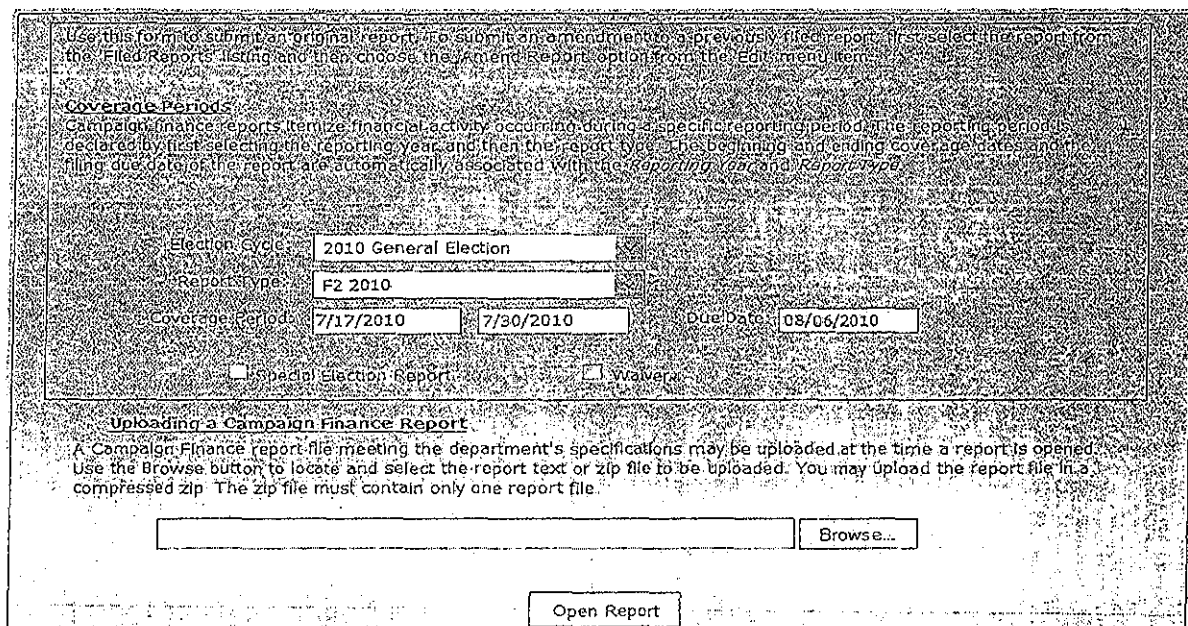


Electronic Filing System - Welcome

Home Filings Campaign Account Sign Out Help

Filed Reports
Reports Pending Submission
Open New Report
Recent Reports

System (EFS) provided by the Florida Department of State, Division of
Reports created from external systems according to the electronic file specifications may be uploaded.
All reports created through the online system will be reviewed for completeness and any omissions or errors will
be described. Errors may be corrected through the electronic filing system or reports created from external files
may be amended and uploaded for further processing.



Use this form to submit an original report, to submit an amendment to a previously filed report, first select a report from
the 'Filed Reports' listing and then choose the 'Amend Report' option from the 'Edit' menu item.


Coverage Periods:
Campaign finance reports itemize financial activity occurring during a specific reporting period. The reporting period is
declared by first selecting the reporting year and then the report type. The beginning and ending coverage dates and the
filing due date of the report are automatically associated with the reporting year and report type.


Election Cycle: 2010 General Election
Report Type: F2 2010
Coverage Period: 7/17/2010 7/30/2010 Due Date: 08/06/2010

☐ Special Election Report ☐ Waiver

Uploading a Campaign Finance Report
A Campaign Finance report file meeting the department's specifications may be uploaded at the time a report is opened.
Use the Browse button to locate and select the report text or zip file to be uploaded. You may upload the report file in a
compressed zip. The zip file must contain only one report file.

Browse...
Open Report

Click  arrow next to **Election Cycle** Scroll to the cycle associated with the report you are entering

Click  arrow next to **Report Type** select report type corresponding to the correct cover period and due date

The Cover Period dates will automatically fill in based on the **Calendar of Election and Reporting Dates**.

The Due Date will automatically fill in based on the Calendar of Election and Reporting Dates.

If this report is for a special election, click the ☐ box next to Special Election Report. (If no special elections are scheduled this option will not be available.)

*****NOTE*****

If this report is a waiver of report (no activity), click the ☐ box next to Waiver.

Election Cycle: 2010 General Election
Report Type: F2 2010
Coverage Period: 7/17/2010 7/30/2010 Due Date: 08/06/2010
☐ Special Election Report ☐ Waiver

Click at the bottom of the screen. A Report Detail screen (view only) will appear. This screen will not indicate any activity until individual detail data is entered, saved and a review is performed.

Report: 2010 - G4 - 27 2010 General Election Covers: 10/16/2010-10/28/2010 Due: 10/29/2010

☐ Amendment ☐ Waiver Complete Status: Incomplete Detail Records
File Date: Review Status: Not Reviewed
Status: Data Entry Last Review:

of Transactions: 0 Review Recalculate Go To File Report Append File Delete Report Save

Contributions	Total Amount
Cash and Checks:	0.00
Loans:	0.00
Total Monetary:	0.00
In-Kind:	0.00

Expenditures	Total Amount
Monetary:	0.00
Transfers to Off Acct:	0.00
Total Monetary:	0.00
Other Distributions:	0.00

Review Messages

Created: 10/26/2010 11:41:25 AM By: 50552 Revised: 10/26/2010 11:41:25 AM By: 50552

EXHIBIT 8(4 of 6)

File the Report

If the **Review Status** is Updated Detail – Needs Review the report has not been reviewed since the last update. (See page 39 for instructions on how to submit the report to the system for review.)

If the status of the report is Complete Detail Records, you are ready to file the report.

Click on **Go To File Report**

The chairperson enters his or her **PIN**, and then selects

Report Approved

EXHIBIT 8(5 of 6)

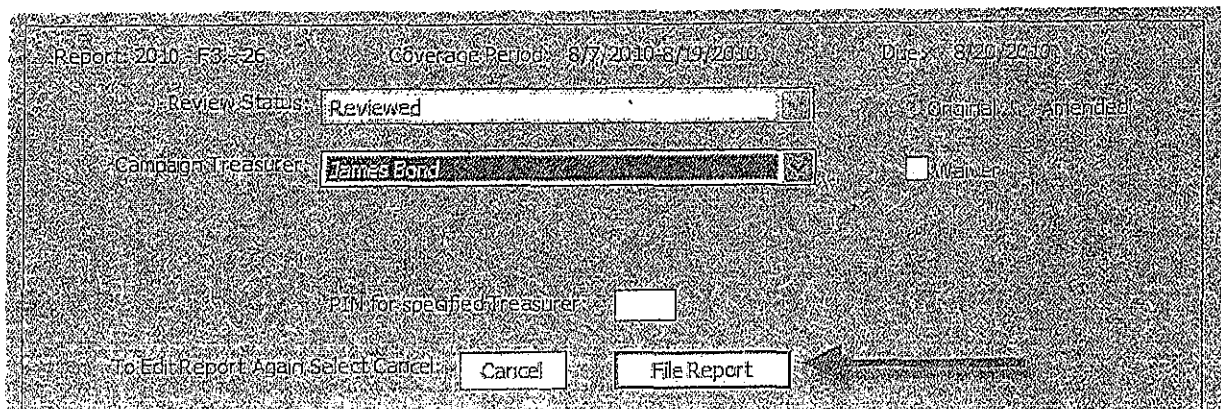
If there is more than one treasurer, click on the drop down and select the treasurer that is filing the report.



Campaign Treasurer: James Bond

The treasurer enters his PIN and then clicks

File Report



Report: 2010 F3-26 Coverage Period: 8/7/2010-8/19/2010 Date: 8/20/2010

Review Status: Reviewed Original: Appended

Campaign Treasurer: James Bond Waiver: ☐

PIN for specified Treasurer:

To Edit Report Again Select Cancel Cancel File Report

IMPORTANT NOTE: If changes need to be made after a chairperson PIN is entered, the treasurer must undo the chairperson PIN validation before the system will allow changes. See page 49 for instructions.

EXHIBIT 8 (6 of 6)



FLORIDA ELECTIONS COMMISSION

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

July 21, 2015

Palm Beach Gardens Needs Term Limits
Attn: Michael J. Peragine, Chair
277 Sedona Way
Palm Beach Gardens, FL 33418

RE: Case No.: FEC 15-367; Respondent: Palm Beach Gardens Needs Term Limits

Dear Mr. Peragine:

On June 16, 2015, the Florida Elections Commission received a complaint alleging that you 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(7), Florida Statutes: As alleged in the complaint, Respondent failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the following reporting period:

- 2015 M4

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when it failed to file a report on the prescribed reporting date for the following reporting period:

- 2015 M4

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 **Cedric Oliver**, the investigator assigned to this case.

Sincerely,


Amy McKeever Toman
Executive Director

AMT/enr

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

2015 JUN 16 A 9:48

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: Patricia Snider Work Phone: (561) 799-4122
Address: 10500 North Military Trail Home Phone: ()
City: Palm Beach Gardens County: Palm Beach State: FL Zip Code: 33410

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: Michael J. Peragine - Palm Beach Gardens Needs Term Limits
Address: 277 Sedona Way Phone: (561) 342-1258
City: Palm Beach Gardens County: Palm Beach State: FL Zip Code: 33418

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 investigate 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.

In accordance with Chapter 106, I am providing the Florida Elections Commission with notification that Mr. Michael J. Peragine has failed to file a Campaign Treasurer Report after notice. The M4 report covering April 1, 2015 to April 30, 2014 was due to my office on May 11, 2015. On May 18, 2015, I prepared and mailed a letter to Mr. Peragine sent via United States Postal Service, certified/return receipt. The letter was received by Mr. Peragine on May 20, 2015 (letter, USPS Tracking sheet and certified mail receipt attached). As of this writing (June 11, 2015) it has not been received.

4. **OATH**

STATE OF FLORIDA
COUNTY OF Palm Beach

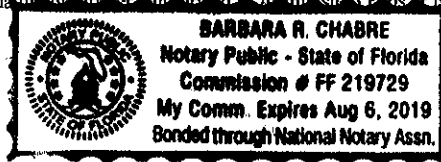
Additional materials attached (check one)? ☒ Yes ☐ No

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


Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 12th day of
June, 2015


Signature of Officer authorized to Administer Oaths or Notary public



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

Personally known ☒ Or Produced Identification ☐

Type of Identification Produced _____

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.



Copy

CITY OF PALM BEACH GARDENS
10500 N. MILITARY TRAIL PALM BEACH GARDENS, FLORIDA 33410-4698
www.pbgfl.com

May 18, 2015

Palm Beach Gardens Needs Term Limits
277 Sedona Way
Palm Beach Gardens FL 33418
Attn: Mr. Michael Peragine, Chairman

Sent via: Certified/Return Receipt

Dear Mr. Peragine:

In accordance with the reporting requirements set forth at Chapter 106, *F.S.*, the Campaign Treasurer's Report for the reporting period covering April 1, 2015 to April 30, 2015 (M4) was required to be submitted to my office no later than 5:00 p.m. on May 11, 2015.

Since this report has not been submitted, a fine must be assessed for your failure to timely file the report in accordance with Section 106.07, *F.S.*

Subsection 106.07(8)(a) states in pertinent part, "[a]ny political committee failing to file a report on the designate due date is subject to a fine as provided in paragraph (b) for each late day." Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due.

Upon receipt of your report, the fine amount will be determined and you will be notified accordingly. Payment of the subject fine must be made by check or money order made payable to the City of Palm Beach Gardens.

- 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 is 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 is deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. (*Sections 106.07, 106.0705 and 106.141, F.S.*)

Please contact my office if you have any questions.

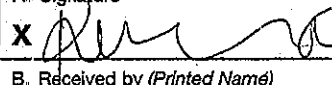
Sincerely,

Patricia Snider, CMC, City Clerk

Copy

7014 0510 0000 0659 4460

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	5-18-15
Certified Fee	PBG-NTL
Return Receipt Fee (Endorsement Required)	Postmark Here
Restricted Delivery Fee (Endorsement Required)	Failure to file timely - MY
Total Postage & Fees \$	
Sent To: PBG-NTL Attn: Michael Perragine Chair	
Street, Apt. No., or PO Box No. 277 Sedona way	
City, State, ZIP+4 PBG, FL 33418	
PS Form 3800, August 2006 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
1. Article Addressed to: Palm Beach Gardens Needs Term Limits 277 Sedona way Palm Beach Gardens, FL 33418 Attn: MR. Michael Perragine, Chairman	B. Received by (Printed Name) C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
	3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

Copy

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Tracking Number: 70140510000006594460

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
May 20, 2015 12:29 pm	Delivered	PALM BEACH GARDENS, FL 33418

Your item was delivered at 12.29 pm on May 20, 2015 in PALM BEACH GARDENS, FL 33418

May 20, 2015 5:09 am	Departed USPS Facility	WEST PALM BEACH, FL 33416
May 19, 2015 8:29 pm	Arrived at USPS Facility	WEST PALM BEACH, FL 33416

Available Actions

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Tracking (or receipt) number

[Track It](#)

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Do not ship liquids, blood, or diagnostics in this packaging.

0215 0019 3645 6760

MON - 15 JUN 10:3
PRIORITY OVERNIGHT

3239
FL-
TL

RECEIVED

2015 JUN 16 A 9 48

FLORIDA ELECTIONS COMMISSION

XH TLHA



FID 247664 12JUN15 PB1A 522C1/BA0E/EE4B

FedEx Package
Express US Airbill

FedEx
Tracking
Number

8079 3645 6760

1 From 6-12-15
Date

Sender's Name PATRICIA SWIDER Phone 561 799-4122

Company CITY OF PALM BEACH GARDENS

Address 10500 N MILITARY TRL
City PALM BEACH GARDENS State FL ZIP 33410-4628

2 Your Internal Billing Reference

3 To Recipient's Name DONNA MALPHURS Phone 850 922-4539

Company FLORIDA ELECTIONS COMMISSION

Address 107 WEST GAINES STREET STE. 224
We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address Tallahassee State FL ZIP 32399-1050

4 Express Package Service

*To most locations.

Packages up to 150 lbs.
For packages over 150 lbs, use the
FedEx Express Freight US Airbill.

NOTE: Service order has changed. Please select carefully.

Next Business Day

- ☐ FedEx First Overnight
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- ☒ FedEx Priority Overnight
Next business morning*. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- ☐ FedEx Standard Overnight
Next business afternoon.
Saturday Delivery NOT available.

2 or 3 Business Days

- ☐ FedEx 2Day A.M.
Second business morning.
Saturday Delivery NOT available.
- ☐ FedEx 2Day
Second business afternoon*. Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- ☐ FedEx Express Saver
Third business day.
Saturday Delivery NOT available.

5 Packaging

*Declared value limit \$500

- ☒ FedEx Envelope* ☐ FedEx Pak* ☐ FedEx Box ☐ FedEx Tube ☐ Other

6 Special Handling and Delivery Signature Options

- ☐ SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.
- ☐ No Signature Required
Package may be left without obtaining a signature for delivery.
- ☐ Direct Signature
Someone at recipient's address may sign for delivery. Fee applies.
- ☐ Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery, for residential deliveries only. Fee applies.

Does this shipment contain dangerous goods?

- One box must be checked.
- ☒ No ☐ Yes
As per attached Shipper's Declaration.
- ☐ Yes
Shipper's Declaration not required.
- ☐ Dry Ice
Dry ice, 9 UN 1845 _____ kg
- ☐ Cargo Aircraft Only

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

7 Payment Bill to:

- Enter FedEx Acct. No. or Credit Card No. below.
- ☒ Sender
Acct. No. in Section I will be billed.
- ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

Total Packages Total Weight _____ Lbs. Credit Card Auth. _____

Our liability is limited to US\$100 unless you declare a higher value. See the current FedEx Service Guide for details.

17835

fedex.com 1800 GoFedEx 1800 463 3339

05505036



611