

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **Jean R. Marcellus**

Case No.: **FEC 14-091**

TO: Jean R. Marcellus
13500 North East 3 Court, Apt.104
North Miami, FL 33161

Ruth Ogen
17451 NE 23 Avenue
North Miami Beach, FL 33160

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on **May 20, 2015, at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee FL 32399.**

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

This hearing will be conducted pursuant to Section 106 25, Florida Statutes, which governs your participation as follows:

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
May 5, 2015

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if ~~the Respondent committed the violation(s) alleged.~~

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

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

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

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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 14-091

v.

**Jean Rodrigue Marcellus,
Respondent.**

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on February 25, 2015, in Tallahassee, Florida.

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

Count 1:

On or about January 29, 2013, Jean Rodrigue Marcellus violated Section 106.11(4), Florida Statutes, when he signed a check drawn on the primary campaign account without sufficient funds on deposit to pay the full amount of the authorized expense.

Counts 2-34:

On or about March 1, 2013, through on or about March 25, 2013, Jean Rodrigue Marcellus violated Section 106.11(4), Florida Statutes, when he authorized expenses and signed checks drawn on the primary campaign account without sufficient funds on deposit to pay the full amount of the authorized expenses.

Count 35:

On or about January 29, 2013, Jean Rodrigue Marcellus violated Section 106.19(1)(d), Florida Statutes, when he made an expenditure in violation of Section 106.11(4), Florida Statutes.

Counts 36-68:

On or about March 1, 2013, through on or about March 25, 2013, Jean Rodrigue Marcellus violated Section 106.19(1)(d), Florida Statutes, when he made expenditures in violation of Section 106.11(4), Florida Statutes.

DONE AND ORDERED by the Florida Elections Commission on February 25, 2015.



Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Jean Rodrigue Marcellus, Respondent
Ruth Ogen, 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: Jean R. Marcellus

Case No.: FEC 14-091

TO: Jean R. Marcellus
615 NE 140th Street
North Miami, FL 33161

Ruth Ogen
17451 NE 23 Avenue
North Miami Beach, FL 33160

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on **February 25, 2015, at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, Room 110-S, 404 South Monroe Street, Tallahassee, FL 32399.**

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

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Amy McKeever Toman
Executive Director
Florida Elections Commission
February 9, 2015

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

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Jean Rodrigue Marcellus /

Case No.: FEC 14-091

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 **Sections 106.11(4), and 106.19(1)(d), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on December 2, 2014, the following facts and law support this staff recommendation:

1. On March 31, 2014, the Florida Elections Commission ("Commission") received a sworn complaint from Ruth Ogen ("Complainant"), alleging that Jean Rodrigue Marcellus ("Respondent") violated Chapter 106, Florida Statutes.

2. Respondent was a 2013 candidate for the office of Mayor for the City of North Miami. Respondent's Statement of Candidate form ("DS-DE 84") was filed on June 13, 2012. (ROI Exhibit 8)¹

3. By letter dated May 23, 2014, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:²

Section 106.11(4), Florida Statutes: Jean R. Marcellus, candidate for the office of mayor for the City of North Miami in the May 2014 election, incurred one or more expenses for the purchase of goods or services, without sufficient funds on deposit in the primary depository account, as alleged in the complaint.

Section 106.19(1)(d), Florida Statutes: Jean R. Marcellus, candidate for the office of mayor for the City of North Miami in the May 2014 election, made or authorized one or more expenditures prohibited by Chapter 106, Florida Statutes, as alleged in the complaint.

4. Complainant alleged that Respondent violated Florida's election laws by issuing three campaign checks in January and March 2013 which were returned due to insufficient funds. (ROI Exhibit 2)

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

² The May 23, 2014 letter references Respondent as a candidate for the "May 2014 election," however, Respondent was a candidate for the May 2013 election.

5. On January 26, 2013, Unique Enterprises of Miami, Inc. and Respondent entered into a five month business lease (from February 1, 2013 to June 30, 2013) wherein Respondent was obligated to make four equal payments of \$1,500 for rental space. (ROI Exhibit 3, page 1) Complainant signed the business lease on behalf of Unique Enterprises of Miami, Inc. (ROI Exhibit 3, page 2)

6. On January 29, 2013, March 12, 2013, and March 25, 2013, Respondent issued three campaign checks to Unique Enterprises of Miami, Inc. Each check was returned due to insufficient funds. (ROI Exhibit 2, page 1, and ROI Exhibit 4, pages 2 & 8) Respondent signed three campaign checks drawn on his campaign depository without sufficient funds on deposit to pay the full amount of the authorized expenses. Therefore, Respondent violated Section 106.19(1)(d), Florida Statutes, as he made expenditures in violation of Section 106.11(4), Florida Statutes. It should also be noted that Respondent's campaign depository was already overdrawn as of the date he signed the business lease. (ROI Exhibit 4, page 2)

7. In addition to the three campaign checks listed above, Respondent also authorized expenses or signed checks drawn on the campaign depository without sufficient funds on deposit to pay the full amount of the authorized expenses on 31 other occasions during January and March 2013³ (ROI Exhibit 4, pages 8-9; Attachment A) Therefore, Respondent violated Section 106.19(1)(d), Florida Statutes, as he made expenditures in violation of Section 106.11(4), Florida Statutes

8. Respondent stated that he vacated the rental space in June 2013 and believed that all rent was paid in full. He stated that in November 2013 Complainant contacted him to inform him that the final rent payment was not collected. Respondent stated that he was going to pay the final payment but was advised by an elected official that it was illegal to make an expenditure following Election Day (ROI Exhibit 5)

9. Respondent also stated that he believed there was money in the campaign account to cover the three checks when he issued them, and that his account was overdrawn because some of his contribution checks bounced (Attachment B, Phone Log Entry 8) Respondent did not provide any evidence to substantiate his claim that his campaign received contributions from contributors on three separate occasions which were returned due to insufficient funds.

10. Respondent's bank records do not appear to show any check deposits from contributors which were returned due to insufficient funds (ROI Exhibit 4) It should also be noted that there is a pattern of Respondent issuing checks without sufficient funds on hand as Respondent's bank statement (dated March 1, 2013 through March 31, 2013) shows total year-to-date overdraft fees of \$525 and total year-to-date returned item fees of \$980 for the period of January 1, 2013 through March 31, 2013. (ROI Exhibit 4, page 9)

³ It appears that Respondent authorized expenses or signed checks drawn on the campaign depository without sufficient funds on deposit to pay the full amount of the authorized expenses prior to January 29, 2013, in February 2013, and following March 25, 2013, however, these potential violations were not the subject of the current investigation. The investigation was limited to expenditures occurring between January 29-31, 2013, and March 1-31, 2013.

11. "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).

12. The facts set forth above show that Respondent was a 2013 candidate for the office of Mayor for the City of North Miami. Respondent authorized expenses or signed checks drawn on the campaign depository without sufficient funds on deposit to pay the full amount of the authorized expenses on 34 occasions. Therefore, Respondent violated Section 106.19(1)(d), Florida Statutes, as he made expenditures in violation of Section 106.11(4), Florida Statutes.

Based upon these facts and circumstances, I recommend that the Commission find probable cause to charge Respondent with violating the following:

Count 1:

On or about January 29, 2013, Jean Rodrigue Marcellus violated Section 106.11(4), Florida Statutes, when he signed a check drawn on the primary campaign account without sufficient funds on deposit to pay the full amount of the authorized expense

Counts 2-34:

On or about March 1, 2013, through on or about March 25, 2013, Jean Rodrigue Marcellus violated Section 106.11(4), Florida Statutes, when he authorized expenses and signed checks drawn on the primary campaign account without sufficient funds on deposit to pay the full amount of the authorized expenses.

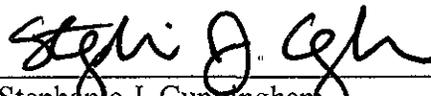
Count 35:

On or about January 29, 2013, Jean Rodrigue Marcellus violated Section 106.19(1)(d), Florida Statutes, when he made an expenditure in violation of Section 106.11(4), Florida Statutes

Counts 36-68:

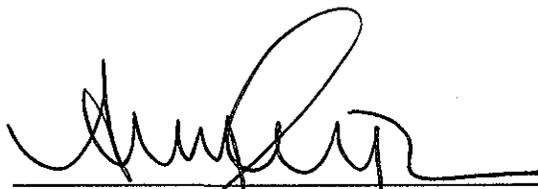
On or about March 1, 2013, through on or about March 25, 2013, Jean Rodrigue Marcellus violated Section 106.19(1)(d), Florida Statutes, when he made expenditures in violation of Section 106.11(4), Florida Statutes.

Respectfully submitted on January 23, 2015.



Stephanie J. Cunningham
Assistant General Counsel

I reviewed this Staff Recommendation this 23rd day of January 2015.



Amy McKeever Toman
Executive Director

TABLE 1: FUNDS IN CAMPAIGN ACCOUNT WHEN EXPENDITURES AUTHORIZED				
Transaction Date	Check #	Description of Transaction	Amount	Funds Available to Campaign
01/01/13		Beginning Balance		(\$132.11)
01/29/13		First Check (1026) to Complainant-Authorized	\$1500.00	
01/30/13	1026	Check	\$1500.00	(\$280.50)
01/30/13		Return Check Fee (1026)	\$35.00	(\$315.50)
01/30/13		Deposit	\$600.00	\$284.50
01/30/13		Deposit	\$500.00	\$784.50
01/30/13		Return Item Charge back	\$500.00	\$284.50
01/30/13		Charge Back Fee	\$12.00	\$272.50
01/31/13		Deposit	\$500.00	\$784.50
01/31/13		Deposit	\$500.00	\$1272.50
01/31/13	1030	Check	\$560.00	\$712.50
01/31/13		Interested on uncollected balances	\$1.04	\$711.46
		Ending Balance		\$711.46

TABLE 2: FUNDS IN CAMPAIGN ACCOUNT WHEN EXPENDITURES AUTHORIZED				
Transaction Date	Check #	Description of Transaction	Amount	Funds on Deposit
03/01/13		Beginning Balance		(\$828.79)
03/01/13	1050	Check	\$525.00	(\$1353.79)
03/01/13		Return Check Fee (1050)	\$35.00	(\$13.88.79)
03/05/13		Deposit	\$1000.00	(\$388.79)
03/05/13		Deposit	\$300.00	(488.79)
03/05/13	1053	Check	\$190.00	(\$278.79)
03/05/13	1055	Check	\$80.00	(\$358.79)
03/05/13	1058	Check	\$150.00	(\$508.79)
03/06/13	1056	Check	\$1000.00	(\$1508.79)
03/06/13		Return Check Fee (1052)	\$35.00	(\$1543.79)
03/06/13	1052	Check	\$820.00	(\$2363.79)
03/06/13		Return Check Fee (1056)	\$35.00	(\$2898.79)

Attachment A

03/06/13		Transfer	\$2200.00	(\$198.79)
03/06/13		Deposit	\$700.00	\$501.21
03/06/13		Debit	\$26.74	\$474.47
03/06/13	1057	Check	\$500.00	(\$25.53)
03/06/13	1066	Check	\$125.00	(\$150.53)
03/07/13		Debit	\$49.05	(\$199.58)
03/07/13		Debit	\$29.25	(\$228.83)
03/07/13	1054	Check	\$370.00	(\$598.83)
03/07/13	1060	Check	\$2000.00	(\$2598.83)
03/08/13		Transfer	\$1500.00	(\$1098.83)
03/08/13		Counter Credit	\$950.00	(\$148.83)
03/08/13		Debit	\$163.79	(\$312.62)
03/08/13		Debit	\$128.38	(\$441.00)
03/08/13		Debit	\$23.52	(\$464.52)
03/08/13	1064	Check	\$250.00	(\$714.52)
03/08/13		Overdraft Fee	\$35.00	(\$749.52)
03/11/13		Deposit	\$150.00	(\$599.52)
03/11/13	1065	Check	\$500.00	(\$1099.52)
03/11/13	1068	Check	\$150.00	(\$1249.52)
03/12/13	Second Check (1067) to Complainant - Authorized		\$1500.00	
03/13/13		Debit	\$1.50	(\$1251.02)
03/15/13	1067	Check	\$1500.00	(\$2751.02)
03/15/13		Return Check Fee (1067)	\$35.00	(\$2786.02)
03/15/13		Electronic Payment	\$67.00	(\$2853.02)
03/18/13		Deposit	\$1540.00	(\$1313.02)
03/18/13		Deposit	\$200.00	(\$1113.02)
03/18/13		Debit	\$20.31	(\$1133.33)
03/18/13	1069	Check	\$500.00	(\$1633.33)
03/19/13	1070	Check	\$1000.00	(\$2633.33)
03/20/13		Debit	\$25.00	(\$2658.33)
03/21/13		Debit	\$431.22	(\$3089.55)
03/21/13		Debit	\$12.94	(\$3102.49)
03/21/13	1072	Check	\$180.00	(\$3282.49)

03/22/13		Deposit	\$500.00	(\$2782.48)
03/22/13		Debit	\$15.99	(\$2798.48)
03/25/13	1071	Check	\$100.00	(\$2898.48)
03/25/13	1073	Check	\$550.00	(\$3448.48)
03/25/13	1074	Check	\$400.00	(\$3848.48)
03/25/13	Third Check (1077) to Complainant - Authorized		\$1525.00	
03/26/13	1077	Check	\$1525.00	(\$5373.48)
		Balance		(\$5865.11) ¹

¹ The balance in Table 2 is not equivalent to the balance on the bank statement because the amount of the NSF checks were not recalculated back into the deposits on the table like they were on the bank statements

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 14-091**

Respondent: Jean Marcellus

Complainant: Ruth Ogen

1. **Date and time:** June 9, 2014 @ 10:09 a.m.
Name: Complainant
Phone #: (305) 947-1111
Summary: I called Complainant to introduce myself as the investigator assigned to the case and to ask if the Respondent had reimbursed her for the NSF checks. She stated that he paid her for two of the three checks that were returned NSF. She explained that Respondent was only in the office for four months but each time he paid for the rent, the check bounced so by the time he made the last check whole the next month's rent was due. She stated that there were no invoices involved because he had agreed to pay four equal installments of \$1500. She stated that she tried to send him letters to remind him of the past due amount but all of the letters were returned. She stated that she has spoken with Respondent by phone and he told her that he would pay the last \$1500 but he has not paid it so far. I asked if Respondent won the election; she that that he did not. I explained to her that the FEC is not a collection agency. She stated that she understood but she did not want Respondent to get away with breaking the law.
Memo to File? No
Entered by: MBW

2. **Date and time:** June 20, 2014 @ 11:43 a.m.
Name: Anna from Bank of America
Phone #: Called me
Summary: Anna called to request an extension on the deadline for the requested records. She requested an extension until July 9, 2014. I agreed.
Memo to File? No
Entered by: MBW

3. **Date and time:** September 29, 2014 @ 12:09 p.m.
Name: Bank of America
Phone #: (850) 561-1876
Summary: I called the bank to clarify the policy regarding NSF checks as depicted on the bank statements. I spoke with Mr. Errol Jones. He stated that he did not feel comfortable answering questions without actually seeing the bank statement. I agreed to come to the bank to speak with him.
Memo to File? No
Entered by: MBW

4. **Date and time:** September 29, 2014 @ 3:40 p.m.
Name: Errol Jones, Bank of America
Phone #: Office visit at the Bank on Calhoun Street

Summary: I asked Mr. Jones why the NSF checks are also listed as a deposit item. He explained that when a check is returned for NSF it is initially deducted from the account but then the amount of the check is added back into the account; therefore, it is shown as a deposit. This reduces the amount of the deficit in the customer's account. I asked if the Summary of Deposits shown on the bank statement includes the NSF checks. He answered affirmatively. I asked if the bank sent a check through twice before returning it as NSF (many of the NSF checks were listed twice on the bank statement). He explained that it is not the policy of the bank to send a check through twice before deeming it to be NSF. He stated that if a check appeared on the bank statement twice, then it was presented for payment twice and each time there was not sufficient funds in the account to cover the check. I asked him to explain the difference between a "return check fee" and an "overdraft fee". He stated that the "return check fee" was when the check was returned as NSF. The "overdraft fee" was when the customer made a ATM purchase and there was not sufficient funds in the account to cover the purchase.

Memo to File? No

Entered by: MBW

- 5 **Date and time:** October 1, 2014 @ 3:18 p.m
Name: Errol Jones, Bank of America
Phone #: (850) 561-1876
Summary: I called Mr. Jones to query about an item denoted as "charge back". Mr. Jones explained that a "charge back" means that one of the deposit items "bounced".
Memo to File? No
Entered by: MBW

- 6 **Date and time:** October 14, 2014 @ 2:18 p.m.
Name: Respondent
Phone #: (786) 290-6619
Summary: I called Respondent regarding the Affidavit of Background Information that was due on October 10, 2014. Respondent did not answer the call and his voice mail was full.
Memo to File? No
Entered by: MBW

7. **Date and time:** October 15, 2014 @ 9:51 a.m
Name: Respondent
Phone #: (786) 290-6619
Summary: I called Respondent regarding the Affidavit of Background Information that was due on October 10, 2014. Respondent did not answer the call; I left a message on his voice mail.
Memo to File? No
Entered by: MBW

8. **Date and time:** October 16, 2014 @ 11:02 a.m
Name: Respondent
Phone #: (786) 290-6619
Summary: I called Respondent regarding the Affidavit of Background Information that was due on October 10, 2014. Respondent stated that the reason he did not return the

affidavit is because he is already working with the State Attorney to resolve the issue; therefore, he thought that this case would also be resolved. I explained that this is a separate and independent agency. He stated that Complainant made a complaint with the State Attorney. He stated, "The State Attorney wanted me to repay the money to resolve the case but I didn't have the total amount, so they are letting me make payments. The last payment is due on November 5th." He stated that his case number with the state attorney is 42979390. He added that when he needs to contact their office he calls 1-800-832-7361.

I asked him about the rental agreement provided by Complainant. He acknowledged that he agreed to pay the rent in four payments. I asked him why he made such an agreement without the money. He stated that he felt he would get the money from his contributors. I asked him if he was aware that FS prohibits campaigns from issuing checks without sufficient funds in the account to cover the check. He stated that he thought there was money in the account to cover the checks when he issued them. He stated that he did not do this maliciously; he thought he had the funds to cover the checks but some of his contribution checks "bounced" which made his account short of funds.

I asked if he was a first-time candidate. He stated that he was a city councilman; he resigned to run for mayor, he was not elected mayor so he ran for the city council again but did not win so now he was unemployed.

I explained the procedure to him for his case to be resolved with the FEC. He reiterated that if he had known there wasn't sufficient money in the account; he would not have issued the checks. I asked him why he thought there was sufficient money in the account; he stated because he had deposited several campaign contributions.

Memo to File? No

Entered by: MBW

9. **Date and time:** November 17, 2014 @ 11:12 a.m.

Name: State Attorney

Phone #: 1-800-832 7361

Summary: Initially I reached a mechanical answering device that acknowledged that Respondent was making payments. I pressed the assigned number to speak with a representative to verify that the payments were related to this issue. I spoke with Jill. I explained that I was calling to verify that Respondent was paying restitution. She stated that she could not help me but she would transfer me to her supervisor. She tried to transfer me but I was disconnected.

Memo to File? No

Entered by: MBW

10. **Date and time:** November 19, 2014 @ 8:13 a.m.

Name: State Attorney

Phone #: (305) 347-0100

Summary: I called the state attorney's office to verify that Respondent was paying restitution in the same matter addressed in this case. I spoke with Joyce. She stated she did not see Respondent's name in the open case file.

Memo to File? No

Entered by: MBW

11. **Date and time:** November 19, 2014 @ 8:53 a.m.
Name: Complainant
Phone #: (305) 947-1111
Summary: I called Complainant to query whether Respondent had paid her the money he owed for the bounced checks. She stated that when she filed the complaint Respondent still owed her \$1530. She added that he has made a couple of payments to pay her for the bounced checks. She stated that he had agreed to continue to make monthly payments but he hasn't paid anything since September. She stated that he still owes approximately \$840.
Memo to File? No
Entered by: MBW
12. **Date and time:** November 25, 2014 @ 3:43 p.m.
Name: Respondent
Phone #: (786) 290-6619
Summary: I called Respondent for the final interview. He did not answer; I left a message.
Memo to File? No
Entered by: MBW
13. **Date and time:** December 1, 2014 @ 8:33 a.m.
Name: Respondent
Phone #: (786) 290-6619
Summary: I called Respondent for the final interview. I asked him why the final check was \$1525 instead of \$1500. He stated that Complainant charged an extra \$25 because the bank returned the previous check. I summarized the information in the ROI and asked if he had any final comments. He stated that he is working with the local SA to resolve this case with Complainant. He stated that he would also like to resolve the case with our office. I explained that it is possible to make a PPCO to resolve the case. I explained the process and he stated he wanted to try to resolve the issue with our attorney. I told him that I would ask the attorney to call him. He agreed.
Memo to File? No
Entered by: MBW
14. **Date and time:**
Name:
Phone #:
Summary:
Memo to File? No
Entered by:
15. **Date and time:**
Name:
Phone #:
Summary:
Memo to File? No
Entered by:
16. **Date and time:**

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 14-091

Respondent: Jean R. Marcellus

Complainant: Ruth Ogen

On March 31, 2014, the Florida Elections Commission received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106.11(4), Florida Statutes, prohibiting a candidate from incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account; and

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

I. Preliminary Information:

1 Respondent was a candidate for the office of Mayor for the City of North Miami. He was defeated in the May 14, 2013 municipal election

2 Respondent filed his Appointment of Campaign Treasurer and Designation of Campaign Depository (DS DE 9) on June 13, 2012. He appointed himself as treasurer for his campaign. To review the DS DE9 form, refer to Exhibit 1.

3 Complainant is a realtor. She lives in North Miami Beach, Florida. She signed the contractual agreement with Respondent to lease office space for his campaign.

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

4 I investigated whether Respondent violated this section of the election laws by incurring expenses during his 2013 campaign for the purchase of goods or services, without sufficient funds on deposit in the primary campaign account.

5 According to Complainant, Respondent rented a storefront for his campaign headquarters. Complainant stated that she received three payments, two for \$1500 and one for \$1525¹, all three checks issued by Respondent "bounced." Complainant provided copies of the checks marked "NSF." To review copies of the checks, refer to Exhibit 2.

6 Complainant also provided a copy of the rental agreement. The lease appears to be for five months from February 1, 2013 through June 30, 2013. The rental agreement reads, "Rent to be \$1,200.00 per month which includes sales tax, common area maintenance and R.E. tax paid monthly." However, a hand-written note, above the statement regarding the monthly costs, reads, "Tenant to make 4 equal payments of \$1500 each. Feb1 Mar1 Apr1 May1." The

¹¹ Respondent stated that Complainant charged an extra \$25 fee because the bank returned the previous check

agreement is signed by Respondent and Complainant on January 26, 2013. To review the rental agreement, refer to Exhibit 3

7. The first check was issued on January 29, 2013. The table below illustrates the activity in the campaign account during January. The table shows the date Respondent authorized the check and the date the check posted at the bank. The date the check posted and the date the deposit posted is the "transaction date."

TABLE 1: FUNDS IN CAMPAIGN ACCOUNT WHEN EXPENDITURES AUTHORIZED				
Transaction Date	Check #	Description of Transaction	Amount	Funds Available to Campaign
01/01/13		Beginning Balance		(\$132.11)
01/07/13		Extended Overdrawn Balance Charge	\$35.00	(\$167.11)
01/11/13	1015	Check	\$190.00	(\$357.11)
01/11/13		Return Check Fee (1015)	\$35.00	(\$392.11)
01/11/13	1017	Check	\$150.00	(\$542.11)
01/11/13		Return Check Fee (1017)	\$35.00	(\$577.11)
01/14/13		Deposit	\$400.00	(\$177.11)
01/16/13	1020	Check	\$425.00	(\$602.11)
01/16/13		Return Check Fee (1020)	\$35.00	(\$637.11)
01/16/13		Deposit	\$200.00	(\$437.11)
01/17/13	1018	Check	\$190.00	(\$627.11)
01/17/13		Return Check Fee (1017 ²)	\$35.00	(\$662.11)
01/17/13	1019	Check	\$150.00	(\$812.11)
01/17/13		Return Check Fee (1018)	\$35.00	(\$847.11)
01/17/13		Check Return Fee (1019)	\$35.00	(\$882.11)
01/23/14		Extended Overdrawn Check Fee	\$35.00	(\$917.11)
01/24/13	1021	Check	\$190.00	(\$1107.11)
01/24/13		Return Check Fee (1018)	\$35.00	(\$1142.11)
01/24/13	1022	Check	\$150.00	(\$1292.11)
01/24/13		Return Check Fee(1019)	\$35.00	(\$1327.11)
01/24/13		Return Check Fee (1021)	\$35.00	(\$1362.11)
01/24/13		Return Check Fee (1022)	\$35.00	(\$1397.11)
01/24/13		Debit	\$39.19	(\$1436.30)
01/24/13		Overdraft Fee	\$35.00	(\$1471.30)

² Bank records show that the check posted twice and there were insufficient funds both times.

01/24/13		Transfer	\$1000.00	(\$471.30)
01/24/13		Refund	\$35.00	(\$456.30)
01/26/13	Respondent signed lease agreement		(\$6000.00)	
01/28/13	1023	Check	\$300.00	(\$736.30)
01/29/13	1025	Check	\$190.00	(\$926.30)
01/29/13		Return Check Fee (1023)	\$35.00	(\$961.30)
01/29/13	1027	Check	\$64.20	(\$1025.50)
01/29/13		Return Check Fee (1025)	\$35.00	(\$1060.50)
01/29/13	1028	Check	\$150.00	(\$1210.50)
01/29/13		Return Check Fee (1027)	\$35.00	(\$1245.50)
01/29/13		Return Check Fee (1028)	\$35.00	(\$1280.50)
01/29/13		Deposit	\$1000.00	(\$280.50)
01/29/13		Deposit	\$1000.00	(\$719.50)
01/29/13		Deposit	\$500.00	(\$1219.50)
01/29/13	First Check (1026) to Complainant-Authorized		\$1500.00	
01/30/13	1026	Check	\$1500.00	(\$280.50)
01/30/13		Return Check Fee (1026)	\$35.00	(\$315.50)
01/30/13		Deposit	\$600.00	\$284.50
01/30/13		Deposit	\$500.00	\$784.50
01/30/13		Return Item Charge back	\$500.00	\$284.50
01/30/13		Charge Back Fee	\$12.00	\$272.50
01/31/13		Deposit	\$500.00	\$784.50
01/31/13		Deposit	\$500.00	\$1272.50
01/31/13	1030	Check	\$560.00	\$712.50
01/31/13		Interest on uncollected balances	\$1.04	\$711.46
		Ending Balance		\$711.46

To review bank records, refer to Exhibit 4

8. As illustrated in Table 1, there weren't sufficient funds in the campaign account when Respondent signed the lease agreement and authorized check # 1026. The check posted at the bank the following day leaving a negative balance in the campaign depository.

9. According to bank records, Respondent did not issue any checks to Complainant during the month of February. Two checks were issued in March. The campaign account for the month of March is illustrated in the table below.

TABLE 2: FUNDS IN CAMPAIGN ACCOUNT WHEN EXPENDITURES AUTHORIZED

Transaction Date	Check #	Description of Transaction	Amount	Funds on Deposit
03/01/13		Beginning Balance		(\$828.79)
03/01/13	1050	Check	\$525.00	(\$1353.79)
03/01/13		Return Check Fee (1050)	\$35.00	(\$1388.79)
03/05/13		Deposit	\$1000.00	(\$388.79)
03/05/13		Deposit	\$300.00	(488.79)
03/05/13	1053	Check	\$190.00	(\$278.79)
03/05/13	1055	Check	\$80.00	(\$358.79)
03/05/13	1058	Check	\$150.00	(\$508.79)
03/06/13	1056	Check	\$1000.00	(\$1508.79)
03/06/13		Return Check Fee (1052)	\$35.00	(\$1543.79)
03/06/13	1052	Check	\$820.00	(\$2363.79)
03/06/13		Return Check Fee (1056)	\$35.00	(\$2898.79)
03/06/13		Transfer	\$2200.00	(\$198.79)
03/06/13		Deposit	\$700.00	\$501.21
03/06/13		Debit	\$26.74	\$474.47
03/06/13	1057	Check	\$500.00	(\$25.53)
03/06/13	1066	Check	\$125.00	(\$150.53)
03/07/13		Debit	\$49.05	(\$199.58)
03/07/13		Debit	\$29.25	(\$228.83)
03/07/13	1054	Check	\$370.00	(\$598.83)
03/07/13	1060	Check	\$2000.00	(\$2598.83)
03/08/13		Transfer	\$1500.00	(\$1098.83)
03/08/13		Counter Credit	\$950.00	(\$148.83)
03/08/13		Debit	\$163.79	(\$312.62)
03/08/13		Debit	\$128.38	(\$441.00)
03/08/13		Debit	\$23.52	(\$464.52)
03/08/13	1064	Check	\$250.00	(\$714.52)
03/08/13		Overdraft Fee	\$35.00	(\$749.52)
03/11/13		Deposit	\$150.00	(\$599.52)
03/11/13	1065	Check	\$500.00	(\$1099.52)

03/11/13	1068	Check	\$150.00	(\$1249.52)
03/12/13	Second Check (1067) to Complainant - Authorized		\$1500.00	
03/13/13		Debit	\$1.50	(\$1251.02)
03/15/13	1067	Check	\$1500.00	(\$2751.02)
03/15/13		Return Check Fee (1067)	\$35.00	(\$2786.02)
03/15/13		Electronic Payment	\$67.00	(\$2853.02)
03/18/13		Deposit	\$1540.00	(\$1313.02)
03/18/13		Deposit	\$200.00	(\$1113.02)
03/18/13		Debit	\$20.31	(\$1133.33)
03/18/13	1069	Check	\$500.00	(\$1633.33)
03/19/13	1070	Check	\$1000.00	(\$2633.33)
03/20/13		Debit	\$25.00	(\$2658.33)
03/21/13		Debit	\$431.22	(\$3089.55)
03/21/13		Debit	\$12.94	(\$3102.49)
03/21/13	1072	Check	\$180.00	(\$3282.49)
03/22/13		Deposit	\$500.00	(\$2782.48)
03/22/13		Debit	\$15.99	(\$2798.48)
03/25/13	1071	Check	\$100.00	(\$2898.48)
03/25/13	1073	Check	\$550.00	(\$3448.48)
03/25/13	1074	Check	\$400.00	(\$3848.48)
03/25/13	Third Check (1077) to Complainant - Authorized		\$1525.00	
03/26/13	1077	Check	\$1525.00	(\$5373.48)
03/26/13		Overdraft (1071)	\$35.00	(\$5408.48)
03/26/13		Overdraft (1074)	\$35.00	(\$5443.48)
03/26/13		Return Check Fee (1077)	\$35.00	(\$5478.48)
03/27/13	1075	Check	\$350.00	(\$5828.48)
03/27/13		Returned Check Fee (1078)	\$35.00	(\$5863.48)
03/29/13		Interest on uncollected balances	\$1.63	(\$5865.11)
		Balance		(\$5865.11) ³

To review the bank records, refer to Exhibit 4.

10. As shown in the table, the campaign account had a negative ending balance in

³ The balance in Table 2 is not equivalent to the balance on the bank statement because the amount of the NSF checks were not recalculated back into the deposits on the table like they were on the bank statements.

March of 2013. Bank records show that several deposits were made in April to bring the account into the black. Bank records show that the ending balance in April of 2013 was \$2587.62. To review the bank records, refer to Exhibit 4.

11. Complainant stated that during a subsequent telephone interview that Respondent's campaign only rented the space for four months. She stated that Respondent issued three checks and all of them "bounced." She stated Respondent paid her for two of the three checks. She stated that her efforts to collect for the third check have been unsuccessful.

12. Respondent submitted a written response to the complaint on April 30, 2014. Respondent stated that he moved out of Respondent's property in June of 2013. He stated that he believed at that time that the account with Complainant was paid in full. He stated, "on about November, 6 months after the election she [Complainant] called to inform me that her accountant found out the last payment was not collected. We discussed the issue then I agreed to repay her. Than (sic) I was advised by another elected official that it was illegal to make campaign expenditure payments after the election day (sic)." To review Respondent's written statement, refer to Exhibit 5.

13. I mailed Respondent a questionnaire affidavit regarding the insufficient funds. Respondent did not complete and return the questionnaire.

14. No record of Respondent having previously violated this section of the election laws was found.

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

15. I investigated whether Respondent violated this section of the election laws by making or authorizing expenditures prohibited by Chapter 106, Florida Statutes.

16. Respondent issued multiple checks from his campaign without sufficient funds on deposit. The review the information pertaining to this issue, refer to paragraphs 4 through 12.

17. Complainant stated during a telephone interview that Respondent owed her \$1530 when she filed the complaint. She added that he had made a couple of payments to compensate for the bounced checks. She stated that he had agreed to make monthly payments but he hasn't paid anything since September. She stated that he still owes approximately \$840.

18. No record of Respondent having previously violated this section of the election laws was found.

IV. FEC History:

19. Respondent was also named as Respondent in FEC 09-121; however, the complaint was deemed legally insufficient. The allegations had nothing to do with having sufficient funds on deposit before incurring expenses. Respondent has not filed any complaints with the Commission.

20. Complainant has not filed any other complaints with the Commission and she has never been named a Respondent in a Commission case.

Conclusion:

21. On December 1, 2014, I interviewed Respondent by telephone. I summarized the issues addressed in the Report of Investigation and asked Respondent if he had any final comments. Respondent stated he had almost finished paying restitution at the state attorney's

office for the same issue. He stated that he wanted to settle this case as soon as possible. I told him that I would inform the attorney assigned to the case that he wanted to negotiate a pre-probable cause consent order.

22. According to the Affidavit of Filing Officer, Respondent is not a first-time candidate. Mr. Michael Etienne, North Miami City Clerk, stated that Respondent ran for City Council in 2009 and won. He stated that Respondent also ran for mayor in 2013 and was defeated. Mr. Etienne stated that Respondent ran for mayor again in the 2014 election; he was not successful. When asked what documents Respondent received during qualifying, Mr. Etienne provided the contents of the candidate packet, which listed all of the items contained in the candidate packets. To review the affidavit of filing officer and the contents of candidate packets, refer to Exhibit 6 and 7 respectively.

23 Respondent acknowledged that he was on the city council and resigned to run for mayor. He stated that the run for mayor was not successful; therefore, he ran for mayor again. He was defeated in the August 26, 2014 primary election.

24. Respondent signed the statement of candidate form on June 12, 2012 certifying that he had been given access to read and understood the requirements of Chapter 106, Florida Statutes. To review the statement of candidate form, refer to Exhibit 8.

Respectfully submitted on December 2, 2014.



Margie B. Wade
Investigation Specialist

Current address of Respondent

The Honorable Jean R. Marcellus
275 NE 122nd Street
North Miami, Florida 33161

Current Address of Complainant

Ms. Ruth Ogen
17451 NE 23rd Avenue
North Miami Beach, Florida 33160

Name and Address of Filing Officer:

Michael Etienne, Esquire
North Miami City Clerk
766 NE 125th Street
North Miami, Florida 33161

Copy furnished to:

David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Jean Marcellus -- FEC 14-091

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	DS DE 9
Exhibit 2	NSF Checks
Exhibit 3	Rental Agreement
Exhibit 4	Bank Records
Exhibit 5	Respondent's Written Statement
Exhibit 6	Affidavit of Filing Officer
Exhibit 7	Contents of Candidate Packet
Exhibit 8	Statement of Candidate

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

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)



NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

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

2 Name of Candidate (in this order: First, Middle, Last)

JEAN RODRIGUE MARCELLUS

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

200 NE 121 TER
N. MIAMI FL 33161

4 Telephone

(786) 290-6619

5 E-mail address

MARCELLUS7@AOL.COM

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

N. MIAMI MAYOR

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

My intent is to run as a Write-In candidate.

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

Write-In No Party Affiliation _____ Party candidate

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

10 Name of Treasurer or Deputy Treasurer

JEAN RODRIGUE MARCELLUS

11 Mailing Address

200 NE 121 TER

12 Telephone

(786) 290-6619

13 City

N. MIAMI

14 County

MIAMI DADE

15 State

FL

16 Zip Code

33161

17 E-mail address

MARCELLUS7@AOL.COM

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

19 Name of Bank

BANK OF AMERICA

20 Address

21 City

9499 NE 2ND AVE

22 County

MIAMI DADE

23 State

FL

24 Zip Code

33138

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25 Date

6/13/12

26 Signature of Candidate

X Jean R. Marcellus

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

_____, do hereby accept the appointment

(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

6/13/12
Date

X Jean R. Marcellus
Signature of Campaign Treasurer or Deputy Treasurer

This is a LEGAL COPY of your check. You can use it the same way you would use the original check

RETURN REASON-B UNCOLLECTED FUNDS HOLD

0000003781102941
[122105278] 03/29/2013

UN COLLECT HOLD

CAMPAIGN TO ELECT JEAN R MARCELLUS

1026
03-27/031 FL
20172

1/29/13

pay to the order of UNIQUE Enterprises of Miami INC \$ 1500.00
ONE THOUSAND five Hundred
Bank of America

ACH R/T 003100277

to Feb Rent

Jean R. Marcellus

This is a LEGAL COPY of your check. You can use it the same way you would use the original check

RETURN REASON-A NOT SUFFICIENT FUNDS

000007500436891
[091000019] 03/14/2013

NSE

CAMPAIGN TO ELECT JEAN R MARCELLUS

1067
03-27/031 FL
20172

3/12/13

pay to the order of UNIQUE ENTERPRISES OF MIAMI \$ 1500.00
ONE THOUSAND FIVE HUNDRED
Bank of America

ACH R/T 003100277

to Rent

Jean R. Marcellus

This is a LEGAL COPY of your check. You can use it the same way you would use the original check

RETURN REASON-A NOT SUFFICIENT FUNDS

000003689736254
[122105278] 03/25/2013

NSE

CAMPAIGN TO ELECT JEAN R MARCELLUS

1077
03-27/031 FL
20172

3/25/13

pay to the order of UNIQUE ENTERPRISES \$ 1525.00
ONE THOUSAND five Hundred twenty five
Bank of America

ACH R/T 003100277

to

Jean R. Marcellus

EXHIBIT

2 page 1 of 2

[Redacted]

write below

PAY TO THE ORDER OF
FIRST UNION NATIONAL BANK
FOR DEPOSIT ONLY
UNIQUE ENTERPRISES OF

3781102941

01/29/2013

20207020

EXHIBIT 2 page 202

[Redacted]

Do not endorse or write below this line

PAY TO THE ORDER OF
FIRST UNION NATIONAL BANK
FOR DEPOSIT ONLY
UNIQUE ENTERPRISES OF
MIAMI

[Handwritten mark]

03/04/2013

[Redacted]

25/9/609

[Redacted] 3/25/2013

Do not endorse or write below

PAY TO THE ORDER OF
FIRST UNION NATIONAL BANK
FOR DEPOSIT ONLY
UNIQUE ENTERPRISES OF

3689736254

[Redacted]

32815002

Business Lease

THIS AGREEMENT, entered into this 26 Day of January, 2013
Between UNIQUE ENTERPRISES OF MIAMI, INC., hereinafter called the Lessor or Landlord, party of the first part, and Jean Rodrigue Marcellus, An individual, of the County of Miami-Dade and State of Florida, hereinafter called the Lessee or Tenant, party of the second part:

WITNESSETH, That the said lessor does this day lease unto said lessee, and said lessee hereby hire and take as tenant under said lessor Space No 13910 NE 12 Avenue, North Miami, Florida 33161-

Situated in Miami-Dade County, Florida, to be used and occupied by the lessee as (SEE PARAGRAPH TWENTY-FIVE), and for no other purpose or uses whatsoever, for the term of 5 MONTHS, subject and conditioned on the provisions of clause TEN of this lease beginning the 1ST Day of February, 2013 and ending the 30th Day of June, 2013

payable as follows:

Tenant to make 4 equal payments of \$1,500 each.

Security Deposit of \$1,200 payable upon signing of this lease. Security deposit is not prepaid rent.

Rent to be \$1,200.00 per month which includes sales tax, common area maintenance and R.E. tax paid monthly.

*Feb 1
Mar 1
Apr 1
May 1*

Monthly rent will be due and payable on the 1st day of each and every month and will be considered in arrears after the 3rd day of the month, subject to the following conditions:

The following express stipulations and conditions are made a part of this lease and are hereby assented to by the lessee:

FIRST: ASSIGNMENT OF LEASE - It is understood and agreed between the parties that this is a commercial lease for business purposes and is specifically excluded from the Florida Residential Landlord and Tenant Statutes. The lessee shall not assign this lease, nor sublet the premises, or any part thereof nor use the same, or any part thereof, nor permit the same, or any part thereof, to be used for any other purpose than as above stipulated, nor make any alterations therein, and all additions thereto, without the written consent of the lessor, and all additions, fixtures or improvements which may be made by the lessee, except movable office furniture, shall become the property of the lessor and remain upon the premises as a part thereof, and be surrendered with the premises at the termination of this lease.

SECOND: PERSONAL PROPERTY - All personal property placed or moved in the premises above described shall be at the risk of the lessee or owner thereof, and lessor shall not be liable for any damage to said personal property, or to the lessee arising from the bursting or leaking of water pipes, or from any act of negligence of any co-tenant or occupants of the building or of any other person whomsoever.

THIRD: That the tenant, Jean Rodrigue Marcellus shall promptly execute and comply with all statutes, ordinances, rules, orders, regulations and requirements of the Federal, State and City Government and of any and all their Departments and Bureaus applicable to said premises, for the correction, prevention, and abatement of nuisances or other grievances, in, upon or connected with said premises during said term; and shall also promptly comply with and execute all rules, orders and regulations of the Southeastern Underwriters Association for the prevention of fires, at his/her own cost and expense.

FOURTH: IN CASE OF FIRE - In the event the premises shall be destroyed or so damaged or injured by fire or other casualty during the life of this agreement, whereby the same shall be rendered un-tenant able, then the lessor shall have the right to render said premises tenant able by repairs within ninety days there from. If said premises are not rendered tenant able within said time, it shall be optional with either party hereto to cancel this lease, and in the event of such cancellation the rent shall be paid only to the date of such fire or casualty. The cancellation herein mentioned shall be evidenced in writing.

expenses incurred by Landlord in the exercise of any such rights shall be payable by Tenant when demanded. Tenant agrees to indemnify, defend and hold Landlord harmless from and against any and all losses, damages, claims, orders, decrees, judgments, expenses and costs (including attorney's fees), incurred by or imposed upon Landlord or its mortgagees in connection with or arising out of (i) Tenant's breach of the covenants and obligations under this paragraph; or (ii) the existence, use, storage, disposition, treatment or removal of any Hazardous or Toxic Substance in, upon or under the Premises, or the adjoining lands. In no event shall the treatment or removal of Hazardous or Toxic Substances within the Premises, or the adjoining lands constitute an eviction of Tenant, in whole or in part.

ADDITIONAL NOTES:

In witness whereof, the parties hereto have executed this instrument for the purpose herein expressed, the date above first written

Signed, sealed and delivered in the presence of

**As to Landlord:
WITNESSES:**

**UNIQUE ENTERPRISES OF MIAMI, INC.
a Florida Corporation**

[Signature]
Avi or Ruth Ogen

**As to Tenant:
WITNESSES:**

Corporation Name

[Signature]
Tenant Signature

I, Jean Rodrigue Marcellus _____, the above named Tenant(s), shall be personally liable for any expenses and obligations incurred by the corporation in regards to this business lease

[Signature]
Tenant's signature as personal guarantee

(JEA) 275 NE 122 St N. Miami, FL 331
Tenant's home address

726) 290-5619
Cell Telephone No. Driver's License No

Social Security No

Tenant's signature as personal guarantee

Tenant's home address

Home Telephone No. Driver's License No



Bank of America, N.A
 P O Box 25118
 Tampa, FL 33622-5118

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 Statement Period
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018800



01075 001 SCM999 0

CAMPAIGN TO ELECT JEAN R MARCELLUS
 275 NE 122ND ST
 NORTH MIAMI, FL 33161-5322

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 With Online Banking you can also view up to 18 months of this statement online.
 Enroll at www.bankofamerica.com/smallbusiness.

Customer Service Information
www.bankofamerica.com

For additional information or service, you may call:
 1.888.BUSINESS (1.888.287.4637)



Or you may write to:



Bank of America, N.A.
 P.O. Box 25118
 Tampa, FL 33622-5118

Deposit Accounts

Business Economy Checking

CAMPAIGN TO ELECT JEAN R MARCELLUS

Your Account at a Glance

Account Number	[REDACTED]	Statement Beginning Balance	\$132.11-
Statement Period	01/01/13 through 01/31/13	Amount of Deposits/Credits	\$9,924.20
Number of Deposits/Credits	24	Amount of Withdrawals/Debits	\$6,801.43
Number of Withdrawals/Debits	41	Statement Ending Balance	\$2,990.66
Number of Deposited Items	9		
Number of Days in Cycle	31	Average Ledger Balance	\$85.73

EXHIBIT

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CAMPAIGN TO ELECT JEAN R MARCELLUS

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 Statement Period
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 Account Number [REDACTED]

Deposits and Credits

Date Posted	Amount (\$)	Description	Bank Reference
01/11	190.00	Return Of Posted Check / Item (Received On 01-10) Check #0000001015	933801100002481
01/11	150.00	Return Of Posted Check / Item (Received On 01-10) Check #0000001017	933801100002480
01/14	400.00	BkofAmerica ATM 01/14 #000003585 Deposit North Miami North Miami FL	946301140003585
01/16	425.00	Return Of Posted Check / Item (Received On 01-15) Check #0000001020	933801150003588
01/16	200.00	BkofAmerica ATM 01/15 #000004396 Deposit West Dixie N Miami FL	946301150004396
01/17	190.00	Return Of Posted Check / Item (Received On 01-16) Check #0000001018	933801160002703
01/17	150.00	Return Of Posted Check / Item (Received On 01-16) Check #0000001019	933801160002702
01/24	190.00	Return Of Posted Check / Item (Received On 01-23) Check #0000001018	933801230003261
01/24	190.00	Return Of Posted Check / Item (Received On 01-23) Check #0000001021	933801230003260
01/24	150.00	Return Of Posted Check / Item (Received On 01-23) Check #0000001019	933801230003259
01/24	150.00	Return Of Posted Check / Item (Received On 01-23) Check #0000001022	933801230003258
01/24	1,000.00	FL Thr transfer Banking Ctr Norland #0000994 FL Confirmation# 0504198765	957501247505652
01/24	35.00	Fee Refund nbkuwq6	971401240001535
01/29	190.00	Return Of Posted Check / Item (Received On 01-28) Check #0000001025	933801280003913
01/29	150.00	Return Of Posted Check / Item (Received On 01-28) Check #0000001028	933801280003912
01/29	64.20	Return Of Posted Check / Item (Received On 01-28) Check #0000001027	933801280003911
01/29	1,000.00	BkofAmerica ATM 01/29 #000009918 Deposit West Dixie N Miami FL	946301290009918
01/29	1,000.00	BkofAmerica ATM 01/29 #000009915 Deposit West Dixie N Miami FL	946301290009915
01/29	500.00	BkofAmerica ATM 01/29 #000009912 Deposit West Dixie N Miami FL	946301290009912
01/30	1,500.00	Return Of Posted Check / Item (Received On 01-29) Check #0000001026	933801290002974
01/30	600.00	BkofAmerica ATM 01/30 #000005591 Deposit North Miami North Miami FL	946301300005591
01/30	500.00	BkofAmerica ATM 01/30 #000007047 Deposit Shores Village Miami Shores FL	946301300007047
01/31	500.00	BkofAmerica ATM 01/31 #000007011 Deposit Shoppes Of Ives Miami Gardens FL	946301310007011
01/31	500.00	BkofAmerica ATM 01/31 #000007009 Deposit Shoppes Of Ives Miami Gardens FL	946301310007009

EXHIBIT

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CAMPAIGN TO ELECT JEAN R MARCELLUS

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018800

Withdrawals and Debits
Checks

Check Number	Amount (\$)	Date Posted	Bank Reference	Check Number	Amount (\$)	Date Posted	Bank Reference
1015	190.00	01/10	813108792145859	1021	190.00	01/23	813109792591289
1015*	190.00	01/16	813109892508845	1021*	190.00	01/29	813109592646801
1017*	150.00	01/10	813108792145861	1022	150.00	01/23	813109792591288
1017*	150.00	01/16	813109892508844	1022*	150.00	01/29	813109592646800
1018	190.00	01/16	813109992182207	1023	300.00	01/28	813109392352958
1018*	190.00	01/23	813109792651063	1025*	190.00	01/28	813109392364221
1019	150.00	01/16	813109992182206	1026	1,500.00	01/29	813109592590347
1019*	150.00	01/23	813109792651064	1027	64.20	01/28	813106192355065
1020	425.00	01/15	813101882342143	1028	150.00	01/28	813109392364219
1020*	425.00	01/25	813103442718486	1030*	560.00	01/31	813104142308264

* Gap in sequential check numbers.

Other Debits

Date Posted	Amount (\$)	Description	Bank Reference
01/07	35.00	Extended Overdrawn Balance Charge	971401070001801
01/11	35.00	NSF: Returned Item Fee For Activity Of 01-10 Check #0000001015	933801100009672
01/11	35.00	NSF: Returned Item Fee For Activity Of 01-10 Check #0000001017	933801100009671
01/16	35.00	NSF: Returned Item Fee For Activity Of 01-15 Check #0000001020	933801150013950
01/17	35.00	Overdraft Item Fee For Activity Of 01-16 Check #0000001017	933801160004420
01/17	35.00	NSF: Returned Item Fee For Activity Of 01-16 Check #0000001018	933801160010541
01/17	35.00	NSF: Returned Item Fee For Activity Of 01-16 Check #0000001019	933801160010540
01/23	35.00	Extended Overdrawn Balance Charge	971401230007887
01/24	35.00	NSF: Returned Item Fee For Activity Of 01-23 Check #0000001018	933801230012918
01/24	35.00	NSF: Returned Item Fee For Activity Of 01-23 Check #0000001019	933801230012916
01/24	35.00	NSF: Returned Item Fee For Activity Of 01-23 Check #0000001021	933801230012917
01/24	35.00	NSF: Returned Item Fee For Activity Of 01-23 Check #0000001022	933801230012915
01/29	35.00	Overdraft Item Fee For Activity Of 01-28 Check #0000001023	933801280007039
01/29	35.00	NSF: Returned Item Fee For Activity Of 01-28 Check #0000001025	933801280016857
01/29	35.00	NSF: Returned Item Fee For Activity Of 01-28 Check #0000001027	933801280016855
01/29	35.00	NSF: Returned Item Fee For Activity Of 01-28 Check #0000001028	933801280016856
01/30	35.00	NSF: Returned Item Fee For Activity Of 01-29 Check #0000001026	933801290011814
01/30	500.00	Return Item Chargeback	941101302170565
01/30	12.00	Returned Item Chargeback Fee	941101302170565
01/31	1.04	Interest on Uncollected Balances	
Card Account # [REDACTED]			
01/24	39.19	Metro Pcs 01/24 #000999377 Purchase	946301240999377

CAMPAIGN TO ELECT JEAN R MARCELLUS

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Account Number [REDACTED]

Daily Ledger Balances

Date	Balance (\$)	Date	Balance (\$)	Date	Balance (\$)
03/01	338.79 -	03/13	618.98	03/21	87.51
03/05	1,278.79 -	03/14	881.02 -	03/22	571.52
03/06	2,844.47	03/15	516.98	03/25	2,003.48 -
03/07	396.17	03/18	1,736.67	03/26	933.48 -
03/08	2,120.48	03/19	736.67	03/27	618.48 -
03/11	1,620.48	03/20	711.67	03/29	620.11 -

CAMPAIGN TO ELECT JEAN R MARCELLUS

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Statement Period
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**Withdrawals and Debits - Continued
Other Debits**

Date Posted	Amount (\$)	Description	Bank Reference
Subtotal	39.19		

Total Overdraft Fees and NSF: Returned Item Fees

	Total for This Period	Total Year-to-Date
Total Overdraft Fees	\$140.00	\$140.00
Total NSF: Returned Item Fees	\$455.00	\$455.00

We refunded to you a total of \$35.00 in fees for Overdraft and/or NSF: Returned Items this statement period and a total of \$35.00 in fees for Overdraft and/or NSF: Returned Items this year.

Daily Ledger Balances

Date	Balance (\$)	Date	Balance (\$)	Date	Balance (\$)
01/01	132.11 -	01/15	262.11 -	01/25	278.70
01/07	167.11 -	01/16	352.11 -	01/28	425.50 -
01/10	507.11 -	01/17	117.11 -	01/29	498.70
01/11	237.11 -	01/23	832.11 -	01/30	2,551.70 -
01/14	162.89	01/24	703.70	01/31	2,990.66



How To Balance Your Bank of America Account

FIRST, start with your Account Register/Checkbook:

- 1 List your Account Register/Checkbook Balance here \$ _____
- 2 Subtract any service charges or other deductions not previously recorded that are listed on this statement \$ _____
- 3 Add any credits not previously recorded that are listed on this statement (for example interest) \$ _____
- 4 This is your NEW ACCOUNT REGISTER BALANCE \$ _____

NOW, with your Account Statement:

- 1 List your Statement Ending Balance here \$ _____
- 2 Add any deposits not shown on this statement \$ _____
- \$ _____
- \$ _____
- \$ _____
- SUBTOTAL** \$ _____

3. List and total all outstanding checks, ATM, Check Card and other electronic withdrawals

Checks, ATM, Check Card, Electronic Withdrawals		Checks, ATM, Check Card, Electronic Withdrawals		Checks, ATM, Check Card, Electronic Withdrawals	
Date/Check #	Amount	Date/Check #	Amount	Date/Check #	Amount

- 4 TOTAL OF OUTSTANDING CHECKS ATM Check Card and other electronic withdrawals \$ _____
- 5 Subtract total outstanding checks, ATM, Check Card and other electronic withdrawals from Subtotal \$ _____
- This Balance should match your new Account Register Balance \$ _____

Upon receipt of your statement differences if any should be reported to the bank promptly in writing and in accordance with provisions in your deposit agreement

IMPORTANT INFORMATION FOR BANK DEPOSIT ACCOUNTS

Change of Address. Please call us at the telephone number listed on the front of this statement to tell us about a change of address

Deposit Agreement. When you opened your account, you received a deposit agreement and fee schedule and agreed that your account would be governed by the terms of these documents as we may amend them from time to time. These documents are part of the contract for your deposit account and govern all transactions relating to your account, including all deposits and withdrawals. Copies of both the deposit agreement and fee schedule which contain the current version of the terms and conditions of your account relationship may be obtained at our banking centers

Electronic Transfers: In case of errors or questions about your electronic transfers
 If you think your statement or receipt is wrong or if you need more information about an electronic transfer (e.g., ATM transactions, direct deposits or withdrawals, point-of-sale transactions) on the statement or receipt, telephone or write us at the address and number listed on the front of this statement as soon as you can. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared

- * Tell us your name and account number
- * Describe the error or the transfer you are unsure about and explain as clearly as you can why you believe there is an error or why you need more information
- * Tell us the dollar amount of the suspected error

For consumer accounts used primarily for personal family or household purposes we will investigate your complaint and will correct any error promptly. If we take more than 10 business days (10 calendar days if you are a Massachusetts customer) (20 business days if you are a new customer, for electronic transfers occurring during the first 30 days after the first deposit is made to your account) to do this, we will recredit your account for the amount you think is in error so that you will have use of the money during the time it takes us to complete our investigation

For other accounts we investigate and if we find we have made an error we credit your account at the conclusion of our investigation

Reporting Other Problems. You must examine your statement carefully and promptly. You are in the best position to discover errors and unauthorized transactions on your account. If you fail to notify us in writing of suspected problems or unauthorized transactions within the time periods specified in the deposit agreement (which periods are no more than 60 days after we make the statement available to you and in some cases are 30 days or less) we are not liable to you for and you agree not to make a claim against us for the problems or unauthorized transactions

Direct Deposits. If you have arranged to have direct deposits made to your account at least once every 60 days from the same person or company you may call us at the telephone number listed on the front of this statement to find out if the deposit was made as scheduled



Bank of America, N.A.
 P.O. Box 25118
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018857



01075 001 SCM999 0

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Deposit Accounts

Business Economy Checking

CAMPAIGN TO ELECT JEAN R MARCELLUS

Your Account at a Glance

Account Number	[REDACTED]	Statement Beginning Balance	\$828.79-
Statement Period	03/01/13 through 03/31/13	Amount of Deposits/Credits	\$14,760.00
Number of Deposits/Credits	16	Amount of Withdrawals/Debits	\$14,551.32
Number of Withdrawals/Debits	45	Statement Ending Balance	\$620.11-
Number of Deposited Items	5		
Number of Days in Cycle	31	Average Ledger Balance	\$337.28

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CAMPAIGN TO ELECT JEAN R MARCELLUS

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Statement Period
03/01/13 through 03/31/13
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Enclosures 0
Account Number [REDACTED]

Deposits and Credits

Date Posted	Amount (\$)	Description	Bank Reference
03/01	525.00	Return Of Posted Check / Item (Received On 02-28) Check #0000001050	933802280002796
03/05	1,000.00	BkofAmerica ATM 03/05 #000004029 Deposit Shoppes Of Ives Miami Gardens FL	946303050004029
03/05	300.00	BkofAmerica ATM 03/05 #000004031 Deposit Shoppes Of Ives Miami Gardens FL	946303050004031
03/06	1,000.00	Return Of Posted Check / Item (Received On 03-05) Check #0000001056	933803050003195
03/06	820.00	Return Of Posted Check / Item (Received On 03-05) Check #0000001052	933803050003194
03/06	2,200.00	FL Tlr transfer Banking Ctr West Dixie #0001386 FL Confirmation# 0658665515	957503067506636
03/06	700.00	BkofAmerica ATM 03/05 #000008628 Deposit West Dixie North Miami B FL	946303050008628
03/08	1,500.00	FL Tlr transfer Banking Ctr North Miami BEACH #0000953 FL Confirmation# 0676295355	957503087515042
03/08	950.00	Counter Credit	813105042390638
03/11	150.00	BkofAmerica ATM 03/08 #000009492 Deposit Shores Village Miami Shores FL	946303080009492
03/15	1,500.00	Return Of Posted Check / Item (Received On 03-14) Check #0000001067	933803140002002
03/18	1,540.00	BkofAmerica ATM 03/16 #000002376 Deposit West Dixie N Miami FL	946303160002376
03/18	200.00	BkofAmerica ATM 03/18 #000009245 Deposit North Miami North Miami FL	946303180009245
03/22	500.00	BkofAmerica ATM 03/22 #000005233 Deposit West Dixie N Miami FL	946303220005233
03/26	1,525.00	Return Of Posted Check / Item (Received On 03-25) Check #0000001077	933803250003209
03/27	350.00	Return Of Posted Check / Item (Received On 03-26) Check #0000001075	933803260002378

Withdrawals and Debits
Checks

Check Number	Amount (\$)	Date Posted	Bank Reference	Check Number	Amount (\$)	Date Posted	Bank Reference
1052	820.00	03/05	813103542908944	1066	125.00	03/08	813105042390643
1053	190.00	03/05	813108792093195	1067	1,500.00	03/14	813109392366420
1054	370.00	03/07	813104842660727	1068	150.00	03/11	813104242713493
1055	80.00	03/05	813108792093196	1069	500.00	03/18	813104142993637
1056	1,000.00	03/05	813103542361140	1070	1,000.00	03/19	813103042509342
1056*	1,000.00	03/13	813103442609135	1071	100.00	03/25	813108892127000
1057	500.00	03/06	813103742799753	1072	180.00	03/21	813109592396462
1058	150.00	03/05	813103542566961	1073	550.00	03/25	813109992073841
1060*	2,000.00	03/07	813103942343478	1074	400.00	03/25	813106492504545
1064*	250.00	03/08	813104042784884	1075	350.00	03/26	813101882511474
1065	500.00	03/11	813109692684474	1077*	1,525.00	03/25	813108892268411

* Gap in sequential check numbers



CAMPAIGN TO ELECT JEAN R MARCELLUS

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Statement Period
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018857

Withdrawals and Debits - Continued
Other Debits

Date Posted	Amount (\$)	Description	Bank Reference
03/01	35.00	NSF: Returned Item Fee For Activity Of 02-28 Check #0000001050	933802280009383
03/06	35.00	NSF: Returned Item Fee For Activity Of 03-05 Check #0000001052	933803050011318
03/06	35.00	NSF: Returned Item Fee For Activity Of 03-05 Check #0000001056	933803050011319
03/08	35.00	Overdraft Item Fee For Activity Of 03-07 Electronic Transaction	933803070003749
03/15	35.00	NSF: Returned Item Fee For Activity Of 03-14 Check #0000001067	933803140007530
03/15	67.00	Fpl Direct Debit Des:Elec Pymt ID:1537735126 Telv Indn:Marcellus Campagne Co ID:3590247775 Tel	902374005484996
03/26	35.00	Overdraft Item Fee For Activity Of 03-25 Check #0000001071	933803250005909
03/26	35.00	Overdraft Item Fee For Activity Of 03-25 Check #0000001074	933803250005910
03/26	35.00	NSF: Returned Item Fee For Activity Of 03-25 Check #0000001077	933803250013838
03/27	35.00	NSF: Returned Item Fee For Activity Of 03-26 Check #0000001075	933803260009422
03/29	1.63	Interest on Uncollected Balances	
Card Account #	[REDACTED]	:	
03/06	26.74	Walgreens 03/06 #000824891 Purchase	946303060824891
03/07	49.05	Office Depot 0 03/07 #000009039 Purchase	946303070009039
03/07	29.25	The Home Depot 03/07 #000443901 Purchase	946303070443901
03/08	163.79	The Home Depot 03/07 #000409801 Purchase	946303070409801
03/08	128.38	Radioshack Cor 03/08 #000869413 Purchase	946303080869413
03/08	23.52	Ace Hardware - 03/08 #000055954 Purchase	946303080055954
03/13	1.50	CheckCard 0312 Miami Parking Authority	929903124363306
03/18	20.31	CheckCard 0314 Ace Hardware - Aventur	929903141611386
03/20	25.00	CheckCard 0320 Ot *air Tax& Fees	929903204135086
03/21	431.22	CheckCard 0320 Insel Air Intl (Arc)	929903202701233
03/21	12.94	CheckCard 0320 Insel Air Intl (Arc)	929903202701233
03/22	15.99	International Transaction Fee Walgreens 03/21 #000118813 Purchase	946303210118813
Subtotal	927.69		

Total Overdraft Fees and NSF: Returned Item Fees

	Total for This Period	Total Year-to-Date
Total Overdraft Fees	\$105.00	\$525.00
Total NSF: Returned Item Fees	\$210.00	\$980.00

We refunded to you a total of \$35.00 in fees for Overdraft and/or NSF: Returned Items this year.



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 04/01/13 through 04/30/13
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 Enclosures 0
 Account Number [REDACTED]

021381



01075 001 SCM999 0

CAMPAIGN TO ELECT JEAN R MARCELLUS
 275 NE 122ND ST
 NORTH MIAMI, FL 33161-5322

Our Online Banking service allows you to check balances, track account activity and more.
 With Online Banking you can also view up to 18 months of this statement online.
 Enroll at www.bankofamerica.com/smallbusiness

Customer Service Information
www.bankofamerica.com

For additional information or service, you may call
 1.888.BUSINESS (1.888.287.4637)

Or you may write to:
 Bank of America, N.A.
 P.O. Box 25118
 Tampa, FL 33622-5118

We're improving the system that supports automatic transfers for deposit accounts which will change the timing of certain automatic transfers. **Effective April 23, when an automatic transfer between two of your Bank of America accounts falls on a weekend or federal holiday, it will now occur the prior business day. Please keep this change in mind when you schedule bill payments.** Any other scheduled transfer that falls on a weekend or federal holiday will continue to occur the following business day. Additionally, you'll now be able to manage your transfers through Online Banking by going to the Transfers tab, as well as by calling the number on this statement or visiting your nearby banking center.

Good News! In response to customer feedback we've made some changes to your statements to make them easier to read. Soon you will notice color and graphics to highlight account details and draw attention to notifications and special offers. Over the next few months, a guide will be included with your new statement that will detail the enhancements. Stay tuned!

EXHIBIT *4 page 11 of 12*

CAMPAIGN TO ELECT JEAN R MARCELLUS

Page 2 of 5
Statement Period
04/01/13 through 04/30/13
EO P PA 0A 60
Enclosures 0
Account Number [REDACTED]

Deposit Accounts

Business Economy Checking

CAMPAIGN TO ELECT JEAN R MARCELLUS

Your Account at a Glance

Account Number	[REDACTED]	Statement Beginning Balance	\$620.11-
Statement Period	04/01/13 through 04/30/13	Amount of Deposits/Credits	\$18,360.00
Number of Deposits/Credits	29	Amount of Withdrawals/Debits	\$15,152.27
Number of Withdrawals/Debits	49	Statement Ending Balance	\$2,587.62
Number of Deposited Items	23		
		Average Ledger Balance	\$720.63
Number of Days in Cycle	30		

Deposits and Credits

Date Posted	Amount (\$)	Description	Bank Reference
04/01	1,800.00	FL Tlr transfer Banking Ctr West Dixie #0001386 FL Confirmation# 2584782151	957604017576938
04/02	200.00	BkofAmerica ATM 04/02 #000007895 Deposit Norland Miami FL	946304020007895
04/03	400.00	Return Of Posted Check / Item (Received On 04-02) Check #0000001082	933804020003187
04/04	500.00	FL Tlr transfer Banking Ctr West Dixie #0001386 FL Confirmation# 4009645847	957604047513886
04/04	500.00	BkofAmerica ATM 04/04 #000002386 Deposit Shores Village Miami Shores FL	946304040002386
04/08	1,300.00	BkofAmerica ATM 04/06 #000002470 Deposit West Dixie N Miami FL	946304060002470
04/09	800.00	BkofAmerica ATM 04/09 #000006528 Deposit West Dixie North Miami B FL	946304090006528
04/11	480.00	Return Of Posted Check / Item (Received On 04-10) Check #0000001088	933804100002259
04/11	250.00	Return Of Posted Check / Item (Received On 04-10) Check #0000001062	933804100002258
04/12	200.00	BkofAmerica ATM 04/11 #000004752 Deposit Miramar Miramar FL	946304110004752
04/15	1,150.00	BkofAmerica ATM 04/14 #000005839 Deposit Shores Village Miami Shores FL	946304140005839
04/17	300.00	BkofAmerica ATM 04/17 #000001209 Deposit West Dixie North Miami B FL	946304170001209
04/18	2,000.00	FL Tlr transfer Banking Ctr West Dixie #0001386 FL Confirmation# 0329641641	957504187505682
04/18	500.00	BkofAmerica ATM 04/17 #000009962 Deposit Shoppes Of Ives Miami Gardens FL	946304170009962
04/19	500.00	BkofAmerica ATM 04/19 #000007685 Deposit West Dixie N Miami FL	946304190007685
04/19	500.00	Counter Credit	813103542909207

EXHIBIT 4 page 12 of 12



Re: Confidential Case No. : FEC 14-091 -- please respond and acknowledge receipt of this email -- thank you
 marcellus7
 to:
 Donna Malphurs
 04/30/2014 06:05 PM
 Show Details

To: Donna Malphurs

This is the Response to the complaint against me made by Ruth Ogen/ Unique Enterprises Inc
 I moved out from that property in June 2013, We both believed that Account has been satisfied all rent was paid in full

On about November, 6 months after the election she called to informed me that her accountant found out the last payment was not collected. We discussed the issue then I agreed to repay her, than I was advised by another elected official that it was illegal to make campaign expenditures after the election day the issue become a dilemma for me and I was unsuccessful getting in contact with her to further discuss the matter until I received this complaint.

Please advise me if it is ok to make arrangement and settle the matter

respectfully submitted

JEAN R MARCELLUS

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

From: Donna Malphurs <Donna.Malphurs@myfloridalegal.com>

To: marcellus7 <marcellus7@aol.com>

Sent: Wed, Apr 16, 2014 11:30 am

Subject: Confidential Case No.: FEC 14-091 -- please respond and acknowledge receipt of this email -- thank you

Dear Mr. Marcellus,

Thank you for speaking with me today and for agreeing to receive our correspondence via email. As we discussed, our office recently attempted to provide you with information via certified mail; however, our correspondence was returned to us. I also updated our records to reflect 615 NE 140th Street, North Miami, Florida 33161 as your mailing address.

Below is a copy of the correspondence that was attached to a copy of a complaint that was filed against you. For your convenience, a copy of the complaint is attached to this email. As indicated in the correspondence, you have 14 days to review the complaint and to submit a response, if you choose to. You will be notified via letter of the executive director's findings.

Please take a moment to respond to this email and acknowledge receipt of the complaint. If you have any questions, please let us know.

EXHIBIT 5

AFFIDAVIT OF FILING OFFICER
Case Number: FEC 14-091

RECEIVED

2014 JUN 23 P 5:07

1. Please provide certified copies of the listed items from the following candidate's campaign file: **Jean R. Marcellus**.

Check	ITEM
✓	The Statement of Candidate form for 2013.
✓	Appointments of Treasurers and Designation of Campaign Depository form for 2013
✓	2013 Q1 campaign treasurer's report and amendments
✓	Statements of financial interest (Form 1 and Form 6) for 2013

2. Please check each item provided to the candidate or his or her staff, and list the date that the item was provided. (If the item is published by the Division of Elections, it is unnecessary to provide a copy of the item. If your office published the item, please send a copy of the item with this affidavit.)

Check	ITEM	DATE
	Chapter 106, <i>Florida Statutes</i>	
	Chapter 104, <i>Florida Statutes</i>	
✓	Candidate Handbook <u>Please indicate Year</u> <u>Nov. 2011</u>	4/8/2013
	Political ad and disclaimer supplement	
	Calendar of Election dates	
	Any other election related document, <u>Please indicate the title of the related document:</u> <u>Please find Content list attached</u>	4/8/13

3. Please list all other written materials provided to the candidate or his or her staff, the date of receipt, and a brief description of the written materials. Did you notify the candidate that the campaign handbook was available on the Division of Elections website?

Please find attached "Content of Package" which list all items given to candidate. Yes, Candidate was informed that ~~all~~ documents were available online.

4. Please list all training seminars that were attended by the candidate, along with the date of attendance. If a staff member attended for the candidate, list his name and position. If available, please attach a copy of any attendance sheets from the seminar(s).

I do not know.

EXHIBIT 6 page 1 of 3

5. Please list the subjects covered during these seminars. If available, please provide a copy of the syllabus and outline for the seminar.

I do not know

6. Please list any other contacts with this candidate by you or your staff concerning a provision of Chapter 104, Section 105.071, or Chapter 106, *Florida Statutes*. Indicate whether the contact was in person, in writing, or by telephone and the subject matter of the contact. Also, provide copies of any documentation of the contact. Please provide a separate affidavit from any member of your staff who was in contact with this candidate or his or her staff, detailing the subject matter of the contact.

None to my knowledge.

7. Did the candidate timely file the 2013 Q1 Report? _____ If not, please provide copies of all correspondence with the candidate concerning the late filings

I do not know, the person responsible for keeping track of requested information is no longer employed here.

8. Please list all fines paid by the candidate and provide copies of all correspondence concerning the fines

None to my knowledge.

EXHIBIT 6 page 2 of 3

9. Please list each year the candidate ran for office, the office the candidate ran for, the dates of the elections, and the results of the elections

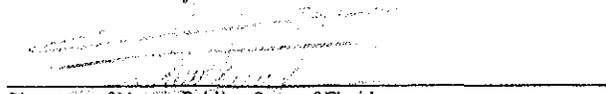
City Council ~~2009~~ June 2, 2009 (won)
Mayor May 2013 (Lost)
Mayor August 2014 (Election has not happened yet.)

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



Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 17th day of June, 2014



Signature of Notary Public - State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ or Produced Identification _____

Type of Identification Produced: _____

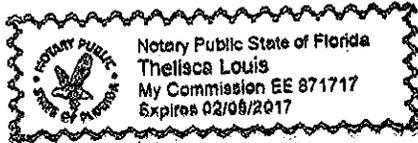
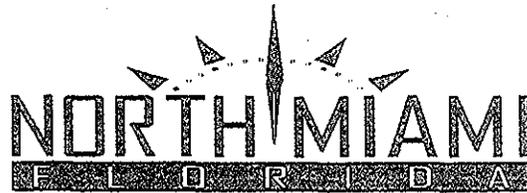


EXHIBIT 6 page 3 of 3



RECEIVED
APR 08 2013
CITY OF NORTH MIAMI
CITY CLERK'S OFFICE

CONTENTS OF PACKET

- 1. Notice of Election, Resolution No. R-2013-8 ✓
- 2. Ordinance #1275, Establishing Proof of Residency ✓
- 3. Ordinance #1315, Political Signs ✓
- 4. Candidate Qualifying Information
- 5. Qualifying Fees for Upcoming Elections – Memo to Candidates ✓
- 6. Candidate & Campaign Treasurer Handbook – November 2011 ✓
- 7. List of Qualifying Dates and Financial Filing Dates ✓
- 8. Guide to Sunshine Amendment and Code of Ethics for public officers and employees - 2013 ✓
- 9. A Compilation of The Election Laws of the State of Florida – September 2012 ✓
- 10 Ordinance #1346, North Miami Charter ✓
- 11. North Miami Election Code ✓
- 12 List of Precincts & Voter Precinct Map ✓

If any additional forms are needed, they may be obtained from the Office of the City Clerk, 776 N.E. 125th Street, North Miami, Florida 33161 during normal business hours

Checked By [Signature]
Received By [Signature]

Date 4/8/13
Date 4/8/13

CANDIDATES:

PLEASE NOTE: QUALIFYING
BEGINS APRIL 1 THROUGH APRIL 9,
2013, 5:00 PM EASTERN STANDARD
TIME

CERTIFICATION

I certify this to be a true and correct copy of the record in my office.
WITNESSETH my hand and official seal of the CITY OF NORTH MIAMI Florida, this 17th day of June 20 14
Louis Theis City Clerk

EXHIBIT 7

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY



I, JEAN RODRIGUE MARCELLUS

candidate for the office of NORTH MIAMI MAYOR

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

City Clerk

day of _____ 20____
Florida, this _____
of the City of NORTH MIAMI
WITNESSETH my hand and official seal
of the record in my office.
I certify this to be a true and correct copy

CERTIFICATION

X Jean R. Marcellus
Signature of Candidate

6/12/2012
Date

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

CERTIFICATION

I certify this to be a true and correct copy
of the record in my office.
WITNESSETH my hand and official seal
of the City of NORTH MIAMI
Florida, this _____ day of _____
20____



FLORIDA ELECTIONS COMMISSION

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

May 23, 2014

Jean R. Marcellus
615 NE 140th Street
North Miami, FL 33161

RE: Case No.: FEC 14-091; Respondent: Jean R. Marcellus

Dear Mr. Marcellus:

On March 31, 2014, 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 106.11(4), Florida Statutes: Jean R. Marcellus, candidate for the office of mayor for the City of North Miami in the May 2014 election, incurred one or more expenses for the purchase of goods or services, without sufficient funds on deposit in the primary depository account, as alleged in the complaint.

Section 106.19(1)(d), Florida Statutes: Jean R. Marcellus, candidate for the office of mayor for the City of North Miami in the May 2014 election, made or authorized one or more expenditures prohibited by Chapter 106, Florida Statutes, as alleged in the complaint.

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 **Margie Wade**, the investigator assigned to this case.

Sincerely,

Amy McKeever Toman
Executive Director

AMI/enr



Re: Confidential Case No.: FEC 14-091 -- please respond and acknowledge receipt of this email -- thank you

marcellus7

to:

Donna Malphurs

04/30/2014 06:05 PM

Show Details

To: Donna Malphurs

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On about November, 6 months after the election she called to informed me that her accountant found out the last payment was not collected We discussed the issue then I agreed to repay her, than I was advised by another elected official that it was illegal to make campaign expenditures after the election day the issue become a dilemma for me and I was unsuccessful getting in contact with her to further discuss the matter until I received this complaint

Please advise me if it is ok to make arrangement and settle the matter

respectfully submitted

JEAN R MARCELLUS

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

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To: marcellus7 <marcellus7@aol.com>

Sent: Wed, Apr 16, 2014 11:30 am

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Please take a moment to respond to this email and acknowledge receipt of the complaint. If you have any questions, please let us know.

14-091

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

RECEIVED
2014 MAR 31 A 10:45
STATE OF FLORIDA
ELECTIONS COMMISSION

CONFIDENTIAL COMPLAINT FORM

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

1. PERSON BRINGING COMPLAINT:

Name: Ruth Ogen- Unique Ent. of Miami, Inc Work Phone: ()
Address: 17451 NE 23 Avenue Home Phone: (305) 947-1111
City: North Miami Beach County: Miami-Dade State: FL Zip Code: 33160

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: Jean Rodrigue Marcellus
Address: 275 NE 122 St. Phone: (786) 290-6619
City: NORTH MIAMI County: Miami-Dade State: FL Zip Code: 33161

If individual is a candidate, list the office or position sought: Mayor North Miami

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

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: **Chapter 104, Chapter 106, Section 98.122, 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

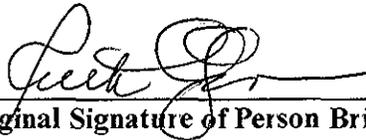
Mr. Marcellus rented a storefront in my shopping plaza for his campaign headquarters. He listed on his expenses that he paid me rent 4 times in the amount of \$1,500 each. In fact 3 of his checks bounced and at the end, I only received (3) payments of \$1,500. I have been trying to collect the \$1,500 since June 2013 and he has promised he would pay me but he just ignores my requests.

Additional materials attached (check one)? Yes No

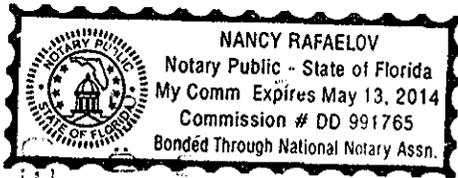
4. OATH

STATE OF FLORIDA
COUNTY OF Miami-Dade

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

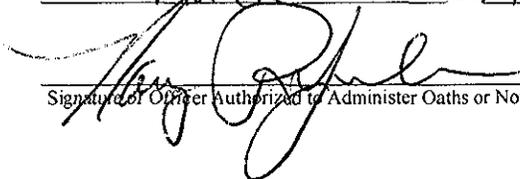


Original Signature of Person Bringing Complaint



RECEIVED
2014 MAR 31 AM 11:00
STATE OF FLORIDA
ELECTRONIC RECORDS

Sworn to and subscribed before me this 26 day of
March 2014



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



Vote Councilman
**JEAN RODRIGUE
MARCELLUS**

For
MAYOR
CITY OF NORTH MIAMI
www.jeanmarcellus.org
victory@jeanmarcellus.org

(786) 290-6619

000003

Business Lease

THIS AGREEMENT, entered into this 26 Day of, January, 2013
Between **UNIQUE ENTERPRISES OF MIAMI, INC.**, hereinafter called the Lessor or Landlord, party of the first part, and **Jean Rodrigue Marcellus**, An individual, of the County of Miami-Dade and State of Florida, hereinafter called the Lessee or Tenant, party of the second part:

WITNESSETH, That the said lessor does this day lease unto said lessee, and said lessee hereby hire and take as tenant under said lessor Space No. 13910 NE 12 Avenue, North Miami, Florida 33161-

Situated in Miami-Dade County, Florida, to be used and occupied by the lessee as (SEE PARAGRAPH TWENTY-FIVE), and for no other purpose or uses whatsoever, for the term of 5 MONTHS, subject and conditioned on the provisions of clause TEN of this lease beginning the 1ST Day of February, 2013 and ending the 30th Day of June, 2013

payable as follows:

Tenant to make 4 equal payments of \$1500 each.

Security Deposit of \$1,200 payable upon signing of this lease. Security deposit is not prepaid rent.

Rent to be \$1,200.00 per month which includes sales tax, common area maintenance and R.E. tax paid monthly.

*Feb 1
Mar 1
Apr 1
May 1*

Monthly rent will be due and payable on the 1st day of each and every month and will be considered in arrears after the 3rd day of the month, subject to the following conditions:

The following express stipulations and conditions are made a part of this lease and are hereby assented to by the lessee:

FIRST: ASSIGNMENT OF LEASE - It is understood and agreed between the parties that this is a commercial lease for business purposes and is specifically excluded from the Florida Residential Landlord and Tenant Statutes. The lessee shall not assign this lease, nor sublet the premises, or any part thereof nor use the same, or any part thereof, nor permit the same, or any part thereof, to be used for any other purpose than as above stipulated, nor make any alterations therein, and all additions thereto, without the written consent of the lessor, and all additions, fixtures or improvements which may be made by the lessee, except movable office furniture, shall become the property of the lessor and remain upon the premises as a part thereof, and be surrendered with the premises at the termination of this lease.

SECOND: PERSONAL PROPERTY - All personal property placed or moved in the premises above described shall be at the risk of the lessee or owner thereof, and lessor shall not be liable for any damage to said personal property, or to the lessee arising from the bursting or leaking of water pipes, or from any act of negligence of any co-tenant or occupants of the building or of any other person whomsoever.

THIRD: That the tenant, **Jean Rodrigue Marcellus** shall promptly execute and comply with all statutes, ordinances, rules, orders, regulations and requirements of the Federal, State and City Government and of any and all their Departments and Bureaus applicable to said premises, for the correction, prevention, and abatement of nuisances or other grievances, in, upon or connected with said premises during said term; and shall also promptly comply with and execute all rules, orders and regulations of the Southeastern Underwriters Association for the prevention of fires, at his/her own cost and expense.

FOURTH: IN CASE OF FIRE - In the event the premises shall be destroyed or so damaged or injured by fire or other casualty during the life of this agreement, whereby the same shall be rendered un-tenant able, then the lessor shall have the right to render said premises tenant able by repairs within ninety days there from. If said premises are not rendered tenant able within said time, it shall be optional with either party hereto to cancel this lease, and in the event of such cancellation the rent shall be paid only to the date of such fire or casualty. The cancellation herein mentioned shall be evidenced in writing.

expenses incurred by Landlord in the exercise of any such rights shall be payable by Tenant when demanded. Tenant agrees to indemnify, defend and hold Landlord harmless from and against any and all losses, damages, claims, orders, decrees, judgments, expenses and costs (including attorney's fees), incurred by or imposed upon Landlord or its mortgagees in connection with or arising out of (i) Tenant's breach of the covenants and obligations under this paragraph; or (ii) the existence, use, storage, disposition, treatment or removal of any Hazardous or Toxic Substance in, upon or under the Premises, or the adjoining lands. In no event shall the treatment or removal of Hazardous or Toxic Substances within the Premises, or the adjoining lands constitute an eviction of Tenant, in whole or in part.

ADDITIONAL NOTES:

In witness whereof, the parties hereto have executed this instrument for the purpose herein expressed, the date above first written.

Signed, sealed and delivered in the presence of:

As to Landlord:

WITNESSES:

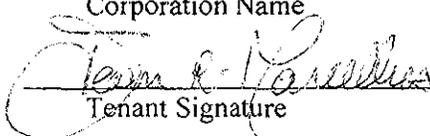
UNIQUE ENTERPRISES OF MIAMI, INC.
a Florida Corporation



Avi or Ruth Ogen

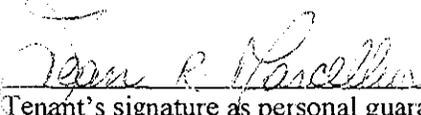
As to Tenant:

WITNESSES:

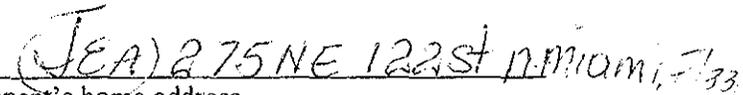
Corporation Name


Tenant Signature

*I, **Jean Rodrigue Marcellus** _____, the above named Tenant(s), shall be personally liable for any expenses and obligations incurred by the corporation in regards to this business lease*



Tenant's signature as personal guarantee



Tenant's home address



Cell Telephone No. Driver's License No

Social Security No.

Tenant's signature as personal guarantee

Tenant's home address

Home Telephone No. Driver's License No

UNCOLLECT HOLD

This is a LEGAL COPY of your check. You can use it the same way you would use the original check

RETURN REASON--B UNCOLLECTED FUNDS HOLD

00000378110294J
E122105278J 01/29/2013

CAMPAIGN TO ELECT JEAN R MARCELLUS

1026
63-27/631 FL
24172

1/29/13

Pay To The Order of UNIQUE Enterprises of Miami INC \$ 1500.00
ONE THOUSAND FIVE HUNDRED

Bank of America

ACH R/T 063100277

Feb Rent

Jean R. Marcellus



NSF

This is a LEGAL COPY of your check. You can use it the same way you would use the original check

RETURN REASON--A NOT SUFFICIENT FUNDS

00000750043889J
E091000019J 03/14/2013

CAMPAIGN TO ELECT JEAN R MARCELLUS

1067
63-27/631 FL
24172

3/12/13

Pay To The Order of UNIQUE ENTERPRISES OF MIAMI \$ 1500.00
ONE THOUSAND FIVE HUNDRED

Bank of America

ACH R/T 063100277

Rent

Jean R. Marcellus



NSF

This is a LEGAL COPY of your check. You can use it the same way you would use the original check

RETURN REASON--A NOT SUFFICIENT FUNDS

000003689736254
E122105278J 03/25/2013

CAMPAIGN TO ELECT JEAN R MARCELLUS

1077
63-27/631 FL
24172

3/25/13

Pay To The Order of UNIQUE ENTERPRISES \$ 1525.00
ONE THOUSAND FIVE HUNDRED TWENTY FIVE

Bank of America

ACH R/T 063100277

Jean R. Marcellus



000006



Unique Enterprises of Miami, Inc.

3/25/2014 4:24 PM

Register: Accounts Receivable

From 01/01/2013 through 06/30/2013

Sorted by: Date, Type, Number/Ref

Date	Number	Customer	Memo/Description	Qty	Rate	Charge	Paid	Balance
01/28/2013		Jean Rodrigue Mar...	Opening balance			1,500 00		1,500 00
01/29/2013		Jean Rodrigue Mar...					1,500 00	0 00
01/31/2013		Jean Rodrigue Mar...	NSF CHECK		1,500.00	1,500 00		1,500.00
02/08/2013		Jean Rodrigue Mar...					1,500 00	0 00
03/01/2013	174	Jean Rodrigue Mar				1,500.00		1,500.00
03/13/2013		Jean Rodrigue Mar					1,500 00	0 00
03/18/2013		Jean Rodrigue Mar	NSF CHECK		1,500 00	1,500 00		1,500.00
03/26/2013		Jean Rodrigue Mar					1,525 00	-25 00
03/27/2013		Jean Rodrigue Mar	NSF CHECK		1,525 00	1,525 00		1,500 00
04/01/2013	185	Jean Rodrigue Mar				1,500.00		3,000 00
04/05/2013		Jean Rodrigue Mar	3 money orders 700+...				1,520 00	1,480 00
05/01/2013	191	Jean Rodrigue Mar				1,550 00		3,030 00
05/07/2013	1128	Jean Rodrigue Mar					1,500 00	1,530 00

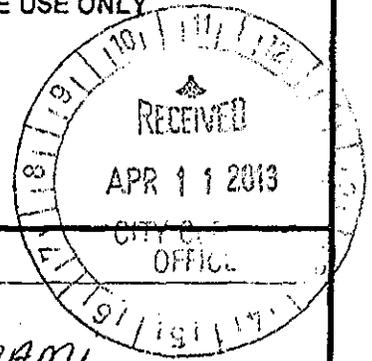
FLORIDA DEPARTMENT OF STATE DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY

(1) JEAN RODRIGUE MARCELLUS
 Name

(2) 275 NE 122ND ST
 Address (number and street)

N. MIAMI, FL 33161
 City, State, Zip Code

OFFICE USE ONLY



CHECK IF ADDRESS HAS CHANGED

(3) ID Number: _____

(4) Check appropriate box(es):

Candidate (office sought): MAYOR OF NORTH MIAMI

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 01/01/2013 To 03/31/2013 Report Type Q1/13

Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 8600.00

Loans \$ 13,350.00

Total Monetary \$ 21,950.00

In-Kind \$ 0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 17,544.72

Transfers to Office Account \$ 0.00

Total Monetary \$ 17,544.72

(8) Other Distributions \$ 0.00

(9) TOTAL Monetary Contributions To Date

\$ 25,950.00

(10) TOTAL Monetary Expenditures To Date

\$ 20,527.83

(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) JEAN RODRIGUE MARCELLUS

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) JEAN RODRIGUE MARCELLUS

Candidate Chairperson (only for PC, PTY & electioneering commun organization)

X

Signature

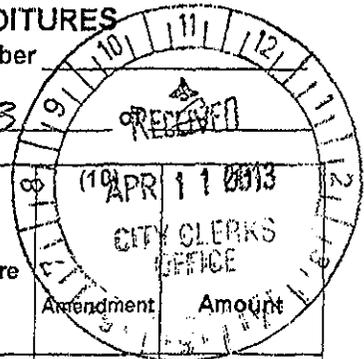
CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name JEAN RODRIGUE MARCELLUS

(2) I.D. Number

(3) Cover Period 01 / 01 / 2013 through 03 / 31 / 2013

(4) Page 3



(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	Amendment	Amount
(6) Sequence Number					
2/17/13	UNIQUE ENTERPRISES 13900 NE 12 AVE N MIAMI, FL 33161	OFFICE RENT	MON		1,500.00
17					
2/10/13	WLQY RADIO 1035 NE 125 ST N-MIAMI, FL 33161	RADIO SHOW	MON		190.00
18					
2/11/13	WLQY RADIO 1035 NE 125 ST N MIAMI, FL 33161	RADIO SHOW	MON		150.00
19					
2/11/13	MASTER SOUVENIR 1974 NE 148 ST MIAMI, FL 33162	T SHIRTS	MON		200.00
20					
2/13/13	MASTER SOUVENIR 1974 NE 148 ST MIAMI, FL 33162	T SHIRTS	MON		200.00
21					
2/16/13	WLQY RADIO 1035 NE 125 ST N MIAMI, FL 33161	RADIO AD	MON		300.00
22					
2/17/13	WLQY RADIO 1035 NE 125 ST N MIAMI, FL 33161	RADIO SHOW	MON		150.00
23					
2/21/13	WLQY RADIO 1035 NE 125 ST N MIAMI, FL 33161	RADIO ADVERTISING	MON		525.00
24					

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

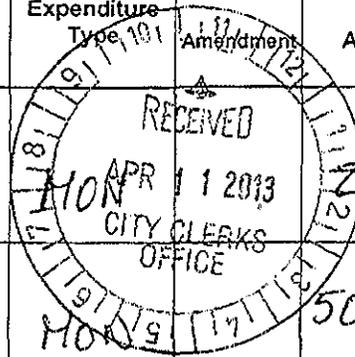
(1) Name JEAN RODRIGUE MARCELLUS

(2) I.D. Number _____

(3) Cover Period 01/01/2013 through 03/31/2013

(4) Page 5 of 6

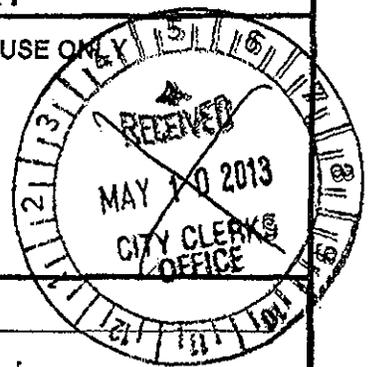
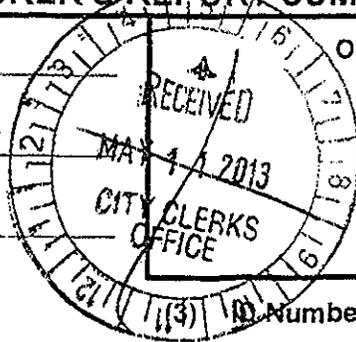
(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type 101	(10) Amendment	(11) Amount
3/17/13	HOME DEPOT N. MIAMI BEACH, FL 33162	Office Supplies			29.25
33					
3/18/13	RADIO KAMOKEN 204 11 STATE RD 7 #214 MIAMI GARDENS, FL	RADIO ADVERTISING			500.00
34					
3/18/13	HAITI LIBERTÉ 1583 ALBANY AVE BROOKLYN NY 11210	ADVERTISING	MON		125.00
35					
3/18/13	PIERRE R. ARMAND 427 NE 160 ST N. MIAMI BEACH, FL 33161	RADIO AD	MON		150.00
36					
3/18/13	ERNST JEAN LOUIS 13899 BISCAYNE BLVD N. MIAMI BEACH, FL 33181	ADVERTISING	MON		250.00
37					
3/15/13	UNIQUE ENTERPRISES 13900 NE 12 AVE N. MIAMI, FL 33161	RENT	MON		1500.00
38					
3/19/13	LUC CHARLOT 12700 SW FLAGLER ST S. MIAMI, FL	RADIO AD	MON		100.00
39					
3/21/13	MASTER SOUVENIR 1974 NE 148 ST N. MIAMI, FL	T Shirts	MON		180.00
40					



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

(1) JEAN R. MARCELLUS
Name
(2) 275 NE 122nd Street
Address (number and street)
N Miami, FL 33161
City, State, Zip Code

OFFICE USE ONLY



CHECK IF ADDRESS HAS CHANGED

(4) Check appropriate box(es):

- Candidate (office sought): MAYOR City of N-Miami
 Political Committee
 Committee of Continuous Existence
 Party Executive Committee
 Electioneering Communication

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

(5) REPORT IDENTIFIERS

Cover Period: From 1/20/13 To 5/09/13 Report Type _____

- Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 1100.00
 Loans \$ 5150.00
 Total Monetary \$ 6250.00
 In-Kind \$ 0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 8,343.32
 Transfers to Office Account \$ 0.00
 Total Monetary \$ 8,343.32

(8) Other Distributions \$ 0.00

(9) TOTAL Monetary Contributions To Date
 \$ 40,600.00

(10) TOTAL Monetary Expenditures To Date
 \$ 34,960.32

(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) JEAN R. MARCELLUS
 Individual (only for electioneering commun) Treasurer Deputy Treasurer

X Jean R. Marcellus
 Signature

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

(Type name) JEAN R. MARCELLUS
 Candidate Chairperson (only for PC, PTY & electioneering commun organization)

X Jean R. Marcellus
 Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

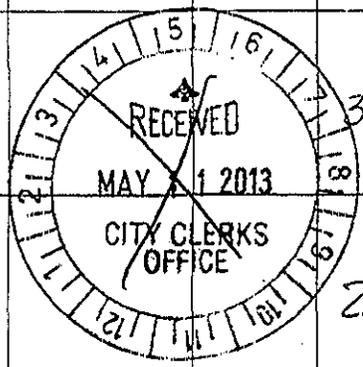
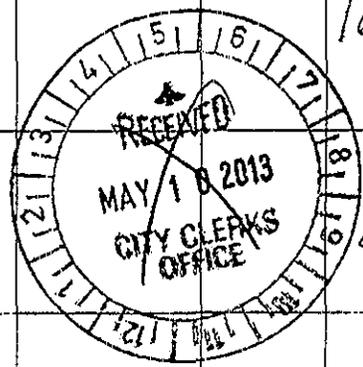
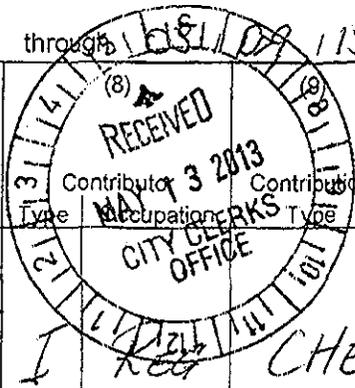
(1) Name JEAN R MARCELLUS

(2) I.D. Number _____

(3) Cover Period 04/20/13 through 05/10/13

(4) Page _____ of _____

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(9) Occupation	(10) In-kind Description	(11) Amendment	(12) Amount
4/30/13	YVON Josephat 8312 NE Miami Ct Miami, FL 33138		CHE			300.00
1						
4/30/13	JEAN MARCELLUS 275 NE 122 ST N-Miami, FL		Candidate	LOA		1650.00
2						
5/14/13	DANIEL Cedent 1961 SW 124 WAY Miramar, FL 33027		Doctor	CHE		250.00
3						
5/14/13	JEAN MARCELLUS 275 NE 122 ST N Miami, FL		Candidate	LOA		2,000.00
4						
5/17/13	M. LAPOINTE 16246 SW 18 ST Miramar, FL 33027		Lawyer	CHE		350.00
5						
5/17/13	SHUTTS & BARDENS 1500 Miami Center, 2015 Biscayne BLVD MIAMI, FL		lawyer	CHE		200.00
6						
5/19/13	JEAN MARCELLUS 275 NE 122 ST N-Miami, FL		Candidate	LOA		1500.00
7						
1/1						



CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

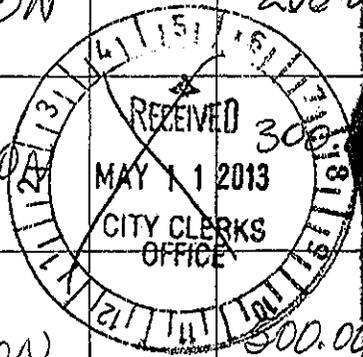
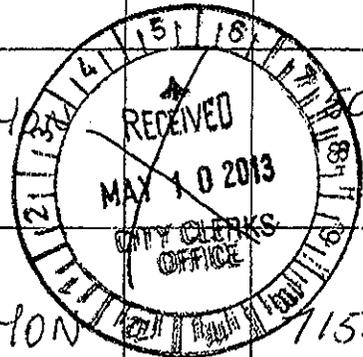
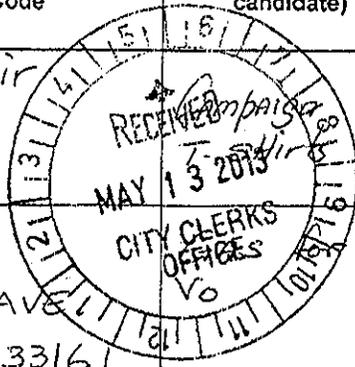
(1) Name JEAN R. MARCELLUS

(2) I.D. Number _____

(3) Cover Period 04/20/13 through 05/09/13

(4) Page _____ of _____

(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
4/22/13 1	MARTIN SOUVENIR 1974 NE 148 ST N MIAMI, FL		MON		270.00
4/22/13 2	ELIE JEAN 13910 NE 12 AVE N MIAMI, FL 33161		MON		180.00
4/23/13 3	PRINT ALL 7837 NW 37 AVE MIAMI, FL	Printing Supply	MON		115.00
4/24/13 4	R/RADIO MEGA 87 NW 167 ST MIAMI, FL	RADIO ADVERTISING	MON		500.00
4/30/13 5	ELIANE FLEURISSANT 18535 NW 5 CT MIAMI, FL 331	Campaign WORKER	MON		200.00
4/30/13 6	KISKEYA HERALD 13899 BISCAYNE BLVD #219 N MIAMI BCH, FL 33181	ADVERTISING	MON		300.00
4/30/13 7	Williams J & Louis/ WL QY 1320 1035 NE 125 ST N MIAMI, FL	RADIO SHOW	MON		500.00
4/30/13 8	HARTIAN B. DIGITAL 1375 NE 125 ST N MIAMI, FL 33162	T.V ADS	MON		600.00



CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name JEAN R. MARCELLUS

(2) I D. Number _____

(3) Cover Period 4/20/13 through 5/09/13

(4) Page _____ of _____

(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
4/30/13 9	YVETTE PETIOTE 18535 NW 5 CT Miami Gardens, FL	Campaign WORKER	MON		250.00
5/12/13 10	Ricardo Lopez 13910 NE 12 AVE N. Miami, FL	Campaign Worker	MON		80.00
5/2/13 11	Anso Bocce 13912 NE 12 AVE N. Miami, FL 33161	Campaign Worker	MON		200.00
5/12/13 12	JEAN FLEURENTIN 790 NE 128 N. Miami, FL 33161	Campaign Worker	MON		150.00
5/12/13 13	Print All 7837 NW 37 AVE Miami, FL	Printing Supply	MON		525.00
5/13/13 14	Williams Jn Louis/WL QY 1320 1035 NE 125 ST N. Miami, FL 33161	RADIO Show	MON		500.00
5/13/13 15	Billy Pierre 13910 NE 12 AVE N. Miami, FL	Campaign worker	MON		0.00
5/13/13 16	EROLE Emmanuel 20299 State RD 7 Miami Gardens, FL	RADIO Show	MON		667.00

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

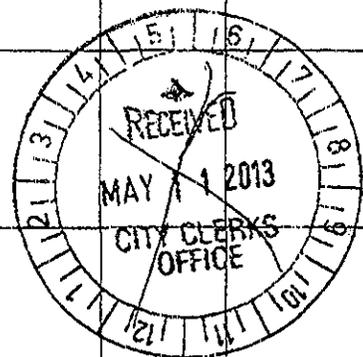
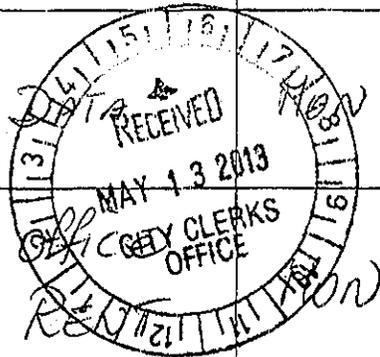
(1) Name JEAN R. MARCELLUS

(2) I.D. Number _____

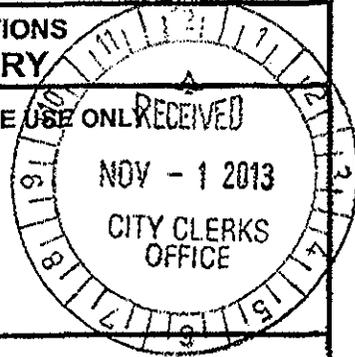
(3) Cover Period 04/20/13 through 05/09/13

(4) Page _____ of _____

(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
5/13/13 17	WALTER HAAS Graphics 123 WEST 23 rd ST Hialeah, FL 33010	Campaign Signs	MON		616.32
5/13/13 18	RADIO MEGA 87 NW 167 ST N. Miami Bch, FL	RADIO Show			200.00
5/13/13 19	JEAN EVELT Louis 13900 W. DIXIE Hwy N. Miami FL 33161	Campaign WORKER	MON		150.00
5/16/13 20	Board of County Commis 2700 NW 87 AVE DORAL, FL				120.00
5/16/13 21	UNIQUE ENTERPRISES 13940 NE 12 AVE N. Miami, FL 33161				1500.00
5/19/13 22	Emilia Belot 13906 NE 12 AVE N. Miami, FL	Campaign Worker	MON		100.00
11					
11					



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



(1) JEAN R. MARCELLUS
Name

(2) 615 NE 140 Street
Address (number and street)

N. MIAMI, FL 33161
City, State, Zip Code

OFFICE USE ONLY RECEIVED
NOV - 1 2013
CITY CLERKS OFFICE

(3) ID Number: _____

CHECK IF ADDRESS HAS CHANGED

(4) Check appropriate box(es):
 Candidate (office sought): MAYOR, City of North Miami
 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 5 / 10 / 2013 To 8 / 12 / 2013 Report Type _____

Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ 0.00

Loans \$ 1,681.32

Total Monetary \$ 0.00

In-Kind \$ 0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ 7,321.00

Transfers to Office Account \$ 0.00

Total Monetary \$ 7,321.00

(8) Other Distributions
\$ 0.00

(9) TOTAL Monetary Contributions To Date
\$ 42,281.32

(10) TOTAL Monetary Expenditures To Date
\$ 42,281.32

(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) JEAN R. MARCELLUS

Individual (only for electioneering communication) Treasurer Deputy Treasurer

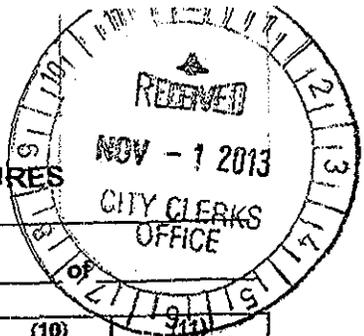
Signature Jean R. Marcellus

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

(Type name) JEAN R. MARCELLUS

Candidate Chairperson (only for PC, PTY & electioneering communication organization)

Signature Jean R. Marcellus



CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name JEAN R. MARCELLUS

(2) I.D. Number _____

(3) Cover Period 5/10/2013 through 8/12/2013

(4) Page _____

(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	Amount
5/11/13 1	WALTER HAAS GRAPHIC 123 WEST 23 rd ST Hialeah, FL 33010	Campaign Signs	MON		2,249.00
5/12/13 2	RADIO MEGA 87 NW 167 ST N.H.B, FL 33	Radio show	MON		275.00
5/12/13 3	Budget Rent-A-CAR 2835 NE 163 ST N.H.B, FL 33181	4 Trucks Rentals	MON		1,436.00
5/14/13 4	CERGINE CATOR 820 NW 198 ST Miami Gardens, FL	Campaign worker	MON		500.00
5/14/13 5	RADIO WLQY 1320 AM 1035 NE 125 ST N.Miami, FL 33161	Radio show	MON		525.00
5/14/13 6	PRINT ALL 7837 NW 37 AVE Miami, FL 33	Printing Supply	MON		536.00
5/16/13 7	UNIQUE ENTERPRISES INC. 1390 NE 12 AVE N. Miami, FL 33161	Office Rental	MON		1,500.00
5/16/13	EROLE EMMANUEL 20299 State Rd 7 Miami Gardens, FL	RADIO ADS	MON		300.00