



Michael Joseph/Late CTR Filings/Assessed Fines

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To: Andrise Bernard <andrise.bernard@citynmb.com>

Cc: "Scott, Esmond" <esmond.scott@citynmb.com>, Daniel Espino <DEspino@wsh-law.com>, "Defillipo, Anthony" <anthony.defillipo@citynmb.com>, "Arrojo, Jose (COE)" <jose.arrojo@miamidade.gov>

Dear Madam Clerk,

As you know, the city's 2020 Candidate Handbook very clearly provides for the assessment and collection of fines for the late filing of Campaign Treasurer's Reports (CTRs). Page 6 of the attached Handbook lists the due dates of each CTR beginning with M8 for the reporting period 8/1/20-8/1/13. On page 7, the Handbook states that Penalties for Violations of the Florida Election Code are assessed as follows:

"Pursuant to Florida election laws, any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first three (3) days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports due immediately preceding each primary or general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For a candidate's termination report, the fine shall be \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report."

Based on the above information, as well as the public records you recently provided with respect to the copies of then-candidate Michael Joseph's mailed envelopes and hand-delivered CTRs, and the attached the respective CTRs thereto, I calculated the amount of fines to be assessed to him, as follows:

1. The due date for CTR M8 was 8/21/20. According to the Clerk's stamped date received on the envelope, this CTR was received on 8/27/20, or six (6) days late. Therefore, Mr. Joseph must be fined the sum of **\$1,650.00** for this report (\$50 x 3 days + \$500 x 3 days).
2. The due date for CTR G1 was due 9/4/20. The USPS Postmark on the envelope was 9/15/20, or eleven (11) days late. Therefore, the fine to be assessed is **\$4,150.00** (\$50 x 3 days + \$500 x 8 days).
3. The due date for CTR G2 was due 9/18/20. The USPS Postmark on the envelope was 10/14/20, or twenty six (26) days late. Therefore, the fine to be assessed is **\$11,650.00** (\$50 x 3 days + \$500 x 23 days).
4. The due date for CTR G3 was due 10/2/20. The USPS Postmark on the envelope was 10/5/20, or three (3) days late. Therefore, the fine to be assessed is **\$150.00** (\$50 x 3 days).
5. The due date for CTR G4 was due 10/9/20. The Clerk's stamped date received on this envelope was 10/28/20, or nineteen (19) days late. Therefore, the fine to be assessed is **\$8,150.00** (\$50 x 3 days + \$500 x 16 days).
6. The returns for CTRs G5, G6, and G7 were filed on a timely basis; therefore, no fines are to be assessed for these returns. I did not include the CTRs or the envelopes for these periods in this email.

All of the above calculated fines total **\$25,750.00**.

However, according to the 2020 Candidate Handbook, "fines are not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report." Therefore, the final assessment of fines must be **calculated accordingly by your office**.

The 2020 Candidate Handbook also states that these fines "**must be paid from the candidate's personal funds – not campaign funds.**"

Please provide a copy of the city's notice to Mr. Joseph of the fines he owes, and also a copy of the paid receipt once you receive payment.

Thank you in advance for your assistance.

Stephanie Kienzle