BEFORE THE STATE OF FLORIDA COMMISSION ON ETHICS

In re NUNO ALMEIDA,)	Financial Disclosure Appeal No. FD 16-053
)	
Appellant.)	
		Final Order No.

FINAL ORDER

This matter came before the Commission on Ethics, meeting in public session on April 21, 2017, on the timely appeal of Nuno Almeida, pursuant to Section 112.3145(7)(f), Florida Statutes, which assesses an automatic fine of \$25 per day on a person who fails to timely file a required CE Form 1, Statement of Financial Interests. The Commission may waive the fine in whole or in part for good cause shown, based on "unusual circumstances" surrounding the failure to file by the designated date. There are no matters in dispute. Appellant did not request a hearing before the Commission.

Findings of Fact

- 1. According to information provided to the Commission, Appellant was a member of the Terracina Community Development District Board of Supervisors, a position requiring the filing of a CE Form 1, Statement of Financial Interests, for the year 2015. In 2016, the designated due date for submitting a 2015 CE Form 1 annual filing was July 1, 2016, with a grace period ending on September 1, 2016.
- 2. No later than June 1, 2016, the Palm Beach County Supervisor of Elections sent Appellant a 2015 CE Form 1. This mailing was sent to 455 Cresta Circle, West Palm Beach, FL 33413.

- 3. No later than July 31, 2016, the Palm Beach County Supervisor of Elections sent Appellant a Notice of Delinquency by certified mail. This notice was also sent to the 455 Cresta Circle address. The notice was delivered and signed for by Appellant.
- 4. On August 17, 2016, the Commission mailed Appellant a postcard intended to remind him of his obligation to file a 2015 CE Form 1. The Commission mailed the postcard to the 455 Cresta Circle address.
- 5. On August 26, 2016, Commission staff called Appellant and left a message reminding him of his financial disclosure obligation.
- 6. On September 7, 2016, six days after the grace period expired, the Commission mailed Appellant a courtesy notice informing his that an automatic fine had begun to accrue. The Commission mailed this notice to the 455 Cresta Circle address.
- 7. On September 20, 2016, Commission staff emailed Appellant regarding his financial disclosure obligation and advised him that an automatic fine was being assessed against him. Commission staff also emailed him the 2015 CE Form 1 to complete.
- 8. On September 21, 2016, Appellant called the Commission and advised Commission staff that he received the email dated September 20, 2016 from the Commission, and that the email had been the first notification he had received regarding his filing obligation. Commission staff emailed Appellant the 2015 CE Form 1.
- 9. On September 21, 2016, Appellant submitted his 2015 CE Form 1 to the Palm Beach County Supervisor of Elections.
 - 10. The amount of fine automatically assessed against Appellant was \$500.

- 11. On February 21, 2017, the Commission mailed a Notice of Assessment of Automatic Fine to the 455 Cresta Circle address. This mailing indicated the total of Appellant's accrued automatic fine. The mailing also included a notice of his right to appeal the fine. The notice was returned by the Post Office marked "Return to Sender" with a new forwarding address of 586 Edgebrook Lane, West Palm Beach, FL 33411-5301.
- 12. On March 9, 2017, the Commission resent the Notice of Assessment of Automatic Fine to the 586 Edgebrook Lane address. This mailing indicated the total of Appellant's accrued automatic fine. The mailing also included a notice of his right to appeal the fine.
- 13. On March 16, 2017, Appellant submitted his appeal to the Commission. In his appeal, Appellant claims he failed to timely file his disclosure form due to lack of notice. Appellant alleges that he did not receive any notifications regarding his financial disclosure obligation because he had moved three times within a year and a half. Commission records, however, reflect that on August 2, 2016, Appellant signed for the receipt of the Notice of Delinquency sent by the Palm Beach County Supervisor of Elections by certified mail.

Conclusions of Law

- 14. The Commission has jurisdiction over the subject matter of this proceeding pursuant to Section 112.3145, Florida Statutes.
- 15. Financial disclosure is required of public officials and employees because it enables the public to evaluate potential conflicts of interest, deters corruption, and increases public confidence in government. In order to increase compliance, beginning in 2001 the Legislature provided for an automatic fine of \$25 per day, up to a cap of \$1,500, on persons who do not timely file their financial disclosure statements. Under the law, the Legislature permitted

the Commission to waive a fine <u>only</u> "based upon unusual circumstances surrounding the failure to file on the designated due date "

- 16. Commission Rule 34-8.215, F.A.C., defines "unusual circumstances" as follows: uncommon, rare or sudden events over which the reporting individual has no control and which directly result in the failure to act in accordance with the filing requirement. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirement shall be deemed not to constitute unusual circumstances.
- 17. Appellant's basis for the appeal of his fine is that is that he did not receive notice of his obligation to file the 2015 CE Form 1. Although Appellant claims that he did not receive any of the notices from the Palm Beach County Supervisor of Elections or the Commission of his financial disclosure obligation, the Notice of Delinquency sent by the Palm Beach County Supervisor of Elections was delivered to and signed for by Appellant on August 2, 2016. Appellant, therefore, has not pointed out to any "uncommon, rare or sudden events" that prevented him from filing the 2015 CE Form 1 in a timely manner. Therefore, Appellant has not identified any "unusual circumstance" that would justify waiver of the \$500 fine.

Order

Based on the foregoing facts and conclusions of law, the Commission hereby affirms the assessed fine of \$500 and denies the appeal. The fine shall be paid to the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709, within 30 days of the date this order is

rendered, unless other payment arrangements are made by contacting Kimberly Holmes, Financial Disclosure Coordinator, at the address below or by telephone at (850) 488-7864.

ORDERED by the State of Florida Commission on Ethics meeting in public session on Friday, April 21, 2017.

Date Rendered

Matthew F. Carlucci Chair, Florida Commission on Ethics

THIS ORDER CONSTITUTES FINAL AGENCY ACTION. ANY PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER HAS THE RIGHT TO SEEK JUDICIAL REVIEW UNDER SECTION 120.68, AND SECTION FLORIDA STATUTES, BYFILING Α **NOTICE** ADMINISTRATIVE APPEAL PURSUANT TO RULE 9.110 FLORIDA RULES OF APPELLATE PROCEDURE, WITH THE CLERK OF THE COMMISSION ON ETHICS, AT EITHER 325 JOHN KNOX ROAD, BUILDING E, SUITE 200, TALLAHASSEE, FLORIDA 32303 OR P.O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709; AND BY FILING A COPY OF THE NOTICE OF APPEAL ATTACHED TO WHICH IS A CONFORMED COPY OF THE ORDER DESIGNATED IN THE NOTICE OF APPEAL ACCOMPANIED BY THE APPLICABLE FILING FEES WITH THE APPROPRIATE DISTRICT COURT OF APPEAL. THE NOTICE OF ADMINISTRATIVE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE DATE THIS ORDER IS RENDERED.

MFC:jmk

Copy furnished to:

Mr. Nuno Almeida 586 Edgewood Lane West Palm Beach, FL 33411-5301

FORM 1	STATEN	MENT OF	HD / 2015	
Please print or type your name, mailing address, agency name, and position belo		INTERESTS	FOR OFFICE USE ONLY:	
LAST NAME FIRST NAME MID	DOLE NAME:		SUPERVISOR OF ELECTIONS	
MAILING ADDRESS: 494 Cresta			2016 SEP 21 AM 10: 27	
West Palm	Beach FC 33	413	PALM BEACH LOUNTY	
CITY:	ZIP: COUNTY:			
NAME OF AGENCY :				
NAME OF OFFICE OR POSITION F	ELD OR SOUGHT:			
You are not limited to the space on the	a lines on this form. Attach additional she	· ·	•	
DISCLOSURE PERIOD: THIS STATEMENT REFLECTS YO	LEASE STATE BELOW WHETHER	THE PRECEDING TAX YEAR	R, WHETHER BASED ON A CALENDAR THE PRECEDING TAX YEAR ENDING	
CALCULATIONS, OR USING COM for further details). CHECK THE C	SING REPORTING THRESHOLDS MPARATIVE THRESHOLDS, WHICH INE YOU ARE USING (must check	HARE USUALLY BASED ON one):	AR VALUES, WHICH REQUIRES FEWER PERCENTAGE VALUES (see instructions	
	(PERCENTAGE) THRESHOLDS		AR VALUE THRESHOLDS	
	INCOME [Major sources of income to eport, write "none" or "n/a")	the reporting person - See instri	uctions]	
NAME OF SOURCE OF INCOME	AD	URCE'S PDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY	
Almeida Fisheria	es Cape Com	unl FL	Comnercial Fishing	
	OF INCOME and other sources of income to busines report, write "none" or "n/a")	sses owned by the reporting pers	son - See instructions]	
NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE	
None				
PART C REAL PROPERTY [Land,	buildings owned by the reporting perso	on - See instructions		
(If you have nothing to re	port, write "none" or "n/a")		FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.	
494 Crast	a circle WP	B FL 334/13	INSTRUCTIONS on who must file this form and how to fill it out	
		- 32 112	begin on page 3.	

	The second se		
PART D — INTANGIBLE PERSONAL PROPERTY Aff you have nothing to report, write "r		es of deposit, etc See in	structions]
TYPE OF INTANGIBLE	1	BUSINESS ENTITY TO V	WHICH THE PROPERTY RELATES
None			
PART E — LIABILITIES [Major debts - See instruct (If you have nothing to report, write "n			
NAME OF CREDITOR		ADDRES	SS OF CREDITOR
NONE			
PART F — INTERESTS IN SPECIFIED BUSINESSES (If you have nothing to report, write "no	ne" or "n/a")	S ENTITY # 1	Sinesses - See instructions] BUSINESS ENTITY # 2
NAME OF BUSINESS ENTITY ADDRESS OF BUSINESS ENTITY	1001	<i>c</i> <u>C</u>	
PRINCIPAL BUSINESS ACTIVITY	<u> </u>		
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINES	ss		
NATURE OF MY OWNERSHIP INTEREST			
PART G — TRAINING For elected municipal officers required to complete I CERTIFY THAT			e, f.s. UIRED TRAINING.
IF ANY OF PARTS A THROUGH G A	RE CONTINUED ON	A SEPARATE SHE	ET, PLEASE CHECK HERE
SIGNATURE OF FILE Signature: Date Signed: 9-21-/6	ER:	If a certified public according good standing with the she must complete the I, Form 1 in accordance with the sheet shee	, prepared the CE with Section 112.3145, Florida Statutes, and the Upon my reasonable knowledge and belief, the e and correct.
		Date Signed:	
	FILING INSTR	UCTIONS:	
WHAT TO FILE: V	VHERE TO FILE:		WHEN TO FILE:

After completing all parts of this form, including signing and dating it, send back only the first sheet (pages 1 and 2) for filing.

If you have nothing to report in a particular section, you must write "none" or "n/a" in that section(s).

NOTE:

MULTIPLE FILING UNNECESSARY:

A candidate who previously filed Form 1 because of another public position must file a copy of his or her Form 1 when qualifying. A candidate who files a Form 1 with a qualifying officer is not required to file with the Commission or Supervisor of Elections.

Facsimiles will not be accepted.

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location.

Local officers/employees file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.)

State officers or specified state employees file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303.

Candidates file this form together with their qualifying papers.

To determine what category your position falls under, see page 3 of instructions.

Initially, each local officer/employee, state officer, and specified state employee must file within 30 days of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment. Candidates must file at the same time they file their qualifying papers.

Thereafter, file by July 1 following each calendar year in which they hold their positions.

Finally, file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2015.



STATE OF FLORIDA **COMMISSION ON ETHICS**

325 John Knox Road Building E, Suite 200 Tallahassee, FL 32303 Telephone: (850) 488-7864 Fax: (850) 488-3077

FLORIDA COMMISSION ON ETHICS MAR 1 6 2017 RECEIVED

APPEAL OF AUTOMATIC FINE FOR FORM YEAR 2015

Email: disclosure@leg.state.fl.us

DIRECTIONS: The information you provide in this form is critical for processing your appeal in a timely manner.

In Part A. please provide current contact information. If your contact information changes while your appeal is being processed, please notify us.

In Part B, please check any boxes that specify the general reason(s) for your appeal.

In Part C, please explain in detail the reason(s) for In addition to your written your appeal. explanation in Part C, you may attach any documents that support your appeal.

IMPORTANT: TO PRESERVE YOUR RIGHT TO APPEAL, THIS FORM OR OTHER WRITTEN APPEAL (AND ANY ATTACHMENTS) MUST BE FILED WITH (RECEIVED BY) THE COMMISSION ON ETHICS WITHIN THIRTY (30) DAYS OF THE DATE THE NOTICE OF ASSESSMENT OF AUTOMATIC FINE WAS MAILED TO YOU.

PLEASE SEND YOUR COMPLETED FORM TO ONE OF THE FOLLOWING:

Mailing Address: Commission on Ethics P.O. Drawer 15709

Tallahassee, FL 32317-5709

Physical Address: Commission on Ethics

325 John Knox Road Building E, Suite 200 Tallahassee, FL 32303

Fax:

(850) 488-3077

Email:

disclosure@leg.state.fl.us

PART A: YOUR INFORMATION
Name: NUNO Almoida
Address: 586 Edgebrook Ln City: West Palm Brach State F6 Zip: 33411
Daytime Tel.: 561-906-0002 Cell: 561-906-0002
Email: Transport Pb & Jahoo. Com Filer ID# (if known): 255580
Public Employer: Left Board of Directors
Public Position:

PART B: GENERAL REASON(S) FOR YOUR APPEAL
Please choose any/all reasons that apply to your appeal.
I hereby appeal the Notice of Assessment of Automatic Fine on the following basis:

- a. [] Sickness or injury (Explain in Part C and attach a statement from attending physician, including dates and nature of illness or injury)
- b. Lack of notification Failure to receive notice (Explain in Part C and provide documentation that supports your assertion that you never received certified mail delinquency notice: for example, incorrect address; misdelivered mail; change in employment; extended absence from home, etc.)
- c. [] Claim of timely filing of financial disclosure (Explain in Part C and provide copy of certified mail receipt and/or copy of completed form which had been previously filed, along with a sworn notarized statement that you filed prior to the deadline)
- d. [] Left public position prior to December 31, 2015 (Explain in Part C and provide confirmation from agency that your office-holding/employment ended before 12/31/2015)
- e. [] Other unusual circumstance (Explain in Part C and provide documentation explaining uncommon, rare, or sudden occurrence that prevented timely filing prior to deadline)

PART C: DETAILED EXPLANATION OF YOUR APPEAL
Please provide a detailed explanation of your appeal, including why each option you selected in Part B is applicable to you. You may use the space provided and/or attach additional pages.
I Nuno Almrida have moved 3 times within a year and
a half Firm 455 crosses avale to 494 cresta circle and non
586 Edgebrook LA. I never recieved the proper Nortice's Accession
to lite due to unrevered mail. I no longer Serve on any bound
because t have 2 children with illness and spill do run a business
thonk you

OPTIONAL REQUEST FOR HEARING

[] In addition to this written appeal, I specifically request to appear before the Commission in a hearing

In addition to this written appeal, I specifically request to appear before the Commission in a hearing pursuant to Section 112.3144(5)(e)3 or Section 112.3145(7)(f)3, Florida Statutes. Commission meetings occur in Tallahassee.

SIG	NATU	RE	

I have received and read th	le Notice of Assessment of	of Automatic Fine and	its instructions on	i How to Appea
and I understand my option	ne I am requesting dispos	ition of this marker as	indicated	• •
and randerstand my option	is. I am requesting dispos	ngon of this migrain as	marqueta.	

3-16-17

DATE

SIGNATURI



Palm Beach County

SUSAN BUCHER Supervisor of Elections 240 SOUTH MILITARY TRAIL WEST PALM BEACH, FL 33415 POST OFFICE BOX 22309 WEST PALM BEACH, FL 33416

TELEPHONE: (561) 656-6200 FAX NUMBER: (561) 656-6287 WEBSITE: www.pbcelections.org

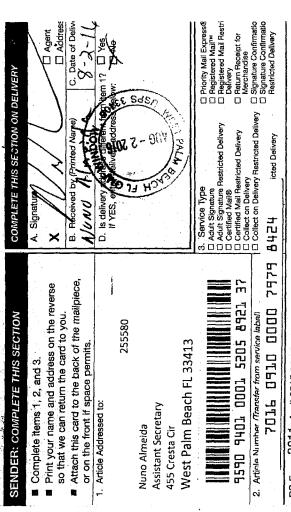
Florida Commission on Ethics Financial Disclosure Notification System Delinquency Certification FLORIDA COMMISSION ON ETHICS NOV 0 9 2016 RECEIVED

CERTIFICATION

- I, Susan Bucher, the Supervisor of Elections of Palm Beach County, hereby certify that each person whose PID number, name, agency, and position appears above or on the attached list:
 - 1) Was sent a notice of the July 1, 2016 financial disclosure deadline and a blank Form 1, Statement of Financial Interests, not later than June 1, 2016;
 - 2) Was determined to be delinquent in filing Form 1, Statement of Financial Interests, by July 1, 2016;
 - 3) Was sent a delinquency notice by certified mail not later than July 31, 2016 advising him or her of the grace period in effect until September 2, 2016; and of the penalties that could be imposed as provided in Section 112.3145(6)(c), Florida Statutes; and
 - 4) Did not file a Form 1, Statement of Financial Interests, until the date shown or, had not filed a Form 1, Statement of Financial Interests by November 1, 2016; and further
 - 5) That the date of filing shown is based upon the earliest of the following:
 - (a) When the Form 1 was actually received by my office;
 - (b) When the Form 1 was postmarked;
 - (c) When the certificate of mailing (if any) was dated; or
 - (d) When the receipt (if any) from an established courier company was dated.

Signed:

SUPERVISOR OF ELECTIONS



PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Rece



🍒 Filer - Fines and Appeals - PID 255580 - Nuno Almeida

Filer Information

Org Membership

Forms

Communications

Fines and Appeals >

View All

Filer Flags

 2000
 2001
 2002
 2003
 2004

 2005
 2006
 2007
 2008
 2009

 2010
 2011
 2012
 2013
 2014(\$)

 2015(\$)
 2016

<< 2016 Form Year

Status

Filing: INACTIVE Fine: No Fine

Flags

Public Address

Filing Extensions

Indefinite: None

Temporary:

None

Eligible for Fines

Update Flags

The filer has fines for: 2016 (Appeal) 2015 (Paid) view all

2016 Fines and Appeals

Form Year 2015 Filed Forms					
Received Date	Form Type	Form Signed	Filing Location	Updated	Comments
09/21/16	Form 1	Yes	SOE	HOLMESK(SOE IMPORT) on 11/29/2016	Palm Beach

2016 Fine Information					Update Fine Information Assign Agency Contact			
Fine Balance	Fine Status	Fine Date	Original Assessment	İ	ne ount	Last Payment Date	Payment Plan Start Date	Payment Plan Amount
\$500.00	Appeal	2/21/2017	\$500.00	\$50	0.00			

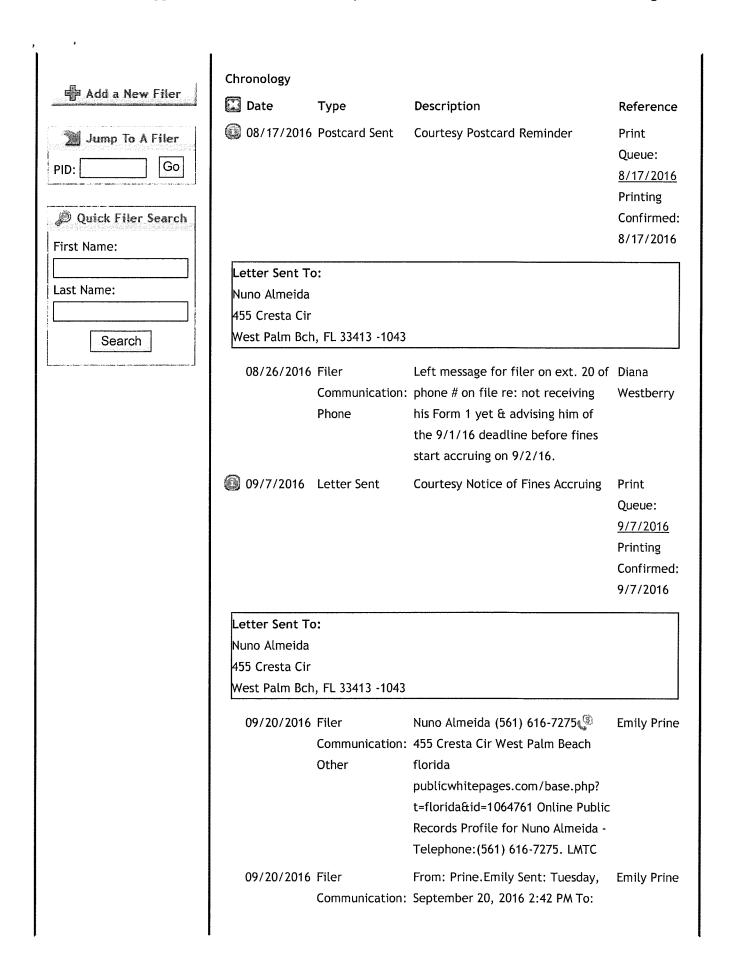
Fine Address 586 Edgebrook LN West Palm Bch FL 33411-5301
Org/Suborg Terracina Community Development District-Board of Supervisors

2016 Fine Payment History					
Date Posted	Description	Amount	Method	Payment ID	Comments
2/21/2017	Fine Levied	+ \$500.00			Fined \$500.00
Current Balance: \$500.00					

Current Balance: \$500.00

2016 Fine Year Event

Invalidate Transaction



Email 'transportpb@yahoo.com' Subject: Form 1 2015 Financial Disclosure PID 255580 Nuno Almedia, The Palm Beach County Supervisor of Elections has not received your Form 1 2015 Financial Disclosure for serving on Terracina Community Development District Board of Supervisors through December 31, 2015. The grace period ended September 1, 2016 your fines as of today are as follows: 315 Terracina Community Development District, Board of Supervisors Nuno Almeida 255580 1 \$475.00 The fines will continue to accrue until you file your form. The maximum fine amount is up to \$1500.00. You are being accessed fines of \$25.00 per day. As a courtesy, I've attached the required form. If you have any questions, please contact me at 850-488-7864 (5).

09/21/2016 Form Received Form 1 Received, Signed

Form 1 Received by Palm Beach SOE

Form Received By: Palm Beach County SOE Filing Location: Palm Beach County SOE

Record Created By: HOLMESK(SOE IMPORT) on 11/29/2016

09/21/2016 Filer Filer received email, said it was **Emily Prine**

Communication: the first notification he received.

Phone Said he will be resigning.

09/21/2016 Filer From: Prine.Emily Sent: **Emily Prine**

Communication: Wednesday, September 21, 2016

Email 8:25 AM To:

'transportpb@yahoo.com' Cc:

		Holmes, Kim Subject: Form 1 2015 PID 255580 Importance: High Mr. Almeida, I am glad we made contact. Per our conversation is the required Form 1 2015 you want to file as soon as possible with the	
		Palm Beach Supervisor of Elections. Also, the following is the coordinator contact information for Terracina Community Development District Board of Supervisors. If I can help in anyway, please let me know.	
09/21/2016		From: Nuno Almeida [mailto:transportpb@yahoo.com] Sent: Wednesday, September 21, 2016 9:50 AM To: Prine.Emily Cc: Holmes, Kim Subject: Re: Form 1 2015 PID 255580 Thank you	Emily Prine
02/21/2017	Fine Levied	Fined \$500.00	Journal: 2/21/2017 9:26 AM
02/21/2017 Invalidated	Notice of Assessed Fine	Initial Fine Notice. Invalidated Reason: Mail Returned-New Address (USPS)	Journal: 2/21/2017 9:49 AM
3 02/21/2017	Letter Sent	Notice of Assessed Fine - Filer 1st Fine Letter	Print Queue: 2/21/2017 Printing Confirmed: 2/21/2017
Letter Sent To Nuno Almeida 455 Cresta Cir West Palm Bch	; , FL 33413 -1043		
	Notice of Assessed Fine	Initial Fine Notice	Journal: 3/9/2017

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<u>12:56 PM</u>

Notice of Assessed Fine - Filer 1st

Fine Letter

Print
Queue:
3/9/2017
Printing

Printing Confirmed: 3/9/2017

Letter Sent To:

03/9/2017 Letter Sent

Nuno Almeida

586 Edgebrook LN

West Palm Bch, FL 33411 -5301

03/16/2017 Filer Filer phoned very upset over fine. Emily Prine

Communication: How could we people fine someone Phone for a volunteer position. Says he

has children that have illnesses

and he doesn't have the money.
Said he never received anything,
had moved and did not receive
proper notification. Told him to
complete appeal form and choose
the option did not receive proper

notification and submit.

03/16/2017 Filer From: postalstore@globalship.biz Emily Prine

Communication: [mailto:postalstore@globalship.biz]

Email Sent: Thursday, March 16, 2017

11:53 AM To: disclosure Subject: Postal & Global Services Corp www.GlobalShip.biz 9314 Forest Hill Blvd Wellington, FL 33411 Tel:

561-793-0656 Fax: 561-584-8517

03/16/2017 Filer Verified verbally appeal was rec'd Emily Prine

Communication: with filer.

Phone

03/24/2017 Fine Appeal FD 16-053 Journal:

3/24/2017 3:40 PM

3:40 PM

