

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re JEFFREY BENDER,)

Financial Disclosure Appeal No. FD 16-068

Appellant.)

Final Order No.)

FINAL ORDER

This matter came before the Commission on Ethics, meeting in public session on July 28, 2017, on the timely appeal of Jeffrey Bender, 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 served as a member of the Volusia County Planning and Land Development Regulation Commission, 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 Volusia County Supervisor of Elections sent Appellant a 2015 CE Form 1. This mailing was sent to 1430 Sky Ridge Drive, Deland, FL 32724.

3. No later than July 31, 2016, the Volusia County Supervisor of Elections sent Appellant a Notice of Delinquency by certified mail. This notice was also sent to the 1430 Sky Ridge Drive address. The notice was delivered and apparently signed for by Appellant's wife on August 26, 2016.

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 1430 Sky Ridge Drive address.

5. On September 2, 2016, Appellant submitted his 2015 CE Form 1 to the Volusia County Supervisor of Elections.

6. The amount of fine automatically assessed against Appellant was \$25.

7. On February 28, 2017, the Commission mailed a Notice of Assessment of Automatic Fine to the 1430 Sky Ridge Drive 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.

8. On March 30, 2017, Appellant submitted his appeal to the Commission. In his appeal, Appellant states that he was unable to timely file his disclosure form due to sickness or injury. Appellant states that he was diagnosed with lymphoma, and has been undergoing treatment since March 2016. As a result of his diagnosis and on-going treatment for lymphoma, Appellant states that he has been unable to work during the past year.

Conclusions of Law

9. The Commission has jurisdiction over the subject matter of this proceeding pursuant to Section 112.3145, Florida Statutes.

10. 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 only "based upon unusual circumstances surrounding the failure to file on the designated due date"

11. 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.

12. Appellant's basis for the appeal of his fine is that he was unable to timely file his 2015 CE Form 1 due to his medical condition and his on-going treatment for lymphoma. His claim is supported by documentation he submitted from his physician verifying his diagnosis and his on-going treatment. This "unusual circumstance" justifies waiving the \$25 fine.

Order

Based on the foregoing facts and conclusions of law, the Commission hereby waives the assessed fine of \$25.

ORDERED by the State of Florida Commission on Ethics meeting in public session on Friday, July 28, 2017.

Date Rendered

XXXX

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 112.3241, FLORIDA STATUTES, BY FILING A NOTICE OF 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.

XXX:jmk

Copy furnished to:

Mr. Jeffrey Bender
1430 Sky Ridge Dr.
Deland, FL 32724

Holmes, Kim

From: jeffrey bender <jbproperties1@att.net>
Sent: Thursday, March 30, 2017 4:31 PM
To: Holmes, Kim
Subject: Appeal

FLORIDA
COMMISSION ON ETHICS

MAR 30 2017

RECEIVED

Mrs. Holmes, my name is Jeffrey Bender a member of the planning and zoning commission for the County of Volusia. I received a certified letter from your office informing me of the fine that's been assessed to me. I am experiencing unusual circumstances because of an illness. I was diagnosed with lymphoma and undergoing chemotherapy and other forms of treatment since March of 2016. I have not received the information from my doctor to go along with the appeal form. I'm asking for additional time to get this document from my doctor without additional fines. I haven't been able to work for the last year and this would cause a great deal of stress to my situation. Thank you in advance for your consideration of this request.

Jeffrey A. Bender
407-493-5892



Financial Disclosure Management System
THE FLORIDA COMMISSION ON ETHICS

Filer - Fines and Appeals - PID 239320 - Jeffrey Bender

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\(S\)](#) [2016](#)

<<2016 Form Year

Status

Filing: ACTIVE

Fine: No Fine

Flags

Public Address

Filing Extensions

Indefinite: None

Temporary:

None

Eligible for Fines

[Update Flags](#)

The filer has fines for: [2016 \(Appeal\)](#)

2016 Fines and Appeals

Form Year 2015 Filed Forms

Received Date	Form Type	Form Signed	Filing Location	Updated	Comments
09/02/16	Form 1	Yes	SOE	HOLMESK(SOE IMPORT) on 12/15/2016	Volusia

2016 Fine Information

[Update Fine Information](#)

[Assign Agency Contact](#)

Fine Balance	Fine Status	Fine Date	Original Assessment	Fine Amount	Last Payment Date	Payment Plan Start Date	Payment Plan Amount
\$25.00	Appeal	2/28/2017	\$25.00	\$25.00			

Fine Address 1430 Sky Ridge Dr Deland FL 32724-7634

Org/Suborg Volusia County-Planning & Land Develop. Regul. Commis.

2016 Fine Payment History

Date Posted	Description	Amount	Method	Payment ID	Comments
2/28/2017	Fine Levied	+ \$25.00			Fined \$25.00

Current Balance: \$25.00

2016 Fine Year Event

Chronology

[Invalidate Transaction](#)

Add a New Filer

Jump To A Filer
 PID:

Quick Filer Search
 First Name:

 Last Name:

Date	Type	Description	Reference
08/17/2016	Postcard Sent	Courtesy Postcard Reminder	Print Queue: <u>8/17/2016</u> Printing Confirmed: 8/17/2016

Letter Sent To:
 Jeffrey Bender
 1430 Sky Ridge Dr
 Deland, FL 32724 -7634

09/2/2016	Form Received	Form 1 Received, Signed	Form 1 Received by Volusia SOE
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Form Received By: Volusia County SOE
Filing Location: Volusia County SOE
Record Created By: HOLMESK(SOE IMPORT) on 12/15/2016

02/28/2017	Fine Levied	Fined \$25.00	Journal: <u>2/28/2017</u> <u>9:01 AM</u>
02/28/2017	Notice of Assessed Fine	Initial Fine Notice	Journal: <u>2/28/2017</u> <u>10:09 AM</u>
02/28/2017	Letter Sent	Notice of Assessed Fine - Filer 1st Fine Letter	Print Queue: <u>2/28/2017</u> Printing Confirmed: 2/28/2017

Letter Sent To:
 Jeffrey Bender
 1430 Sky Ridge Dr
 Deland, FL 32724 -7634

03/30/2017	Fine Appeal	FD 16-068	Journal: <u>3/30/2017</u> <u>5:03 PM</u>
03/30/2017	Filer Communication: Phone	Called to ask about getting additional time to submit his appeal for his fine. He has been diagnosed with lymphoma and undergoing chemo. He didn't open his mail for a while and when	Azie Russell

ORIGINAL

Florida Cancer Specialists - Orange City

765 Image Way
Orange City, FL 32763
Phone: 386-774-7411 Fax: 866-447-0371

FLORIDA
COMMISSION ON ETHICS

APR 17 2017

Patient Name: **Bender, Jeffrey**

Patient Number: **1035801**

To whom it may concern,

RECEIVED
Date: 3/31/2017

Date Of Birth: **11/25/1958**

Jeffrey Bender is a patient here at Florida Cancer Specialist, under the care of Dr. Victor Melgen. Patient is seen for Diffuse Large Cell Lymphoma. He under went treatment for this with chemotherapy. Patient was seen multiple times in the office since 4/8/16. Currently he is seen at least once a month for surveillance and port flushes. If you have any questions please feel free to call 386-774-7411.

Thank you,

Signed By: Aimee Jackson on 3/31/2017 at 5:14 PM

Signed By: _____



Victor Melgen MD

This document was electronically signed on 3/31/2017 at 5:14 PM

Re: 239320, Financial Disclosure Appeal # FD 16-068

I Lisa Lewis, the Supervisor of Elections of Volusia 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 a 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 1, 2016; and of the penalties that could be imposed as provided in Section 112.3145(7)(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 October 31, 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

Lisa Lewis

SUPERVISOR OF ELECTIONS

Confirm

Cancel

Please print or type your name, mailing address, agency name, and position below:

FOR OFFICE USE ONLY:

LAST NAME -- FIRST NAME -- MIDDLE NAME :

MAILING ADDRESS :

Jeffrey Bender
1430 Sky Ridge Dr
Deland, FL 32724
Volusia County - Planning & Land Develop. Regul. Commis.

SEP 2 '15 AM 11:08

*See attached

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

CHECK ONLY IF [] CANDIDATE OR [] NEW EMPLOYEE OR APPOINTEE

*** BOTH PARTS OF THIS SECTION MUST BE COMPLETED ***

DISCLOSURE PERIOD:

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (must check one):

[x] DECEMBER 31, 2015 OR [] SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR:

MANNER OF CALCULATING REPORTABLE INTERESTS:

FILERS HAVE THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). CHECK THE ONE YOU ARE USING (must check one):

[] COMPARATIVE (PERCENTAGE) THRESHOLDS OR [x] DOLLAR VALUE THRESHOLDS

PART A -- PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person - See instructions] (If you have nothing to report, write "none" or "n/a")

Table with 3 columns: NAME OF SOURCE OF INCOME, SOURCE'S ADDRESS, DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY. Contains handwritten 'See attached'.

PART B -- SECONDARY SOURCES OF INCOME [Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions] (If you have nothing to report, write "none" or "n/a")

Table with 4 columns: NAME OF BUSINESS ENTITY, NAME OF MAJOR SOURCES OF BUSINESS' INCOME, ADDRESS OF SOURCE, PRINCIPAL BUSINESS ACTIVITY OF SOURCE. Contains handwritten 'See attached'.

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person - See instructions] (If you have nothing to report, write "none" or "n/a")

Table with 1 column for reporting details. Contains handwritten 'See attached'.

FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.

INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.

PART D — INTANGIBLE PERSONAL PROPERTY [Stocks, bonds, certificates of deposit, etc. - See instructions]
 (If you have nothing to report, write "none" or "n/a")

TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES
<i>See attached</i>	

PART E — LIABILITIES [Major debts - See instructions]
 (If you have nothing to report, write "none" or "n/a")

NAME OF CREDITOR	ADDRESS OF CREDITOR
<i>None</i>	

PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses - See instructions]
 (If you have nothing to report, write "none" or "n/a")

NAME OF BUSINESS ENTITY	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2
ADDRESS OF BUSINESS ENTITY		
PRINCIPAL BUSINESS ACTIVITY		
POSITION HELD WITH ENTITY	<i>None</i>	
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS		
NATURE OF MY OWNERSHIP INTEREST		

PART G — TRAINING
 For elected municipal officers required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

IF ANY OF PARTS A THROUGH G ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

SIGNATURE OF FILER:

Signature: *Jeffrey A. Bond*

Date Signed: *9/21/2016*

CPA or ATTORNEY SIGNATURE ONLY

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 1 in accordance with Section 112.3145, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

CPA/Attorney Signature: _____

Date Signed: _____

FILING INSTRUCTIONS:

<p>WHAT TO FILE:</p> <p>After completing all parts of this form, including signing and dating it, send back only the first sheet (pages 1 and 2) for filing.</p> <p>If you have nothing to report in a particular section, you must write "none" or "n/a" in that section(s).</p> <p>NOTE:</p> <p>MULTIPLE FILING UNNECESSARY:</p> <p>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.</p> <p>Facsimiles will not be accepted.</p>	<p>WHERE TO FILE:</p> <p>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.</p> <p>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.)</p> <p>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.</p> <p>Candidates file this form together with their qualifying papers.</p> <p>To determine what category your position falls under, see page 3 of instructions.</p>	<p>WHEN TO FILE:</p> <p>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.</p> <p>Thereafter, file by July 1 following each calendar year in which they hold their positions.</p> <p>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.</p>
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