

**BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS**

In re JAMES ROBERT KELLY,	)	
	)	Financial Disclosure Appeal No. FD 15-059
Appellant.	)	
	)	Final Order No.
_____	)	

**FINAL ORDER**

This matter came before the Commission on Ethics, meeting in public session on Friday, June 3, 2016, on the timely appeal of James Robert Kelly, 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 due date. There are no material facts in dispute. Appellant did not request a hearing before the Commission.

**Findings of Fact**

1. During the year 2014, Appellant served as Aviation Manager for Broward County, a position that required the annual filing of financial disclosure. He was late filing the required CE Form 1, Statement of Financial Interests, for the year 2014. The designated date for submitting 2014 CE Form 1 was July 1, 2015, with a grace period ending on September 1, 2015.
2. On or before June 1, 2015, the Supervisor of Elections mailed Appellant a copy of 2014 CE Form 1 and filing instructions. This mailing was sent to 7049 Marlberry Lane, Tamarac, Florida 33321-5344.

3. On July 31, 2015, the Supervisor of Elections mailed Appellant a Notice of Delinquency. This mailing was sent certified to the 7049 Marlberry Lane address; tracking records were unavailable.

4. On August 21, 2015, the Commission mailed the Appellant a courtesy postcard reminding of the filing obligation. This postcard was sent to the 7049 Marlberry Lane address.

5. On September 4, 2015, the Commission mailed the Appellant a letter to inform him that an automatic fine had begun to accrue as he had yet to file a proper 2014 CE Form 1. This letter was sent to the 7049 Marlberry Lane address.

6. On October 27, 2015, a Commission staff member reached the Appellant by telephone, and learned that the Appellant left his former position with Broward County in May 2015. A Commission staff member updated the Appellant's address and instructed the Appellant to download and complete 2014 CE Form 1.

7. On October 27, 2015, the Appellant filed 2014 CE Form 1 with the Supervisor of Elections.

8. On February 22, 2016, the Commission mailed the Appellant a Notice of Assessment of Automatic Fine. This mailing included, for the first time, the total of the Appellant's accrued automatic fine, and a notice of the Appellant's right to appeal the fine. The Commission sent this mailing certified to 1430 NW 144th Avenue, Pembroke Pines, Florida 33028-2923.

9. The amount of the fine automatically assessed against the Appellant was \$1,400.

10. On March 8, 2016, the Appellant submitted an appeal.

11. In the appeal, Appellant states that he left his job with Broward County in May 2015 and did not receive notices reminding him of the financial disclosure obligation and deadline,

because the notices were sent to an old address. The Appellant notes that he completed and filed the form the same day he was contacted by a Commission on Ethics staff member.

### **Conclusions of Law**

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

13. 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 ... ."

14. Rule 34-8.215, Florida Administrative Code, 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.

15. Appellant's basis for the appeal – lack of notice – constitutes an "unusual circumstance" that justifies waiving the \$1,400 fine.

### **Order**

Based on the foregoing facts and conclusions of law, the Commission hereby waives the assessed fine of \$1,400.

**ORDERED** by the State of Florida Commission on Ethics meeting in public session on Friday, June 3, 2016.

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Date Rendered

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**STANLEY M. WESTON**  
*Chair*

THIS ORDER CONSTITUTES FINAL AGENCY ACTION. ANY PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER HAS THE RIGHT TO SEEK JUDICIAL REVIEW UNDER SECTIONS 112.3241 AND 120.68, 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, BY U.S. MAIL AT P.O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709 (OR BY DELIVERY TO 325 JOHN KNOX ROAD, BUILDING E, SUITE 200, TALLAHASSEE, FLORIDA 32303); AND BY FILING A COPY OF 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.

Copy furnished to:

James Kelly  
1430 NW 144th Avenue  
Pembroke Pines, Florida 33028-2923

SMW: slh

239893

15-059



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  
Email: disclosure@leg.state.fl.us

FLORIDA  
COMMISSION ON ETHICS

MAR 08 2016

RECEIVED

APPEAL OF AUTOMATIC FINE FOR FORM YEAR 2014

**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 your appeal. In addition to your written 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: James Robert Kelly

Address: 1430 NW 144th Avenue, Pembroke Pines, FL 33028

Daytime Tel.: 305 869-5614 Cell: 239 560 3763

Email: jrkellyjr@gmail.com Filer ID# (if known):

Public Employer: Broward County Aviation Department

Public Position: Aviation Business Manager

CONTINUED ON REVERSE SIDE

## 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, 2014** (Explain in Part C and provide confirmation from agency that your office-holding/employment ended before 12/31/2014)
- 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.

In past years, the Financial Disclosures for Broward County Aviation Department were gathered and submitted to the Broward County Supervisor of Elections in a group. This was organized at the departmental level and the entire group's disclosures were submitted together. I left the employment of Broward County in May of 2015 and did not receive the usual reminders. Once contacted by the State of FL Commission on Ethics by phone, I submitted the form the following day on October 27th. I should have contacted my previous employer

## OPTIONAL REQUEST FOR 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.

## SIGNATURE

I have received and read the Notice of Assessment of Automatic Fine and its instructions on How to Appeal and I understand my options. I am requesting disposition of this matter as indicated.

March 8, 2016  
DATE

James Robert Kelly  
SIGNATURE

## Holmes, Kim

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**From:** Kelly, James R. (Aviation) <JKelly@miami-airport.com>  
**Sent:** Tuesday, March 08, 2016 12:28 PM  
**To:** disclosure  
**Cc:** 'jrkellyjr@gmail.com'  
**Subject:** Appeal of Notice of Assessment of Automatic Fine  
**Attachments:** Appeal for James Robert Kelly of 2014 fine 03082016.pdf

FLORIDA  
COMMISSION ON ETHICS

MAR 08 2016

RECEIVED

Please see the attached document for James Robert Kelly, PID 239893

Please note, the informaton below is for my current employer.

Jim Kelly  
Division Director, Terminal Operations  
Miami-Dade Aviation Department  
Miami International Airport  
P.O.Box 025504  
Miami, Florida 33102-5504  
Office- 305 869-5614  
Cell - 786 620-9307  
[jkelly@miami-airport.com](mailto:jkelly@miami-airport.com)

"Delivering Excellence Every Day"

Connect with MIA:   



FORM 1

STATEMENT OF FINANCIAL INTERESTS

2014

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

FOR OFFICE USE ONLY:

BROWARD COUNTY SUPERVISOR OF ELECTIONS

2015 OCT 27 PM 4:32

LAST NAME -- FIRST NAME -- MIDDLE NAME :

Kelly -- James -- Robert

MAILING ADDRESS :

1430 NW 144th Street

CITY :

ZIP :

COUNTY :

Pembroke Pines

33028

Broward

NAME OF AGENCY :

Broward County Aviation Department

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

Aviation Business Manager

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, 2014 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:

[ ] 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. Row 1: none

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. Row 1: none

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: REAL PROPERTY. Row 1: none

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
none	

PART E — LIABILITIES [Major debts - See instructions] (If you have nothing to report, write "none" or "n/a")	
NAME OF CREDITOR	ADDRESS OF CREDITOR
Bank of America	11150 Taft St., Pembroke Pines, FL 33026

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")		
	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2
NAME OF BUSINESS ENTITY		
ADDRESS OF BUSINESS ENTITY	none	none
PRINCIPAL BUSINESS ACTIVITY		
POSITION HELD WITH ENTITY		
DO I OWN MORE THAN A 5% INTEREST IN THE BUSINESS		
NATURE OF MY OWNERSHIP INTEREST		

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

<p align="center"><b><u>SIGNATURE OF FILER:</u></b></p> <p>Signature: _____</p> <p align="center"><i>James R Kelly Jr.</i></p> <p>Date Signed: _____</p> <p align="center"><i>10/27/2015</i></p>	<p align="center"><b><u>CPA or ATTORNEY SIGNATURE ONLY</u></b></p> <p>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:</p> <p>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.</p> <p>CPA/Attorney Signature: _____</p> <p>Date Signed: _____</p>
--	---

**FILING INSTRUCTIONS:**

**WHAT 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 at least file a copy of his or her original 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.

**WHERE TO FILE:**

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 the "Who Must File" instructions on page 3.

Facsimiles will not be accepted.

**WHEN TO FILE:**

*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* for publicly-elected local office must file at the same time they file their qualifying papers.

*Thereafter*, local officers/employees, state officers, and specified state employees are required to file by July 1st following each calendar year in which they hold their positions.

*Finally*, at the end of office or employment, each local officer/employee, state officer, and specified state employee is required to file a final disclosure form (Form 1F) within 60 days of leaving office or employment. However, filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if he or she was in their position on December 31, 2014.

## Florida Commission on Ethics Financial Disclosure Notification System Delinquency Certification (2015)

I Dr. Brenda C. Snipes, the Supervisor of Elections of Broward County, hereby certify that each person whose ID number, name, agency, and position appears above or on the attached list:

(1) was sent a notice of the July 1, 2015 financial disclosure deadline and a blank Form 1, Statement of Financial Interests, not later than June 1, 2015;

(2) was determined to be delinquent in filing a Form 1, Statement of Financial Interests, by July 1, 2015;

(3) was sent a delinquency notice by certified mail not later than July 31, 2015 advising him or her of the grace period in effect until September 1, 2015; 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, 2015; 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

  
\_\_\_\_\_  
11/13/15

Print List - Broward County Supervisor of Elections Financial Disclosure System 2015 - ... Page 3 of 5

20		250210	Hickman	Oakland Park		16	Broward
21		209790	Joseph M. Holland	Fort Lauderdale		16	Broward
22	09/04/2015	247563	Cyntheria Hunt	Broward County Public Schools	Principal	16	Broward
23	10/29/2015	218197	Laura Hunter	Miami-Dade County Public Health Trust	Sr. Vice President, Business Dev.	16	Broward
24	09/11/2015	250772	Rosa B. Iglesias	Miami-Dade County Public Schools	Principal	16	Broward
25	10/27/2015	239893	James Robert Kelly Jr	Broward County	Airlines Manager	16	Broward
26	09/10/2015	234389	Brian Kingsley	Broward County Public Schools	Principal	16	Broward
27	09/02/2015	203137	Shamfla Lalje	Broward County Public Schools	Director, Payroll	16	Broward
28	09/08/2015	247564	Denise Hunter Lawrence	Broward County Public Schools	Principal	16	Broward
29	09/04/2015	234393	Donald Lee	Broward County Public Schools	Principal	16	Broward
30	10/28/2015	254755	Mr Matthew Leeth	Deerfield Beach		16	Broward
31	09/23/2015	247347	Duane A	Miami-Dade	Transit	16	Broward

**BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS**

In re **James Robert Kelly**  
**Airlines Manager**  
**Employees**  
**Broward County**

**PID#: 239893**

**NOTICE OF ASSESSMENT OF AUTOMATIC FINE**

The Commission on Ethics hereby gives notice of an assessment of a fine against you pursuant to Section 112.3145(7)(f), Florida Statutes, due to your failure to timely file your 2014 CE Form 1, Statement Of Financial Interests. Under the law, your 2014 CE Form 1, Statement of Financial Interests, was due by July 1, 2015. The law provided for a penalty-free grace period extending the due date to September 1, 2015. After that date, you accrued fines of \$25.00 per day for each day your financial disclosure was late, pursuant to Section 112.3145(7)(f), Florida Statutes.

Inasmuch as your 2014 CE Form 1 was filed October 27, 2015 with the Supervisor of Elections for Broward County, you are fined the amount of \$1400.00 (\$25.00 per day for 56 day(s) late). This fine must be paid to the Commission on Ethics within 30 days of the date of this notice unless you appeal the fine to the Commission. The Commission has the authority to consider the appeal and waive the fine in whole or in part if your failure to file on time was due to "unusual circumstances" surrounding the failure to file.

**HOW TO APPEAL**

1. Read these instructions carefully before submitting your appeal.
2. **LEGAL AUTHORITY:** Appeals are governed by Section 112.3145(7)(f)3., Florida Statutes, and Commission Rule 34-8.215, Florida Administrative Code.
3. **FORMAT:** Your appeal must be in writing and mailed to Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709, or delivered to Florida Commission on Ethics, 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303. The appeal may take the form of a letter or you may use the appeal form included in this mailing. The appeal form also is available at the Commission's website: [www.ethics.state.fl.us](http://www.ethics.state.fl.us). Click on "Financial Disclosure" and then the link to the sample appeal form.
4. **DUE DATE:** Your appeal must be received by the Commission on Ethics on or before **March 23, 2016**. **NOTE:** Failure to timely file an appeal will constitute a waiver of your right to appeal and will result in the entry of a default order against you.
5. **UNUSUAL CIRCUMSTANCES:** An appeal must demonstrate that you submitted your CE Form 1 after the extended due date because of "unusual circumstances." "Unusual circumstances" is defined in Commission Rule 34-8.215(4), Florida Administrative Code, as "uncommon, rare, or sudden events over which the reporting individual had no control and which directly result in the failure to act in accordance with the filing requirements." Therefore, circumstances that allowed for time to take steps necessary to file on time do not constitute "unusual circumstances" that will allow the Commission to waive the fine. You have the burden to establish "unusual circumstances." Your appeal must specifically state the circumstances that led to your not filing by September 1, 2015, and must include any documentation or evidence supporting your appeal, such as:
  - a. **SICKNESS/INJURY:** a statement from attending physician, including dates and nature of the illness or injury;
  - b. **LACK OF NOTICE (WRONG ADDRESS):** documentation that you did not reside at the address to which notice was sent;
  - c. **LACK OF NOTICE (ABSENCE FROM HOME):** documentation establishing the period of time of your absence covering the notification period;

- d. **CLAIM OF TIMELY FILING OF FINANCIAL DISCLOSURE:** (1) an affidavit from you attesting under oath or affirmation that you filed your financial disclosure and your recollection of when and how you filed and (2) a copy of a certified mail receipt and/or a copy of the completed form which was filed. If you have witnesses to your filing, we also will need an affidavit from each witness. **NOTE:** A claim of having filed the CE Form 1F for the current year does not satisfy the CE Form 1 filing requirement or excuse a late filing;
- e. **LEFT PUBLIC POSITION BEFORE DECEMBER 31, 2014:** confirmation of your last date of office or employment by your former agency, showing the last date to be before December 31, 2014; or
- f. **UNCLAIMED CERTIFIED MAIL:** if delinquency notice was addressed correctly but not received, you must explain why.
6. **YOUR RIGHT TO A HEARING:** You have the right to have your appeal heard by the Commission and to appear before the Commission at the hearing, but, to exercise this right, you must specifically request a hearing in your appeal. If you do not request a hearing, you will waive your right to a hearing, the Commission will determine the outcome of your appeal based upon the written record (including the documentation you provide and any documentation in your case file), and you will receive no further notice until after the Commission decides your appeal.

**FAILURE TO PAY FINE OR FILE APPEAL WITHIN 30 DAYS**

If you do not timely file an appeal or pay the assessed fine within 30 days of this Notice, a default order will be entered against you and the Commission will take the steps provided by law to collect the fine, including:

- Referral to the CFO of the Department of Financial Services, if you are a salaried state officer or employee, for withholding of a portion of your salary until the fine is satisfied; or
- Referral to your agency's governing body for withholding of a portion of your salary until the fine is satisfied;
- Referral to a collection agency, which can seek garnishment of your wages; and/or
- An additional civil penalty, not limited by this automatic fine, may be imposed if your disclosure statement is filed more than 60 days late and a complaint is filed against you pursuant to Section 112.324, Florida Statutes.

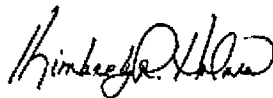
Please contact our office if you have any questions about this matter.

**CERTIFICATE OF MAILING**

I certify that a copy of the foregoing Notice of Assessment of Automatic Fine was furnished to:

**James Robert Kelly Jr**  
1430 Nw 144th Ave  
Pembroke Pines, FL 33028 -2923

by Certified Mail on this Monday, February 22, 2016.



**KIMBERLY R. HOLMES**  
Program Administrator

Florida Commission on Ethics  
P. O. Drawer 15709  
Tallahassee, FL 32317-5709

-or-

Florida Commission on Ethics  
325 John Knox Road, Building E, Ste. 200  
Tallahassee, FL 32303

Tel.: (850) 488-7864

Fax: (850) 488-3077

Email: [disclosure@leg.state.fl.us](mailto:disclosure@leg.state.fl.us)



**Financial Disclosure Management System**  
THE FLORIDA COMMISSION ON ETHICS

**Filer - Fines and Appeals - PID 239893 - James Robert Kelly Jr**

**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\(S\)](#)  
[2015](#)

<<2015 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: [2015 \(Appeal\)](#)

**2015 Fines and Appeals**

Form Year 2014 Filed Forms					
Received Date	Form Type	Form Signed	Filing Location	Updated	Comments
10/27/15	Form 1	Yes	SOE	HOLMESK(SOE IMPORT) on 11/24/2015	Broward

2015 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
\$1,400.00	Appeal	2/15/2016	\$1,400.00	\$1,400.00			
Fine Address 1430 Nw 144th Ave Pembroke Pnes FL 33028-2923							
Org/Suborg Broward County-Employees							

2015 Fine Payment History					
Date Posted	Description	Amount	Method	Payment ID	Comments
2/15/2016	Fine Levied	+ \$1,400.00			Fined \$1400.00
Current Balance: \$1,400.00					

2015 Fine Year Event  
 Chronology

Invalidate Transaction

Add a New Filer

Jump To A Filer

PID:

Quick Filer Search

First Name:

Last Name:

<input type="checkbox"/> Date	Type	Description	Reference
<input checked="" type="checkbox"/> 08/21/2015	Postcard Sent	Courtesy Postcard Reminder	Print Queue: <a href="#">8/21/2015</a> Printing Confirmed: 8/21/2015

**Letter Sent To:**  
James Robert Kelly Jr  
7049 Marlberry Ln  
Tamarac, FL 33321 -5344

<input checked="" type="checkbox"/> 09/4/2015	Letter Sent	Courtesy Notice of Fines Accruing	Print Queue: <a href="#">9/4/2015</a> Printing Confirmed: 9/4/2015
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**Letter Sent To:**  
James Robert Kelly Jr  
7049 Marlberry Ln  
Tamarac, FL 33321 -5344

<input checked="" type="checkbox"/> 10/27/2015	Form Received	Form 1 Received, Signed	Form 1 Received by Broward SOE
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**Form Received By:** Broward County SOE  
**Filing Location:** Broward County SOE  
**Record Created By:** HOLMESK(SOE IMPORT) on 11/24/2015

10/27/2015 Filer      Tom call out: Mr. Kelly said he left Emily Prine  
Communication: Broward Cty on May 1, 2015, now  
Phone                      works for Miami-Dade. Said didn't  
                                    know he was suppose to file 2014  
                                    CE Form 1. Will download form  
                                    and file it today. Mr Kelly sent  
                                    email with his current contact  
                                    information attached. 1430 NW  
                                    144th Avenue Pembroke Pines, FL.  
                                    33028 239-560-3763

10/27/2015 Filer      From: Prine.Emily Sent: Tuesday, Emily Prine  
Communication: October 27, 2015 11:46 AM To:

Email 'DSAINVIL@broward.org' Cc: 'elections@browardsoe.org' ; 'Andrea Perri' ; Holmes, Kim ; Reaves, Tom Subject: James Kelly PID 239893 Filer gave updated address and telephone number. The county has not changed.


10/27/2015 Filer From: Prine,Emily Sent: Tuesday, October 27, 2015 12:42 PM To: Emily Prine Communication:

Email 'elections' Cc: Holmes, Kim Subject: RE: James Kelly PID 239893 Andrea, We are doing call outs today and trying to make contact with the late filers. Mr. Kelly said he had left his employment with Broward County back in May 2015. He did not know he was supposed to file his 2014 Form. He indicated he would download the form and file it today. Sincerely, Emily E. Prine Program Specialist Financial Disclosure Section Florida Commission on Ethics Post Office Drawer 15709 Tallahassee, FL 32317-5709 From: elections [mailto:elections@browardsoe.org] Sent: Tuesday, October 27, 2015 12:11 PM To: Prine,Emily Subject: FW: James Kelly PID 239893 From: Andrea Perri Sent: Tuesday, October 27, 2015 12:06 PM To: elections Subject: RE: James Kelly PID 239893 Hi Emily, Has Mr. Kelly indicated whether he is going to mail his Form 1 or would it be prudent, even though it will be late to send out a packet to him? Please advise.

10/27/2015 Filer From: Prine,Emily Sent: Tuesday, October 27, 2015 3:30 PM To: Emily Prine Communication:



Email 'elections' Subject: RE: James Kelly PID 239893 You are always welcome! Sincerely, Emily E. Prine  
 Program Specialist Financial Disclosure Section Florida  
 Commission on Ethics Post Office  
 Drawer 15709 Tallahassee, FL 32317-5709 From: elections [mailto:elections@browardsoe.org]  
 Sent: Tuesday, October 27, 2015 3:27 PM To: Prine.Emily Subject: FW: James Kelly PID 239893 From: Andrea Perri Sent: Tuesday, October 27, 2015 2:13 PM To: elections Subject: RE: James Kelly PID 239893 Thanks Emily.

02/15/2016	Fine Levied	Fined \$1400.00	Journal: <a href="#">2/15/2016 4:14 PM</a>
02/15/2016	Notice of Assessed Fine	Initial Fine Notice	Journal: <a href="#">2/15/2016 4:17 PM</a>
 02/22/2016	Letter Sent	Notice of Assessed Fine - Filer 1st Fine Letter	Print Queue: <a href="#">2/22/2016</a> Printing Confirmed: <a href="#">2/22/2016</a>

**Letter Sent To:**  
 James Robert Kelly Jr  
 1430 Nw 144th Ave  
 Pembroke Pnes, FL 33028 -2923

03/9/2016	Fine Appeal	FD 15-059	Journal: <a href="#">3/9/2016 1:12 PM</a>
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2015 Fine Appeal – FD 15-059	Update Appeal	Withdraw Appeal
	Assign Attorney	Request More Info
	Record Appeal Outcome	

Appeal Status:	No Hearing Requested
Active	
Appeal Receipt	
Date:	
03/08/2016	
Timely Filed: Yes	
Print Appeal	
Letter: Yes	
Hearing	
Requested: No	
Appeal Reason:	
Other	
Appeal Notes:	
Appeal Number:	
FD 15-059	
Appeal Analyst	
Assigned:	
Final Order	
Number:	
Final Order	
Date:	