

BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS

In re HUMBERTO CONTRERAS, )  
  )  
  )  
  )  
  )  
Appellant.                          )  
\_\_\_\_\_)

Financial Disclosure Appeal No. FD 16-094

Final Order No.

FINAL ORDER

This matter came before the Commission on Ethics, on its own motion, meeting in public session on September 8, 2017, in the matter of Humberto Contreras, 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 employed by Miami-Dade County in 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 Miami-Dade County Supervisor of Elections sent Appellant a 2015 CE Form 1. This mailing was sent to 6540 SW 144<sup>th</sup> Street, Coral Gables, FL 33158.

3. No later than July 31, 2016, the Miami-Dade County Supervisor of Elections sent Appellant a Notice of Delinquency by certified mail. This notice was also sent to the 6540 SW

144<sup>th</sup> Street address. The notice was returned by the Post Office marked "Return to Sender – Unclaimed, Unable to Forward."

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 6540 SW 144<sup>th</sup> Street address.

5. On September 7, 2016, six days after the grace period expired, the Commission mailed Appellant a courtesy notice informing him that an automatic fine had begun to accrue. The Commission mailed this notice to the 6540 SW 144<sup>th</sup> Street address.

6. On September 26, 2016, the Commission 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.

7. The amount of fine automatically assessed against Appellant was \$1,500.

8. On November 22, 2016, Appellant submitted his 2015 CE Form 1 to the Miami-Dade County Supervisor of Elections.

9. On March 2, 2017, the Commission mailed a Notice of Assessment of Automatic Fine to the 6540 SW 144<sup>th</sup> Street 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 – Refused, Unable to Forward."

10. On July 10, 2017, the Commission accepted an email from Appellant as his appeal to the Commission. In his appeal, Appellant claims that he timely filed his disclosure form with the Miami-Dade County Supervisor of Elections. Appellant further claims that upon receiving a notice that his form had not been filed, he immediately went to the Miami-Dade County Supervisor of Elections to hand-deliver his disclosure form and had it date-stamped as

proof that he had filed it. Appellant enclosed a copy of the date-stamped form with his appeal. The disclosure form is date-stamped November 22, 2016.

11. On July 10, 2017, Commission staff called Appellant. Appellant advised Commission staff that he sometimes has problems receiving his mail because the Post Office confuses his address as being in Palmetto Bay, instead of in Coral Gables. He stated that, at one time his address was in Palmetto Bay, but was then changed to Coral Gables.

#### Conclusions of Law

12. The Commission has jurisdiction 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. 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.

15. Appellant was notified of his appellate rights on March 2, 2017, and informed his appeal needed to be received by the Commission on Ethics on or before April 3, 2017, in accordance with the 30-day appeal period allowed by Section 112.3145(7)(f)3., Florida Statutes.

Appellant did not timely file an appeal. Appellant then filed his appeal on July 10, 2017, which was outside the 30-day appeal window. Appellant, however, did not receive the notice from the Commission advising his of his right to appeal. For this reason, his appeal is accepted as timely filed.

16. Appellant's basis for the appeal of his fine is that he timely submitted his 2015 CE Form 1 when he mailed it in a timely manner before the filing deadline, and upon learning that it had not been received, hand-delivered it to the Miami-Dade County Supervisor of Elections on November 22, 2016. Appellant, however, has not submitted any evidence that he filed his 2015 CE Form 1 with the Miami-Dade County Supervisor of Elections before the expiration of the grace period on September 1, 2016. The only documentation that he submitted in support of his claim is the date-stamped copy of the disclosure form that he hand-delivered to the Miami-Dade County Supervisor of Elections on November 22, 2016, almost two months after the expiration of the grace period. Appellant, therefore, has not pointed 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 \$1,500 fine.

#### Order

Based on the foregoing facts and conclusions of law, the Commission hereby affirms the assessed fine of \$1,500 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, September 8, 2017.

---

Date Rendered

---

Michelle Anchors  
*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.

MA:jmk

Copy furnished to:

Mr. Humberto Contreras  
6540 SW 144<sup>th</sup> Street  
Coral Gables, FL 33158

16-094

231091

July 7, 2017  
Humberto Jesus Contreras  
6540 SW 144 Street,  
Coral Gables, Florida, 33158  
Telephone / Cell – 786-299-3600

Kimberly R. Holmes  
Program Director  
State of Florida, Commission of Ethics  
325 John Knox Road, Building E, Suite 200  
Tallahassee, Florida, 32303

FLORIDA  
COMMISSION ON ETHICS  
JUL 10 2017  
RECEIVED

Ms. Holmes:

I was very surprised to have received your correspondence pertaining to FORM 1, Statement of Financial Interest.

I had sent you a prior reply on March 17, 2017, enclosed within this correspondence. Perhaps because it was sent to you, to a different address, it has not reached you as of yet.

**Again, I reiterate the FORM 1, Statement of Financial Interest was completed by me and turned in to the Elections Department,** Financial Disclosure Section, 2700 NW 87 Avenue, Miami, Florida, 33172, on the first floor office of the building. The Form was “date stamped” by the Elections Department as proof that it had been received.

**I forwarded to you previously on March 17, 2017 a copy of same,** with the date stamp by the Elections Department on the top right corner of the FORM.

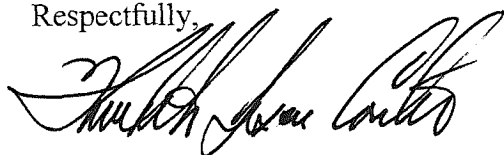
Once again, I’m including a copy of the first page, which clearly shows the “date stamp”, which I have highlighted in yellow for ease of identification. I’m sending to you now, by Certified mail.

Please note that these Forms are received by me in the mail, sometimes early in the year, sometimes late in the year, sometimes not at all. Each year they have been turned in as required.

I ask you to reconsider the “fine” that is noted in your correspondence, as you have, and have had proof that the FORM was completed and turned in. Why the FORM was not forwarded to you by the Elections Department, I do not know. I’m not aware or part of their process.

I ask you to please reconsider your position on the matter.

Respectfully,



March 17, 2017  
Humberto Jesus Contreras  
6540 SW 144 Street,  
Coral Gables, Florida, 33158  
Cell – 786-299-3600

Kimberly R. Holmes  
Program Director  
State of Florida  
Commission of Ethics  
P.O. Drawer 15709  
Tallahassee, Florida, 32317-5709

FLORIDA  
COMMISSION ON ETHICS  
JUL 10 2017  
RECEIVED

Ms. Holmes:

Pursuant to your correspondence regarding the "Form 1, Statement of Financial Interests, please find the following:

I'm not aware why you would be asking information on a Form 1 for calendar year 2015, since these Forms are turned in to the individual County Departments directly, and they turn them into the Miami Dade Elections Department, Financial Disclosure Section, 2700 NW 87 Avenue, Miami Florida, 33172.

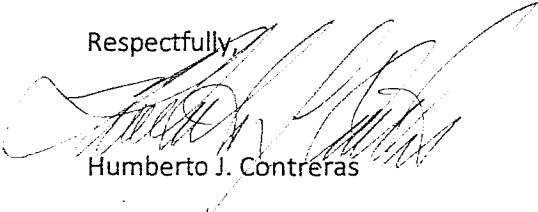
FORM 1 was turned in as usual, but seemed to have been lost. Upon receiving notice of such, I personally went to the Elections Department, received a new Form, completed it, and handed the FORM to the staff in charge.

Upon the Elections Department receiving the Form, they "date stamped it" and gave me a copy back for my records.

Enclosed is a copy of my FORM 1 with the "date stamp" from the Elections Department as having received it. I believe they would have a copy or the original within their records.

If you have any questions or concerns, or need additional information, please reach out to me by mail, or call me by cell telephone, noted above.

Respectfully,

  
Humberto J. Contreras





**FORM 1**

**STATEMENT OF FINANCIAL INTERESTS**

**2015**

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

FOR OFFICE USE ONLY

LAST NAME -- FIRST NAME -- MIDDLE NAME :

CONTRERAS, HUMBERTO J

MAILING ADDRESS :

6540 SW 144 ST

FLORIDA COMMISSION ON ETHICS

JUL 10 2017

RECEIVED

CITY :

CORAL GABLES, FL

ZIP :

33158

COUNTY :

MIAMI-DADE

NAME OF AGENCY :

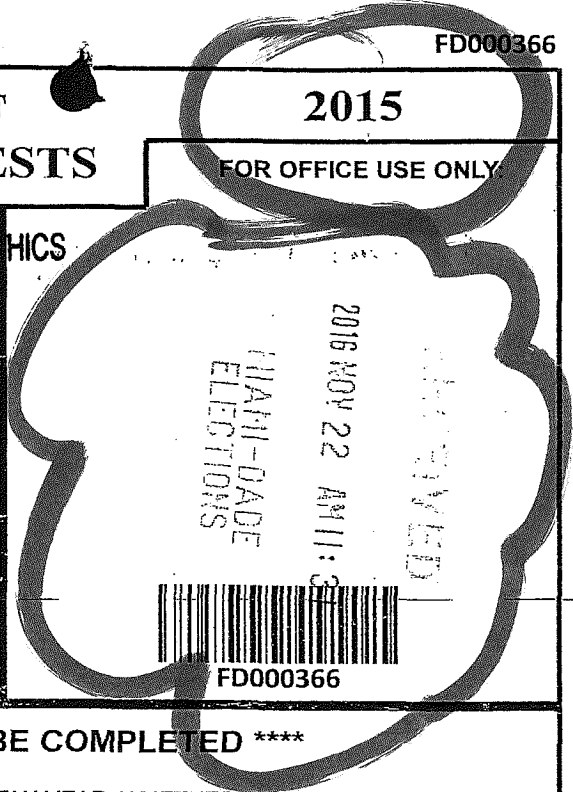
MIAMI-DADE COUNTY -- INTERNAL SERVICES

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

ISD PROJECTS 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):

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  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")

NAME OF SOURCE OF INCOME	SOURCE'S ADDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY
Miami Dade County	111 SW 1st street	Auditor / PM

**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")

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

**PART C -- REAL PROPERTY** [Land, buildings owned by the reporting person - See instructions]

(If you have nothing to report, write "none" or "n/a")


**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.

Matthew F. Carlucci  
*Chair*  
Michelle Anchors  
*Vice Chair*  
Jason D. Berger  
Daniel Brady, Ph.D.  
Matthew J. Carson  
Michael Cox  
Guy W. Norris  
Kimberly Bonder Rezanka  
Stanley M. Weston



State of Florida  
COMMISSION ON ETHICS  
P.O. Drawer 15709  
Tallahassee, Florida 32317-5709

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

*"A Public Office is a Public Trust"*

Virilindia Doss  
*Executive Director*

C. Christopher Anderson, III  
*General Counsel/  
Deputy Executive Director*

(850) 488-7864 Phone  
(850) 488-3077 (FAX)  
www.ethics.state.fl.us

---

**FINAL NOTICE OF ASSESSMENT OF AUTOMATIC FINE FOR FAILURE TO  
TIMELY FILE FORM 1, STATEMENT OF FINANCIAL INTERESTS**

TO: Humberto J Contreras 231091  
Miami-Dade County  
Employees  
FROM: Kimberly R. Holmes, Program Administrator  
DATE: May 23, 2017

On March 2, 2017, we notified you that your Form 1, Statement of Financial Interests, for the year 2015 was not filed and that you therefore have been assessed the maximum fine, for a total fine of \$1500. At that time, you were advised that you had 30 days from the date that letter was transmitted in which to either pay the fine or to appeal the fine to the Commission on Ethics.

It has been more than 30 days since we sent you that letter, and you have neither paid the fine nor filed an appeal. By not responding, you have waived your right to appeal the assessed fine.

If you do not pay the assessed fine by June 23, 2017 (30 days from the date of this letter) or contact our office to make arrangements for payment of the fine, the Commission on Ethics will enter an order setting your fine at \$1500 and will utilize all methods allowed by law to collect this fine including referral to a collection agency which can seek to garnish your wages.

**Certificate of Mailing:**

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

Humberto J Contreras 231091  
6540 Sw 144th St  
Coral Gables FL 33158 -1830

By United States Mail on this Tuesday, May 23, 2017.

A handwritten signature in black ink, appearing to read "Kimberly R. Holmes".

Kimberly R. Holmes  
Program Administrator

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

Filer - Fines and Appeals - PID 231091 - Humberto J Contreras

**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

No Forms Received for this Filer for Form Year 2015.

**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
\$1,500.00	Appeal	3/1/2017	\$1,500.00	\$1,500.00			

Fine Address 6540 Sw 144th St Coral Gables FL 33158-1830

Org/Suborg Miami-Dade County-Employees

**2016 Fine Payment History**

Date Posted	Description	Amount	Method	Payment ID	Comments
3/1/2017	Fine Levied	+ \$1,500.00			Fined \$1500.00

Current Balance: \$1,500.00

**2016 Fine Year Event**

[Invalidate Transaction](#)

**Chronology**

Date	Type	Description	Reference
08/17/2016	Postcard Sent	Courtesy Postcard Reminder	Print Queue: <a href="#">8/17/2016</a>




\$1500.00. That fine is \$600.00 as of today. I have attached the form for your convenience. Upon completion, please file with the Miami-Dade County Supervisor of Elections. If you have any questions, please do not hesitate to contact this office. Sincerely, Carolyn Carbonell Florida Commission on Ethics Financial Disclosure PO Drawer 15709 Tallahassee, FL 32317-5709 Ph: 850-488-7864 Fax: 850-488-3077

09/26/2016 Filer From: Knowles, Keith (COC) Carolyn Carbonell  
 Communication: [mailto:KAK1@miamidade.gov]  
 Email Sent: Friday, September 23, 2016 1:39 PM To: Carbonell, Carolyn Cc: Agrippa, Christopher (COC) Subject: FW: Non-Filers-Miami-Dade Employees Importance: High  
 Good morning Ms. Carbonell, The following updated filer information has been verified by the multiple agencies. If you need anything further, please let me know. Humberto Contreras - 231091 (Internal Services Department) 6540 SW 144th St Coral Gables FL 33158-1830 hcontr@miamidade.gov 305-375-3956

03/1/2017 Fine Levied Fined \$1500.00 Journal: [3/1/2017 12:10 PM](#)

03/1/2017 Notice of Assessed Fine Initial Fine Notice Journal: [3/1/2017 12:33 PM](#)


 03/2/2017 Letter Sent Notice of Assessed Fine - Filer Print Queue:

1st Fine Letter 3/2/2017  
Printing  
Confirmed:  
3/2/2017

**Letter Sent To:**  
Humberto J Contreras  
6540 Sw 144th St  
Coral Gables, FL 33158 -1830

05/1/2017 Filer Certified Mail returned. Carolyn Carbonell  
Communication: Refused.  
Letter

05/23/2017 Final Notice of 2nd Fine Notice Journal:  
Assessed Fine 5/23/2017 2:20 PM

 05/23/2017 Letter Sent Final Notice of Assessed Fine - Print Queue:  
Second Fine Notice 5/23/2017  
Printing  
Confirmed:  
5/23/2017

**Letter Sent To:**  
Humberto J Contreras  
6540 Sw 144th St  
Coral Gables, FL 33158 -1830

07/10/2017 Filer Received letter requesting Kim Holmes  
Communication: appeal. Filer states that a  
Letter letter was mailed in March  
2017. There is no record of  
letter on file. Given to John to  
advise if okay to accept for  
appeal.

07/10/2017 Filer Called Mr. Contreras regarding Kim Holmes  
Communication: receipt of letter. Advised that  
Phone I would give to attorney to  
decide if it can be accepted as  
an appeal. I asked him about  
the address on record, Mr.  
Contreras stated that his  
address can sometimes be an

issue as Coral Gables and Palmetto Bay is sometimes confused by the USPS due to them being close. He said at one time his address was considered to be in Palmetto Bay but has changed to Coral Gables.

07/12/2017 Fine Appeal

FD 16-094

Journal:

7/12/2017 3:36 PM

2016 Fine Appeal – FD 16-094	Update Appeal	Withdraw Appeal
	Assign Attorney	Request More Info
Record Appeal Outcome		
Appeal Status: Active Appeal Receipt Date: 07/10/2017 Timely Filed: No Print Appeal Letter: Yes Hearing Requested: No Appeal Reason: Lack of Notification, Previously Filed Financial Disclosure Appeal Notes: Appeal Number: FD 16- 094 Appeal Analyst Assigned: Final Order Number: Final Order Date:	No Hearing Requested	