BEFORE THE STATE OF FLORIDA COMMISSION ON ETHICS

In re MICHAEL D. MURPHY,)	Financial Disclosure Appeal No. FD 21-060
Appellant.)))	Final Order No.

FINAL ORDER

This matter came before the Commission on Ethics, meeting in public session on April 25, 2025, on the timely appeal of Appellant, pursuant to Section 112.3145(8)(g), Florida Statutes (subsequently renumbered to Section 112.3145(8)(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 has not requested a hearing before the Commission.

Findings of Fact

- 1. According to the information provided to the Commission, Appellant served as a member of the Emergency Response Commission for Hazardous Materials for the Division of Emergency Management, a position that required the filing of a CE Form 1, Statement of Financial Interests, for the year 2020. In 2021, the designated due date for submitting a 2020 CE Form 1 annual filing was July 1, 2021, with a grace period ending on September 1, 2021.
- 2. On May 26, 2021, the Commission on Ethics sent Appellant a 2020 CE Form 1. The mailing was sent to Appellant at the Marco Island Fire Department, 50 Bald Eagle Drive, Marco Island, Florida.

- 3. On July 30, 2021, the Commission sent Appellant a Notice of Delinquency by certified mail. The Notice was sent to Appellant at the same Bald Eagle Drive address. Records from the United States Postal Service indicate the certified mailing was never delivered.¹
- 4. On August 19, 2021, the Commission mailed Appellant a postcard intended to remind him of his obligation to file a 2020 CE Form 1. The Commission mailed the postcard to Appellant at the Bald Eagle Drive address.
- 5. On September 8, 2021, the Commission mailed Appellant a courtesy notice stating that fines had begun to accrue. The notice was sent to the same Bald Eagle Drive address.
- 6. The Commission received Appellant's 2020 CE Form 1 on September 11, 2021, which was ten days after the grace period for filing expired. On that same date, Appellant emailed a Commission representative, stating, "I am sorry for the lateness of this form. I had retired[.]"
- 7. The Commission sent Appellant a Notice of Assessment of Automatic Fine by certified mail on October 12, 2023. This mailing—sent to a new address at 991 Collier Ct. A 2-11, Marco Island, Florida—indicated the total of Appellant's accrued automatic fine, and included a notice of the right to appeal the fine, stating that the appeal had to be received by the Commission by November 13, 2023, to be considered timely.
 - 8. The total amount of the automatic fine levied against Appellant was \$250.
- 9. On November 7, 2023, Appellant contacted the Commission and informed staff that he had just received the Notice of Assessment of Automatic Fine. He indicated he "was battling [S]tage 4 cancer at the time of due date [and was] going through extensive

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¹ Records from the Postal Service obtained in February 2025 indicate the mailing is still "In Transit."

chemo/radiation." Appellant apologized again for being ten days late in filing, and indicated he planned to appeal the fine.

10. Four days later, on November 11, 2023, the Commission received Appellant's Appeal of Automatic Fine for Form Year 2020. In the appeal, Appellant asserted that he was not able to timely fie his 2020 CE Form due to sickness/injury. In particular, he stated that, in December 2020, he was diagnosed with Stage 4 cancer, and was treated both in New York and Florida during 2021. He emphasized that, beginning in June 2021, and until August 2021, he received proton radiation treatment at the University of Miami. Appellant wrote "[t]his time was extremely emotional on myself and my family. I did not realize my error in not filling out my disclosure form until September[] and filled it out and sent [it] on September 11. I was late and do apologize."

Conclusions of Law

- 11. The Commission has jurisdiction over the subject matter of this proceeding pursuant to Section 112.3145, Florida Statutes.
- 12. 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.
- 13. Section 112.3145(8)(g)3., Florida Statutes (subsequently renumbered to Section 112.3145(8)(f)2., Florida Statutes), states:

Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be in writing and

² Appellant included in his appeal a medical note from the University of Miami indicating he was treated there from June 15, 2021, through, and including, August 11, 2021.

received by the commission within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission. For purposes of this subparagraph, the term "unusual circumstances" does not include the failure to monitor an e-mail account or failure to receive notice if the person has not notified the commission of a change in his or her e-mail address.

14. Here, three notices were sent to Appellant of his filing obligation prior to the expiration of the grace period at the close of business on September 1, 2021. The second of these notices was sent by certified mail, although records from the United States Postal Service indicate it was never delivered. Similarly, there is no evidence that Appellant received the other notices sent prior the close of the grace period. Moreover, Appellant has provided medical documentation showing he was being treated for cancer during the time in which the filing was due. Because there is no evidence showing Appellant received timely notice of his filing obligation, and considering his health-related reasons for not timely filing, there are "unusual circumstances" here that justify waiving the \$250 fine.

Order

Based on the foregoing facts and conclusions of law, the Commission hereby waives the assessed fine of \$250.

ORDERED by the State of Florida Commission on Ethics meeting in public session on Friday, April 25, 2025.

Date Rendered

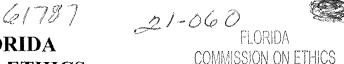
Luis M. Fusté
Chair, Florida Commission on Ethics

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.

AL: gps

Mr. Michael D. Murphy 991 Collier Ct A-211 Marco Island, Florida 34145

TO: +18504883077



NOV 1 1 2023

RECEIVED



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

APPEAL OF AUTOMATIC FINE FOR FORM YEAR 2020

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 INFORMATI	ON	
Michael D Murphy			
Name:			
991 Collier Ct A-211	Marco Island	FI	34145
Address:	City:	State:	Zip:
	239-825-05	503	
Daytime Tel.:	Cell:		
Chiefmurphy@me.com		PID 6178	37
Email:	Filer ID# (if I	known):	
City of Marco Island F	ire Rescue		
Public Employer:			
FFCA rep on SERC Sta	ite Emergency Response Con	nmission	
Public Position:	- · ·		

CONTINUED ON REVERSE SIDE

TO: +18504883077 P.

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, 2020 (Explain in Part C and provide confirmation from agency that your office-holding/employment ended before 12/31/2020)
- e. [] Other unusual circumstance (Explain in Part C and provide documentation explaining uncommon, rare, or sudden occurrence that prevented timely filing prior to deadline)
- f. [] Not required to file (Explain in Part C and provide documentation that supports reason for not required to file)

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 Dec. 2020 I was diagnosed with Stage 4 cancer. I was being treated at MSK in NY and

University of Miami beginning in Feb.2021. In June of 2021 I began proton Radiation treatment

at UM that continued into early August of 2021. This time was extremely emotional on myself

and my family. I did not realize my error in not filling out my disclosure form until September and filled

it out and sent on September 11. I was late and do apologize.

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(8)(f)3 or Section 112.3145(8)(g)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.

118/2023 Date

SIGNATURE



End of Treatment Note

Patient Name (Last, First)

UMMG MRN#

Date of Service

D.O.B. (current age)

Treating Radiation Oncologist

Referring Provider

Diagnosis

MURPHY, MICHAEL

21372252

8/11/2021

4/2/1953 (68)

Alan Pollack

PATRICIA POLING

Z51.0 - Encounter for antineoplastic radiation therapy, Diagnosed

6/21/2021 (Active)

C61 - Malignant neoplasm of prostate, Diagnosed 1/11/2021 (Active)

Staging:

pT3b pN1 cM1a (biopsy proven L para-aortic lymph node involvement),

GS 5+5=10 (GG 5), post-prostatectomy PSA 0.3, AJCC Prognostic Group

Stage IV

Treatment Center:

University of Miami Hospital, SCCC West

Treatment Unit:

ProBeam

Radiation Treatment Technique:

Proton

Course: C1_PBed+LN

Treatme nt Site	Ref. ID	Energy	Dose/Fx (cGy)	#Fx	Dose Correction (cGy)	Total Dose (cGy)	Start Date	End Date	Elapsed Days
pPBed+L N	GTVn74.8	70P	220	34/34	0	7,480	6/15/202	8/2/2021	48
Total:				-		7,480	6/15/202	8/2/2021	48

Ref. ID	Planned Dose (cGy)	Actual Dose (cGy)
GTVn74.8	7,480	7,480
CTV52.7LNs	5,270	5,270
CTV68Bed	6,800	6,800

Comments:

Clinical history, side effects during treatment, and response: 68 year old patient with initially cT1b Prostate Adenocarcinoma, PSA 5.3, Gleason 5+5. He underwent radical prostatectomy with Dr. Parekh on 2/10/2021 showing a pT3b pN1 cM0 vs cM1a (with left para-aortic lymph node involvement), Gleason 5+5 prostate adenocarcinoma, involving the entire gland, +SVI bilaterally, +multifocal EPE, +SM at the areas of EPE including the bladder neck and

11/11/2023 3:02 PM FROM: Staples

TO: +18504883077

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production and advanced community and invasion or left vas deterens were inoted. Postoperative PSA was persistently elevated at 0.3 in 3/2021 and then 0.76 on 4/1/2021.

Post-op, he had a biopsy of retroperitoneal lymphadenopathy that was positive for metastatic prostate cancer. He had a bone scan and MRI that were negative for other metastatic sites. He has now started Degarelix and Zytiga.

We recommended salvage radiation therapy to the prostate bed to 68 Gy and pelvic/PA lymph nodes to 52.7 Gy, in 34 fractions, with a simultaneous integrated boost to Axumin positive and/or biopsy proven lymphadenopathy in the same 34 fractions.

Patient tolerated RT well, with Grade 1 urinary frequency, urgency, and fatigue, likely related to RT, and Grade 1 hot flashes, definitely related to ADT.

KPS at end of treatment: 90

Follow-up plan:

Patient was given an appointment to return to clinic in 15 weeks for follow up.

Comments:

FORM #: A0700044

Electronically approved and signed by: Alan Pollack, MD, PhD

Date: 8/15/2021 7:31:12 PM

11/11/2023 3:02 PM FROM: Staples

TO: +18504883077

P. 1

FLORIDA COMMISSION ON ETHICS

NOV 1 1 2023

RECENT

☐ Staples.

From: Staples Print and Marketing Services

To: Fax Receiver

Memo: Fax From Staples Store

Michael Murphy

991 Collier Ct A-211 Marco Island Fl 34145

239-825-0503 Chiefmurphy@me.com

TO: +18504883077

P. 2

FLORIDA COMMISSION ON ETHICS

NOV 1 1 2023

RECEIVED

Fax

TO:	FI Commission on Ethics	FROM:	Michael Murphy		
FAX: 850-488-3077		PAGES:	3 5		
PHONE:	(500) 555-0545	DATE:	November 10, 2023		
RE:	Appeal	CC:		The state of the s	
□ Urgent	☐ For review	☐ Please comment	□ Please reply	☐ Please recycle	

Comments: Please review new hire's onboarding documents.

FORM 1

STATEMENT OF FINANCIAL INTERESTS

2020

FOR OFFICE USE ONLY:

Michael Murphy Fire Chief Division of Emergency Management **Emergency Response Commission for Hazardous Materials** Marco Island Fire Department 50 Bald Eagle Drive Marco Island FL 34145 -3528

9/11/21

PROCESSED

Indiana da de la constanta de

CHECK ONLY IF - CANDIDATE - OR - - NEW EMPLOYEE OR APPOINTEE -

Murphy Michael

**** THIS SECTION MUST BE COMPLETED ****

DISCLOSURE PERIOD:

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2020.

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):

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

Fine FIGHTER CITY OF MIRAMAR PENSION RETIRED

COMPARATIVE (PERCENTAGE) THRESHOLDS

CITY OF MARCO ISCAND

Fine Rescue

20 20

DOLLAR VALUE THRESHOLDS

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")

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

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.

CE FORM 1 - Effective: January 1, 2021 incorporated by reference in Rule 34-8.202(1), F.A.C.

(Continued on reverse side)

PAGE 1

BARTO INTANOISE BEROOMA BROSSOS	
PART D — INTANGIBLE PERSONAL PROPERTY [Stool (If you have nothing to report, write "none"	:ks, bonds, certificates of deposit, etc See instructions] " or "n/a")
TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES
N/A	
10/14	
PART E — LIABILITIES [Major debts - See instructions] (If you have nothing to report, write "none"	
NAME OF CREDITOR	ADDRESS OF CREDITOR
N/A	
PART F — INTERESTS IN SPECIFIED BUSINESSES (O	Ownership or positions in certain types of businesses - See instructions]
(If you have nothing to report, write "none" o	
NAME OF BUSINESS ENTITY	BUGINESS ENTITY # 1
ADDRESS OF BUSINESS ENTITY	
PRINCIPAL BUSINESS ACTIVITY	N)A
POSITION HELD WITH ENTITY	N III
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS	
NATURE OF MY OWNERSHIP INTEREST	
	appointed school superIntendents, and commissioners of a community redevelopment applete annual ethics training pursuant to section 112.3142, F.S.
	HAVE COMPLETED THE REQUIRED TRAINING.
_ TOERTH THAT IT	TAVE COMPLETED THE REGUINED TRAINING.
IF ANY OF PARTS A THROUGH G ARE	CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE
SIGNATURE OF FILE	R: CPA or ATTORNEY SIGNATURE ONLY
Signature:	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:
M.D. Duy	I,, prepared the CE Form 1 in accordance with Section 112.3145, Fiorida Statutes, and the Instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.
Date Signed:	disclosure hereit is true and correct.
8/30/2021	CPA/Attorney Signature:
8/30/002/	Date Signed:
FILING INSTRUCTIONS:	

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

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.) Form 1 filers who file with the Supervisor of Elections may file by mail or email. Contact your Supervisor of Elections for the mailing address or email address to use. Do not email your form to the Commission on Ethics, it will be returned.

State officers or specified state employees who file with the Commission on Ethics may file by mail or email. To file by mail, send the completed form to P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 325 John Knox Rd, Bldg E, Ste 200, Tallahassee, FL 32303. To file with the Commission by email, scan your completed form and any attachments as a pdf (do not use any other format), send it to CEForm1@leg.state.fl.us and retain a copy for your records. Do not file by both mail and email. Choose only one filling method. Form 6s will not be accepted via email.

Candidates file this form together with their filing papers.

MULTIPLE FILING UNNECESSARY: A candidate who files a Form 1 with a qualifying officer is not required to file with the Commission or Supervisor of Elections.

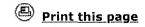
WHEN TO FILE: *Initially*, each local officer/employee, state officer, and specified state employee must file *within 30 days* of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates 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 <u>not</u> relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2020.

Mail Piece Details



Recipient Address

MICHAEL MURPHY 991 COLLIER CT APT A211 MARCO ISLAND, FL 34145-6586

Record / Case Number: 61787

Return Address

STATE OF FLORIDA COMMISSION ON ETHICS PO DRAWER 15709 TALLAHASSEE, FL 32317-5709

Entry Point ZIP: 32317

Mail Piece Information

Tracking Number: 92148901066154000189791931

Date Created: 10/12/2023 02:46:49 PM
Mail Class: USPS First Class Mail

Special Services: Certified Mail

Return Receipt Electronic

Memo: --

Created By: Kimberly Holmes - Commission on Ethics

Tracking Information

Pre-Shipment Info Sent To Usps, Usps Awaiting Item, October 12, 2023, 12:00:00 AM Pre-Shipment Info Sent Usps Awaits Item, October 12, 2023, 02:05:00 PM, TALLAHASSEE,FL 32317

Accepted At Usps Origin Facility, October 14, 2023, 02:36:00 AM, TALLAHASSEE,FL 32317

Arrived At Usps Regional Origin Facility, October 14, 2023, 03:51:00 AM

In Transit To Next Facility, Arriving On Time, October 15, 2023, 12:00:00 AM

Processed Through Usps Facility, October 16, 2023, 02:56:00 PM, FORT MYERS FL DISTRIBUTION CENT 33913

Processed Through Usps Facility, October 16, 2023, 05:44:00 PM, FORT MYERS FL DISTRIBUTION CENT 33913

Processed Through Usps Facility, October 16, 2023, 06:17:00 PM, FORT MYERS FL DISTRIBUTION CENT 33913

Departed Usps Regional Facility, October 17, 2023, 08:04:00 AM, FORT MYERS FL DISTRIBUTION CENT 33913

In Transit To Next Facility, Arriving Late, October 18, 2023, 12:00:00 AM

In Transit To Next Facility, Arriving Late, October 19, 2023, 12:00:00 AM

In Transit To Next Facility, Arriving Late, October 20, 2023, 12:00:00 AM

In Transit To Next Facility, Arriving Late, October 21, 2023, 12:00:00 AM

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BEFORE THE STATE OF FLORIDA COMMISSION ON ETHICS

In re Michael Murphy

PID#: 61787

Fire Chief

Emergency Response Commission for Hazardous Materials Division of Emergency Management

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(8)(g), Florida Statutes, due to your failure to timely file your 2020 CE Form 1, Statement Of Financial Interests. Under the law, your 2020 CE Form 1, Statement of Financial Interests, was due by July 1, 2021. The law provided for a penalty-free grace period extending the due date to September 1, 2021. After that date, you accrued fines of \$25.00 per day for each day your financial disclosure was late, pursuant to Section 112.3145(8)(g), Florida Statutes.

Inasmuch as your 2020 CE Form 1 was filed September 11, 2021 with the Commission on Ethics, you are fined the amount of \$250.00 (\$25.00 per day for 10 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(8)(g)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. Click on "Financial Disclosure" and then the link to the sample appeal form.
- 4. **DUE DATE:** Your appeal must be <u>received</u> by the Commission on Ethics on or before <u>November 13</u>, <u>2023.</u> <u>NOTE</u>: 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, 2021, 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, 2020: confirmation of your last date of office or employment by your former agency, showing the last date to be before December 31, 2020; or
- f. UNCLAIMED CERTIFIED MAIL: if deliquency 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 you 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:

Michael Murphy 991 Collier Ct A211 Marco Island, FL 34145

by Certified Mail on this Thursday, October 12, 2023.

KIMBERLY R. HOLMES Program Administrator

-or-

Florida Commission on Ethics P. O. Drawer 15709

P. O. Drawer 15709 Tallahassee, FL 32317-5709 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





9214 8901 0661 5400 0189 7919 31

RETURN RECEIPT (ELECTRONIC)

61787 MICHAEL MURPHY 991 COLLIER CT APT A211 MARCO ISLAND, FL 34145-6586

URGENT - Open Immediately!

 	CUT FOLD HERE	 Zone 3
		Zone 3
 	EXPLENVELOPE CUT FOLD HERE	
	CUT FOLD HERE	



Left Filer - Fines and Appeals - PID 61787 - Michael D Murphy

Filer	Informat	ion
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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 <u>2015</u> <u>2016</u> <u>2017</u> <u>2018</u> <u>2019</u> <u>2020(\$)</u> <u>2021</u> <u>2022</u> <u>2023</u> <u>2024</u>

<<2024 Form Year

Status

Filing: ACTIVE Fine: No Fine

Public Address

Flags

Filing Extensions Indefinite: None Temporary: None

Eligible for Fines

The filer has fines for: 2021 (Appeal)

2021 Fines and Appeals

Form Year 2020 Filed Forms

Received Date		Form Signed	Filed by Email	Filing Location	Updated	Comments
09/11/21	Corno 1	Vos	Voc	COE	PRINEE on	
09/11/21	Form 1	162	Yes	COE	09/13/2021	

2021 Fine Information

Fine

Fine

Balance Status

Update Fine Information **Assign Agency Contact**

Date

Amount

Payment Last **Payment** Plan Original **Fine Payment** Plan Assessment Amount Start

Date

\$250.00 Appeal 10/10/2023 \$250.00 \$250.00

Fine Date

Fine Address 991 Collier Ct A211 Marco Island FL 34145

Org/Suborg Division of Emergency Management-Emergency Response Commission for Hazardous Materials

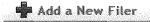
2021 Fine Payment History

Date Posted	Description	Amount	Method	Payment ID	Comments
10/10/2023	Fine Levied	+ \$250.00			Fined \$250.00

Current Balance: \$250.00

2021 Fine Year Event

Invalidate Transaction



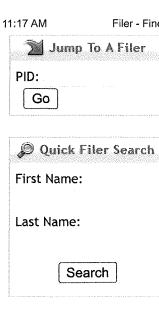
Chronology

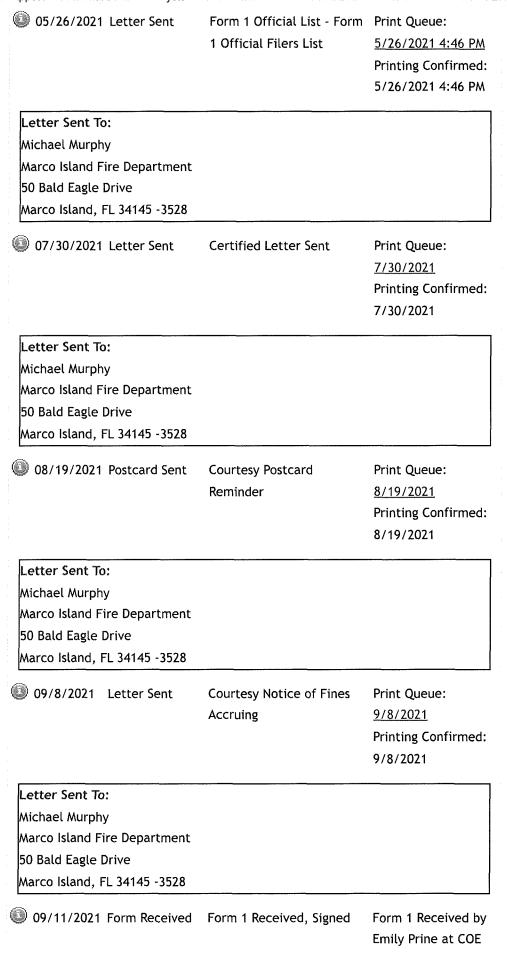
Date

Type

Description

Reference





Form Received By: Emily Prine

Filing Location: COE

Record Created By: Emily Prine on 09/13/2021

09/11/2021 Filer

----Original Message----

Communication: From: Mike Murphy Sent:

Email

Saturday, September 11,

2021 8:33 PM To: COE-

Form1 Subject: SERC Formi I am sorry for the lateness

of this form. I had retired

10/10/2023 Fine Levied

Fined \$250.00

Journal: 10/10/2023

6:37 PM

Emily Prine

10/12/2023 Notice of

Initial Fine Notice

Journal: 10/12/2023

Assessed Fine

2:26 PM

10/12/2023 Letter Sent

Notice of Assessed Fine -

Print Queue:

Filer 1st Fine Letter

10/12/2023
Printing Confirmed:

10/12/2023

Letter Sent To:

Michael Murphy

991 Collier Ct A211

Marco Island, FL 34145

11/7/2023 Letter Sent

Fine Appeal

Print Queue:

11/7/2023

Printing Confirmed:

11/7/2023

Letter Sent To:

Michael Murphy

991 Collier Ct A211

Marco Island, FL 34145

11/7/2023 Filer

Filer called. Just received westberry.diana

Communication: \$250 fine letter. He was

Phone battling stage 4 cancer at

the time of due date & going through extensive chemo/radiation. He apologizes for being 10 days late and plans to

appeal the fine.

Journal: <u>11/13/2023</u> FD 21-060 11/13/2023 Fine Appeal 2:20 AM Update Appeal Withdraw Appeal Assign Attorney 2021 Fine Appeal -Record Appeal Outcome FD 21-060 Request More Info **Appeal Status:** No Hearing Requested Active **Appeal Receipt** Date: 11/13/2023 Timely Filed: Yes Print Appeal Letter: Yes **Hearing Requested:** No Appeal Reason: Illness or Injury **Appeal Notes:** Appeal Number: FD 21-060 **Appeal Analyst** Assigned: Final Order Number: Final Order Date: