

August 4, 2020. Whoever signed for the mailing wrote the following for the signature: "R G C-19".

4. On August 20, 2020, the Commission mailed Appellant a courtesy postcard reminder about his filing obligation to the 9251 SW 52nd Terrace address.

5. On September 8, 2020, the Commission mailed Appellant a courtesy notice of fines accruing. This was sent to the 9251 SW 52nd Terrace address.

6. On September 11, 2020, at 8:01 AM, Commission staff emailed Appellant at howard.bechtold@dot.state.fl.us, notifying him that his 2019 CE Form 1 financial disclosure had not been received and that he was being fined \$25 per day, up to a maximum of \$1,500. Commission staff requested a read receipt with this email.

7. On September 11, 2020, at 8:03 AM, the Commission received an email that Appellant had read the message.

8. On March 16, 2021, the Commission sent Appellant a Notice of Assessment of Automatic Fine by certified mail to the 9251 SW 52nd Terrace address indicating that Appellant had accrued a \$1,500 fine and informing him of his right to appeal the fine.

9. On June 11, 2021, the Commission sent Appellant a Final Notice of Assessment of Automatic Fine via certified mail for failure to timely file his 2019 CE Form 1. This was sent to the 9251 SW 52nd Terrace address.

10. On September 15, 2021, the Commission mailed Appellant a notification of issuance of default Final Order confirming his \$1,500 fine and instructing him to pay the fine by October 18, 2021. This was sent to the 9251 SW 52nd Terrace address.

11. On October 18, 2021, the Commission emailed Appellant at howard.bechtold@dot.state.fl.us to remind him of his obligation to pay the \$1,500 fine.

12. On October 18, 2021, the Commission received Appellant's payment of the \$1,500 fine.

13. On February 10, 2023, Commission investigator Keith Powell sent Appellant an email because Appellant indicated a desire to appeal his 2019 fine. This email contained a notice of appeal rights, a 2019 CE Form 1, and a fine appeal form with a deadline of March 13, 2023 to file an appeal.

14. On March 1, 2023, the Commission received Appellant's 2019 CE Form 1, signed on February 28, 2023.

15. On March 10, 2023, the Commission received Appellant's appeal of the automatic fine for Form Year 2019.

16. In his appeal, Appellant stated that he had a problem with his tax return in 2019 due to a new bookkeeper, and was not able to file his return until October. Appellant related that he needed information from his tax return in order to accurately file his 2019 CE Form 1. Appellant further stated that he filed his 2019 CE Form 1 once he got this information in October, yet was not notified until February 2023 that his form had not been received.

Conclusions of Law

17. 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.

18. Section 112.3145(8)(g)3., 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 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.

19. Here, Appellant claims he had an issue with his 2019 tax return and was not able to file it until October 2020. Appellant states that he needed information from his tax return in order to file his 2019 CE Form 1. Appellant states that he filed his 2019 CE Form 1 once he received information from his tax return, but did not receive notice that his 2019 CE Form 1 was not received by the Commission until February 2023.

20. Although Appellant filed his appeal after the deadline to appeal, we accept the appeal as timely because Appellant did appeal once he realized that the Commission had not received his October mailing of the form. The notices concerning the assessed fines and appellate rights did not communicate this information and he assumed the form had been received.

21. Appellant claims he filed his 2019 CE Form 1 in October 2020, after his tax return was finished. Appellant has not supplied the exact date that he submitted his 2019 CE Form 1, so in the absence of an assertion of a more-favorable filing date in October, we presume the date to be October 31. There is no evidence in the record to contradict Appellant's assertion that he mailed the document to the Commission in October, so we accept his assertion as true.

22. The record demonstrates that Appellant did not request an extension of his filing deadline. The instructions for requesting a filing extension are included in the various notices he received and Appellant had full opportunity to request an extension on the basis that his tax

return was not complete. Thus the October 31 filing was untimely and automatic fines of \$25 per day from September 1 through October 31 are appropriate.

23. October 31 was the 60th day following the start of the assessment of automatic fines on September 1. Therefore, we find that 59 days of automatic fines are appropriate, and conclude that the fine should be reduced by \$25 to \$1,475.

Order

Based on the foregoing facts and conclusions of law, the Commission hereby reduces the assessed fine to \$1,475. Because Appellant has already paid the fine, the Commission will return \$25 to Appellant.

ORDERED by the State of Florida Commission on Ethics meeting in public session on July 28, 2023.

Date Rendered

Glenton "Glen" Gilzean, Jr.
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.

GG/sjz

Mr. Harold Bechtold
9251 SW 52nd Terrace
Miami, FL 33165

232580



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 10 2022
RECEIVED

APPEAL OF AUTOMATIC FINE FOR FORM YEAR 2019

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: Howard Bechtold

Address: 9251 SW 52 Ter. City: Miami State: FL Zip: 33165

Daytime Tel.: 305 321-6422 Cell: 305 321-6422

Email: howard.bechtold@dot.state.fl.us Filer ID# (if known): 962174

Public Employer: Department of Transportation

Public Position: Operations 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, 2019** (Explain in Part C and provide confirmation from agency that your office-holding/employment ended before 12/31/2019)
- 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 2019 I had a problem with my US Tax return. I had problems with a new bookkeeper and was not able to file my return until October. I needed information from my tax return in order to accurately file my form 1. As soon as I had that information I filed the form. I was assessed a fine for being late which I paid. It wasn't until about a month ago that I was notified that my form was not received. As soon as I was notified I refiled the form immediately.

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.

3/10/2023

DATE


SIGNATURE

| | | | |
|--|---|---|---------------------------------------|
| FORM 1 | STATEMENT OF FINANCIAL INTERESTS | 2019 | |
| Please print or type your name, mailing address, agency name, and position below: | | FOR OFFICE USE ONLY: | |
| LAST NAME -- FIRST NAME -- MIDDLE NAME : Bechtold Howard Jay | | PROCESSED Received 3/01/2023 232580 | |
| MAILING ADDRESS : 9251 SW 52 Ter. | | | |
| CITY : Miami | ZIP : 33165 | | COUNTY : Miami-Dade |
| NAME OF AGENCY : | | | |
| NAME OF OFFICE OR POSITION HELD OR SOUGHT : Operations Manager | | | |
| CHECK ONLY IF <input type="checkbox"/> CANDIDATE OR <input type="checkbox"/> NEW EMPLOYEE OR APPOINTEE | | | |
| **** THIS SECTION <u>MUST</u> BE COMPLETED **** | | | |
| DISCLOSURE PERIOD: THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2019. | | | |
| 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): | | | |
| <input checked="" type="checkbox"/> COMPARATIVE (PERCENTAGE) THRESHOLDS OR <input type="checkbox"/> 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 | |
| Oasis Condominium | 4708 SW 67 Ave L-15, Miami, FL 33155 | Rental Income | |
| Apple | Cupertino, Ca. | Sale of Apple Stock | |
| | | | |
| 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 |
| 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") | | 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. | |
| 4708 SW 67 Ave L-15, Miami, FL 33155 | | | |
| 13315 SW 108 Ct, Miami, FL 33176 | | | |

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 |
|--------------------|---|
| Stock | Apple Corporation |
| | |

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

| NAME OF CREDITOR | ADDRESS OF CREDITOR |
|------------------|---------------------|
| None | |
| | |

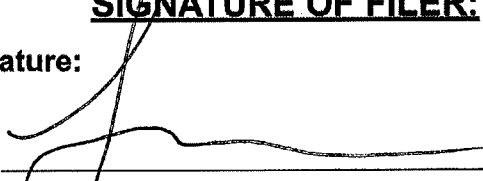
PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses - See instructions]
 (If you have nothing to report, write "none" or "n/a")

| NAME OF BUSINESS ENTITY | BUSINESS ENTITY # 1 | BUSINESS ENTITY # 2 |
|---|---------------------|---------------------|
| | | |
| ADDRESS OF BUSINESS ENTITY | None | |
| PRINCIPAL BUSINESS ACTIVITY | | |
| POSITION HELD WITH ENTITY | | |
| 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

| | |
|--|---|
| <p>SIGNATURE OF FILER:</p> <p>Signature: </p> <p>Date Signed: <u>2/28/23</u></p> | <p>CPA or ATTORNEY SIGNATURE ONLY</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:

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 filing 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 not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2019.

Mail Piece Details

 [Print this page](#)

Recipient Address

HOWARD J BECHTOLD
9251 SW 52ND TER
MIAMI, FL 33165-6517

Record / Case Number:
232580

Return Address

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

Entry Point ZIP:
32317

Mail Piece Information

Tracking Number: 92148901066154000153069134
Date Created: 07/30/2020 04:02:40 PM
Mail Class: USPS First Class Mail
Special Services: Certified Mail
Return Receipt Electronic
Memo: --
Created By: Kimberly Holmes - Commission on Ethics

Signature Information

Signed For By: HOWARD J BECHTOLD
Signature Status: Available (Click Here) | Re-Request Signature (Click Here)

*Having issues viewing the signature file?
Make sure you are using the latest version of Adobe Acrobat Reader*

Tracking Information

Mailed, July 30, 2020, 04:02:40 PM, TALLAHASSEE,FL 32317
Pre-Shipment Info Sent To Usps, Usps Awaiting Item, July 30, 2020, 12:00:00 AM
Pre-Shipment Info Sent Usps Awaits Item, July 30, 2020, 03:21:00 PM, TALLAHASSEE,FL 32317
Arrived At Usps Regional Destination Facility, August 03, 2020, 04:22:00 PM
Processed Through Usps Facility, August 03, 2020, 04:22:00 PM, MIAMI,FL 33152
Processed Through Usps Facility, August 03, 2020, 07:17:00 PM, MIAMI,FL 33152
Departed Usps Regional Destination Facility, August 03, 2020, 10:24:00 PM
Processed Through Usps Facility, August 03, 2020, 10:24:00 PM, MIAMI,FL 33152
Delivered Left With Individual, August 04, 2020, 10:26:00 AM, MIAMI,FL 33165



Date Produced: 08/05/2020

THE MAIL GROUP INC - 1 / CONFIRM DELIVERY INC:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 0661 5400 0153 0691 34. Our records indicate that this item was delivered on 08/04/2020 at 10:26 a.m. in MIAMI, FL 33165. The scanned image of the recipient information is provided below.

Signature of Recipient :

R G
C-19

Address of Recipient :

9251 SW 52nd Ter

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Reference ID: 92148901066154000153069134
232580
HOWARD J BECHTOLD
9251 SW 52nd Ter
Miami, FL 33165-6517

Mail Piece Details

 **Print this page**

Recipient Address

HOWARD J BECHTOLD
9251 SW 52ND TER
MIAMI, FL 33165-6517

Record / Case Number:
232580

Return Address

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

Entry Point ZIP:
32317

Mail Piece Information

Tracking Number: 92148901066154000160862940

Date Created: 03/16/2021 04:49:03 PM

Mail Class: USPS First Class Mail

Special Services: Certified Mail
Return Receipt Electronic

Memo: --

Created By: Kimberly Holmes - Commission on Ethics

Tracking Information

Mailed, March 16, 2021, 04:49:03 PM, TALLAHASSEE,FL 32317

Pre-Shipment Info Sent To Usps, Usps Awaiting Item, March 16, 2021, 12:00:00 AM

Pre-Shipment Info Sent Usps Awaits Item, March 16, 2021, 04:02:00 PM, TALLAHASSEE,FL 32317

Arrived At Usps Regional Destination Facility, March 18, 2021, 04:48:00 PM

Processed Through Usps Facility, March 18, 2021, 04:48:00 PM, MIAMI,FL 33152

Processed Through Usps Facility, March 18, 2021, 08:00:00 PM, MIAMI,FL 33152

Departed Usps Regional Destination Facility, March 18, 2021, 10:43:00 PM

Processed Through Usps Facility, March 18, 2021, 10:43:00 PM, MIAMI,FL 33152

In Transit To Next Facility, March 19, 2021, 12:00:00 AM

In Transit To Next Facility, March 20, 2021, 12:00:00 AM

In Transit To Next Facility, March 21, 2021, 12:00:00 AM

In Transit To Next Facility, March 22, 2021, 12:00:00 AM

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

In re **Howard J Bechtold
Operations Manager
Employees
Department Of Transportation**

PID#: 232580

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 2019 CE Form 1, Statement Of Financial Interests. Under the law, your 2019 CE Form 1, Statement of Financial Interests, was due by July 1, 2020. The law provided for a penalty-free grace period extending the due date to September 1, 2020. After that date, you accrued fines of \$25.00 per day for each day your financial disclosure was late, up to the maximum fine of \$1,500.00 (60 days late), pursuant to Section 112.3145(8)(g), Florida Statutes.

Inasmuch as your 2019 CE Form 1 has not been filed with the Commission on Ethics within the 60 days of the grace period date (September 1, 2020), you have accrued the maximum fine amount of \$1,500.00. 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. Unless the fine is successfully appealed, the Commission is required to investigate public officers and employees who receive the maximum \$1,500 fine, to determine whether their failure to file was willful. The penalty for willfully failing to file disclosure is removal from public office or employment.

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 received by the Commission on Ethics on or before **April 15, 2021**. **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, 2020, 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, 2019:** confirmation of your last date of office or employment by your former agency, showing the last date to be before December 31, 2019; 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:

Howard J Bechtold
9251 Sw 52nd Ter
Miami, FL 33165 -6517

by Certified Mail on this Tuesday, March 16, 2021.



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

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

In re HOWARD J. BECHTOLD
Operations Manager
Florida Department of Transportation

PID#232580

**NOTICE OF APPEAL RIGHTS
ASSESSMENT OF AUTOMATIC FINE**

The Commission on Ethics hereby gives notice of appeal rights for an assessment of a fine against you pursuant to Section 112.3145(8)(g), Florida Statutes, due to your failure to file your 2019 CE Form 1, Statement of Financial Interests. Under the law, your 2019 CE Form 1, Statement of Financial Interests, was due by July 1, 2020. The law provided for a penalty-free grace period extending the due date to September 1, 2020. After that date, you accrued fines of \$25.00 per day for each day your financial disclosure was late, up to the maximum fine of \$1,500.00 (60 days late), pursuant to Section 112.3145(8)(g), Florida Statutes.

Inasmuch as your 2019 CE Form 1 was not filed with the **Commission on Ethics** within the 60 days of the grace period date (September 1, 2020), you accrued the maximum fine amount of \$1,500.00. The Commission has the authority to consider an 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. Unless the fine is successfully appealed, the Commission is required to investigate public officers and employees who receive the maximum \$1,500 fine, to determine whether their failure to file was willful. The penalty for willfully failing to file disclosure is *removal from public office or employment*.

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 with this email. 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 received** by the Commission on Ethics on or before **March 13 2023**. **NOTE:** Failure to timely file an appeal will constitute a waiver of your right to appeal and will result in an investigation for willfully failing to file disclosure.
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, 2020, 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, 2019:** confirmation of your last date of office or employment by your former agency, showing the last date to be before December 31, 2019; 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 FILE APPEAL WITHIN 30 DAYS

If you do not timely file an appeal within 30 days of this Notice, the Commission will take the steps provided by law to open an investigation for willfully failing to file disclosure which could result in removal from public office or employment. 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.

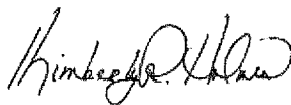
Please contact our office if you have any questions about this matter.

CERTIFICATE OF SERVICE

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

Howard J. Bechtold
howard.bechtold@dot.state.fl.us

by Electronic Mail on this Friday, February 10, 2023



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@lcg.statc.fl.us



Financial Disclosure Management System
THE FLORIDA COMMISSION ON ETHICS

Filer - Fines and Appeals - PID 232580 - Howard J Bechtold

Filer Information

Org Membership

Forms

Communications

Fines and Appeals >

View All

Filer Flags

[2000](#) [2001](#) [2002](#) [2003](#) [2004](#)
[2005](#) [2006](#) [2007](#) [2008](#) [2009](#)
[2010](#) [2011](#) [2012](#) [2013\(\\$\)](#) [2014](#)
[2015](#) [2016](#) [2017](#) [2018](#) [2019\(\\$\)](#)
[2020](#) [2021](#) [2022](#)

<<2022 Form Year >

Status

Filing: ACTIVE

Fine: No Fine

Flags

Public Address

Filing Extensions

Indefinite: None

Temporary:

None

Eligible for Fines

PID:

The filer has fines for: [2020 \(Appeal\)](#) [2014 \(Paid\)](#) [view all](#)

2020 Fines and Appeals

| Form Year 2019 Filed Forms | | | | | | |
|----------------------------|-----------|-------------|----------------|-----------------|-----------------------|----------|
| Received Date | Form Type | Form Signed | Filed by Email | Filing Location | Updated | Comments |
| 03/01/23 | Form 1 | Yes | Yes | COE | holmesk on 03/02/2023 | |

| 2020 Fine Information | | | | <input type="button" value="Update Fine Information"/> <input type="button" value="Assign Agency Contact"/> | | | |
|---|-------------|-----------|---------------------|--|-------------------|-------------------------|---------------------|
| Fine Balance | Fine Status | Fine Date | Original Assessment | Fine Amount | Last Payment Date | Payment Plan Start Date | Payment Plan Amount |
| \$0.00 | Appeal | 3/16/2021 | \$1,500.00 | \$1,500.00 | 10/18/2021 | | |
| Fine Address 9251 Sw 52nd Ter Miami FL 33165-6517 Org/Suborg Transportation, Department Of-Employees | | | | | | | |

| 2020 Fine Payment History | | | | | |
|--------------------------------|--------------|--------------|-------------|------------|---|
| Date Posted | Description | Amount | Method | Payment ID | Comments |
| 10/18/2021 | Fine Payment | - \$1,500.00 | Credit Card | CC | Payment made through FL Legistore website |
| 3/16/2021 | Fine Levied | + \$1,500.00 | | | Fined \$1500.00 |
| Current Balance: \$0.00 | | | | | |

2020 Fine Year Event

Chronology

| <input checked="" type="checkbox"/> Date | Type | Description | Reference |
|--|-------------|--|-----------|
| <input type="radio"/> 05/19/2020 | Letter Sent | Form 1 Official List - Form 1 Official Filers List | Print |

Quick Filer Search

First Name:

Last Name:

Queue:

5/19/2020

7:55 AM

Printing

Confirmed:

5/19/2020

7:55 AM

Letter Sent To:

Howard J Bechtold
9251 Sw 52nd Ter
Miami, FL 33165 -6517

07/31/2020 Letter Sent Certified Letter Sent

Print

Queue:

7/31/2020

Printing

Confirmed:

7/31/2020

Letter Sent To:

Howard J Bechtold
9251 Sw 52nd Ter
Miami, FL 33165 -6517

08/20/2020 Postcard Sent Courtesy Postcard Reminder

Print

Queue:

8/20/2020

Printing

Confirmed:

8/20/2020

Letter Sent To:

Howard J Bechtold
9251 Sw 52nd Ter
Miami, FL 33165 -6517

08/25/2020 Filer Email sent to filer.
Communication:
Email

Charles
Shotwell

09/8/2020 Letter Sent Courtesy Notice of Fines Accruing

Print

Queue:

9/8/2020

Printing

Confirmed:

9/8/2020

Letter Sent To:


Howard J Bechtold
 9251 Sw 52nd Ter
 Miami, FL 33165 -6517

09/11/2020 Filer From: Prine.Emily Sent: Friday, September 11, 2020 Emily Prine
 Communication: 8:01 AM To:
 Email 'HOWARD.BECHTOLD@DOT.STATE.FL.US' Subject:
 Form 1 2019 FINANCIAL DISCLOSURE Importance:
 High Good Morning, We have not received your
 Form 1 2019 Financial Disclosure filing based off
 your service with the Department of
 Transportation. You are now being fined \$25.00 per
 day with a maximum fine of up to \$1500.00.
 Additionally, individuals who accrue the maximum
 fine and fail to file the required form are subject to
 an investigation to determine whether the failure to
 file was willful. If the Commission determines the
 failure to file was willful, the statute requires the
 Commission recommend the individual be removed
 from public office or public employment. Form is
 attached, please complete and remit today! The
 form can be submitted via email, see instructions
 on page two of the form. Thank you.

09/11/2020 Filer _____ Emily Prine
 Communication: From: Bechtold, Howard Sent: Friday, September
 Email 11, 2020 8:03 AM To: Prine.Emily Subject: Read:
 Form 1 2019 FINANCIAL DISCLOSURE Importance:
 High Your message To: Subject: Form 1 2019
 FINANCIAL DISCLOSURE Sent: Friday, September 11,
 2020 8:02:34 AM (UTC-05:00) Eastern Time (US &
 Canada) was read on Friday, September 11, 2020
 8:02:32 AM (UTC-05:00) Eastern Time (US &
 Canada).

03/16/2021 Fine Levied Fined \$1500.00 Journal:
3/16/2021
9:23 AM

03/16/2021 Notice of Initial Fine Notice Journal:
 Assessed Fine 3/16/2021
10:02 AM

 03/16/2021 Letter Sent Notice of Assessed Fine - Filer 1st Fine Letter Print
 Queue:
3/16/2021
 Printing
 Confirmed:
 3/16/2021

Letter Sent To:

Howard J Bechtold
 9251 Sw 52nd Ter
 Miami, FL 33165 -6517

06/11/2021 Final Notice of 2nd Fine Notice Journal:
 Assessed Fine 6/11/2021
 9:38 AM

06/11/2021 Letter Sent Final Notice of Assessed Fine - Second Fine Notice Print
 Queue:
 6/11/2021
 Printing
 Confirmed:
 6/11/2021

Letter Sent To:

Howard J Bechtold
 9251 Sw 52nd Ter
 Miami, FL 33165 -6517

08/24/2021 Collection Collection Order Notice Journal:
 Orders 8/24/2021
 10:33 AM

09/15/2021 Letter Sent Collection Orders - Prepare Collection Orders Print
 Queue:
 9/15/2021
 Printing
 Confirmed:
 9/15/2021


Letter Sent To:

Howard J Bechtold
 9251 Sw 52nd Ter
 Miami, FL 33165 -6517


10/18/2021 Filer From: Westberry, Diana Sent: Monday, October 18, Diana
 Communication: 2021 9:20 AM To: 'howard.bechtold@dot.state.fl.us' Westberry
 Email Subject: Florida Commission on Ethics Good
 morning, Mr. Bechtold, Please be advised that you
 currently have a \$1,500.00 fine for the late filing of
 your Financial Disclosure Form 1 for the year 2019.
 You can pay this fine one of two ways, online or by
 mail. To pay online, please go to
 www.flalegstore.com, click "Pay Fines" and type in
 your PID 232580. Only Visa, MasterCard, and
 Discover are accepted. To pay by mail, please send
 in a check for \$1,500.00 made payable to Florida

Commission on Ethics, P.O. Drawer 15709,
Tallahassee, FL 32317-5709. If you would like to set
up a payment plan instead, please call or email me
back for details. If you have any other questions,
please do not hesitate to ask. Thank you, Diana
Westberry Office Manager Florida Commission on
Ethics Post Office Drawer 15709 Tallahassee, FL
32317-5709 (850) 488-7864

10/27/2021 Fine Payment Payment made through FL Legistore website Journal:
Invalidated Reason: Appeal received for fine after 10/27/2021
Invalidated payment 10:08 AM
Full \$1,500.00

 11/9/2021 Letter Sent Fine Payment - Fine Payments Received Print
Queue:
11/9/2021
Printing
Confirmed:
11/9/2021

Letter Sent To:
Howard J Bechtold
9251 Sw 52nd Ter
Miami, FL 33165 -6517

 11/9/2021 Letter Sent Fine Payment - Fine Payments Received Print
Queue:
11/9/2021
Printing
Confirmed:
11/9/2021

Letter Sent To:
Howard J Bechtold
9251 Sw 52nd Ter
Miami, FL 33165 -6517

02/10/2023 Filer Emailed filer at howard.bechtold@dot.state.fl.us A Keith
Communication: because he indicated a desire to appeal his 2019 Powell
Email fine. Sent filer a Notice of Appeal Rights, a 2019 CE
Form 1, and a Fine Appeal form with a deadline of
March 13, 2023 to file an appeal.

 03/1/2023 Form Received Form 1 Received, Signed


Form Received By:
Filing Location: COE
Record Created By: Kimberly Holmes on 03/02/2023

05/4/2023 Fine Appeal FD 20-055

Journal:
5/4/2023
12:02 PM

05/4/2023 Fine Payment Payment made through FL Legistore website
 Full \$1,500.00

Journal:
5/4/2023
12:03 PM

 05/4/2023 Letter Sent Fine Appeal

Print
 Queue:
5/4/2023
 Printing
 Confirmed:
 5/4/2023

Letter Sent To:
 Howard J Bechtold
 9251 Sw 52nd Ter
 Miami, FL 33165 -6517

| | | | |
|--|----------------------|-----------------|-----------------------|
| 2020 Fine Appeal — FD 20-055 | Update Appeal | Withdraw Appeal | Assign Attorney |
| | Request More Info | | Record Appeal Outcome |
| Appeal Status: Active Appeal Receipt Date: 03/10/2023 Timely Filed: No Print Appeal Letter: Yes Hearing Requested: No Appeal Reason: Other Appeal Notes: Appeal Number: FD 20-055 Appeal Analyst Assigned: Final Order Number: Final Order Date: | No Hearing Requested | | |