

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re JONATHAN T. LEVY,)	Financial Disclosure Appeal No. FD 21-011
)	
Appellant.)	Final Order No.
_____)	

FINAL ORDER

This matter came before the Commission on Ethics, meeting in public session on July 26, 2024, in the matter of Jonathan T. Levy, pursuant 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 did not request a hearing before the Commission.

Findings of Fact

1. According to information provided to the Commission, Appellant was a member of the Judicial Nominating Commission – Statewide, a position that requires the filing of a CE Form 1, Statement of Financial Interests, for the year 2020. 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 notice was sent to Appellant at 1401 Forum Way, FL 6, West Palm Beach, FL 33401-2205.

3. On July 30, 2021, the Commission on Ethics sent Appellant a Notice of Delinquency by certified mail. The notice was sent to Appellant at the 1401 Forum Way, FL 6 address. Postal records indicate the notice was signed for by an unknown person.¹

4. On August 19, 2021, the Commission mailed Appellant a courtesy postcard, which was intended to remind him of his obligation to file a 2020 CE Form 1. The Commission mailed the postcard to the 1401 Forum Way, FL 6 address.

5. On September 8, 2021, seven days after the grace period expired, the Commission mailed Appellant a courtesy notice informing him that his 2020 CE Form 1 had not been received by the Commission and that he was being fined \$25 per day, up to a maximum of \$1,500. The Commission mailed this notice to the 1401 Forum Way, FL 6 address.

6. On September 13, 2021, Appellant called the Commission regarding the letter he had received concerning the fines accruing. He told Commission staff that he thought he did not have to file a 2020 CE Form 1 because he had resigned in March 2021. Commission staff informed him that he was required to file one and emailed him a 2020 CE Form 1 and a 2021 CE Form 1F at his request. The email was sent to Appellant at jlevy@rosenthallevy.com. Appellant filed his 2020 CE Form 1 with the Commission on September 13, 2021.

7. On October 12, 2023, the Commission sent a Notice of Assessment of Automatic Fine by certified mail to Appellant at 1401 Forum Way, Ste. 600, West Palm Beach, FL 33401-2205. This notice indicated that Appellant had accrued a \$300 fine and informed him of his right to appeal the fine. It stated that the appeal had to be received by the Commission by November 13, 2023, to be considered timely.

¹ Appellant indicates on a document he submitted that this is the address of a law firm.

8. On October 23, 2023, the Commission received Appellant's Appeal of Automatic Fine for Form Year 2020.

9. In the appeal, Appellant checked the box "Claim of timely filing of financial disclosure" as his basis for appealing.

Conclusions of Law

10. Financial disclosure is required of public officials and employees because it enables the public to evaluate potential conflicts of interest, deters corruption, and increases public confidence in government.

11. 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 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.

12. Commission Rule 34-8.215, F.A.C., defines "unusual circumstances" as follows:

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. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirements shall be deemed not to constitute unusual circumstances.

13. Appellant filed his appeal timely.

14. In his appeal, as stated above, Appellant checked the box "Claim of timely filing of financial disclosure" as his basis for the appeal. The language that immediately follows the words "Claim of timely filing of financial disclosure" in this option to check as a basis for appeal is:

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[.]

Appellant provided no explanation as to why he chose "Claim of timely filing of financial disclosure," no documentation substantiating that he had timely filed, and no sworn, notarized statement that he had filed by the deadline, as the option choice required. Appellant did not tell Commission staff that he had filed his 2020 CE Form 1 timely (i.e., by July 1, 2021) when he spoke with them on September 13, 2021. Rather, he stated that he did not file a 2020 CE Form 1 because he did not think he had to file one. Appellant filed his 2020 CE Form 1 the date he talked to Commission staff (September 13, 2021) but at that point, both the due date (July 1, 2021) and the end of the grace period (September 1, 2021) had passed and Appellant had begun accruing a fine. Appellant never stated that he did not receive the notices of his requirement to timely file his 2020 CE Form 1 and he called to discuss the letter he had, in fact, received about the fines accruing. This notice had been sent to the same address of all the previous notices. Appellant submitted his 2020 CE Form 1 the day he was told that he, in fact, had to file the form, as the notices had all stated, but his belief that he did not have to file a 2020 CE Form 1, despite what the notices stated, does not toll the deadline for filing his Form 1. Appellant did not provide any specific explanation of his basis for his claim of timely filing, documentation supporting the claim, or sworn statement that he had filed his 2020 CE Form 1 by the deadline. In conclusion, Appellant's Claim of Timely Filing, for which he failed to provide any supporting documentation, including what his basis for making this claim was, does not constitute "unusual circumstances," such as would justify waiving the fine.

Order

Based on the foregoing facts and conclusions of law, the Commission hereby affirms the assessed fine of \$300.00 and dismisses 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 above or by telephone at (850) 488-7864.

ORDERED by the State of Florida Commission on Ethics meeting in public session on Friday, July 26, 2024.

Date Rendered

Ashley Lukis
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:kbh

Copy furnished to:

Mr. Jonathan T. Levy
1401 Forum Way, Suite 730
West Palm Beach, FL 33401

236474 21-011



STATE OF FLORIDA COMMISSION ON ETHICS

FLORIDA COMMISSION ON ETHICS

OCT 23 2023

RECEIVED

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 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: Jonathan Levy

Address: 1401 Forum Way, Suite 730 City: West Palm Beach State: FL Zip: 33401

Daytime Tel.: 561 478 2500 Cell: 561 352 3958

Email: jlevy@rosenthallevy.com Filer ID# (if known):

Public Employer: Judicial Nominating Commission - Statewide nominating Commission

Public Position: Commissioner

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, 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.

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.

10/18/23
DATE


SIGNATURE

FORM 1

**STATEMENT OF
FINANCIAL INTERESTS**

2020

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

FOR OFFICE USE ONLY:

LAST NAME -- FIRST NAME -- MIDDLE NAME :

Levy Jonathan T

9/13/21

MAILING ADDRESS :

1401 Forum Way, Suite 600

236476

PROCESSED

CITY : ZIP : COUNTY :
West Palm Beach 33401 Palm Beach

NAME OF AGENCY :
Statewide Nominating Commission for JCC

NAME OF OFFICE OR POSITION HELD OR SOUGHT :
Commisioner

CHECK ONLY IF CANDIDATE OR NEW EMPLOYEE OR APPOINTEE

****** 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):

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
Rosenthal, Levy, Simon & Sosa	1401 Forum Way, Suite 600 WPB 33401	lawfirm

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
n/a			

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

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.

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
n/a	

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

NAME OF CREDITOR	ADDRESS OF CREDITOR
n/a	

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	2
ADDRESS OF BUSINESS ENTITY	n/a	
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, appointed school superintendents, and commissioners of a community redevelopment agency created under Part III, Chapter 163 required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

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

SIGNATURE OF FILER:

Signature:

Jonathan Levy

Date Signed:

September 13, 2021

CPA or ATTORNEY SIGNATURE ONLY

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

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

CPA/Attorney Signature: _____

Date Signed: _____

FILING INSTRUCTIONS:

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, 2020.

Mail Piece Details**Recipient Address**

JONATHAN T LEVY
1401 FORUM WAY FL 6
WEST PALM BCH, FL 33401-2325

Record / Case Number:
236476

Return Address

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

Entry Point ZIP:
32317

Mail Piece Information

Tracking Number: 92148901066154000165085238
Date Created: 07/29/2021 09:54:11 AM
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: JONATHAN T LEVY
Signature Status: Available (Click Here)

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

Tracking Information

Mailed, July 29, 2021, 09:54:11 AM, TALLAHASSEE,FL 32317
Pre-Shipment Info Sent To Usps, Usps Awaiting Item, July 29, 2021, 12:00:00 AM
Pre-Shipment Info Sent Usps Awaits Item, July 29, 2021, 09:04:00 AM, TALLAHASSEE,FL 32317
Accepted At Usps Origin Facility, July 30, 2021, 07:30:00 PM, TALLAHASSEE,FL 32317
Origin Acceptance, July 30, 2021, 07:30:00 PM, TALLAHASSEE,FL 32317
Arrived At Usps Regional Origin Facility, July 30, 2021, 08:45:00 PM
Processed Through Usps Facility, July 30, 2021, 08:45:00 PM, TALLAHASSEE FL DISTRIBUTION CEN 32301
Departed Usps Regional Facility, July 30, 2021, 11:12:00 PM
Depart Usps Facility, July 30, 2021, 11:12:00 PM, TALLAHASSEE FL DISTRIBUTION CEN 32301
In Transit, Arriving On Time, July 31, 2021, 12:00:00 AM
Arrived At Usps Regional Destination Facility, August 01, 2021, 05:00:00 AM
Processed Through Usps Facility, August 01, 2021, 05:00:00 AM, WEST PALM BEACH FL DISTRIBUTION 33416
Processed Through Usps Facility, August 01, 2021, 02:30:00 PM, WEST PALM BEACH FL DISTRIBUTION 33416
Departed Usps Regional Destination Facility, August 01, 2021, 07:23:00 PM
Processed Through Usps Facility, August 01, 2021, 07:23:00 PM, WEST PALM BEACH FL DISTRIBUTION 33416
Delivered To Agent For Final Delivery, August 02, 2021, 10:46:00 AM, WEST PALM BEACH,FL 33401
Delivered To Agent For Final Delivery, August 02, 2021, 10:46:00 AM, WEST PALM BEACH,FL 33401



August 2, 2021

Dear MAIL MAIL:

The following is in response to your request for proof of delivery on your item with the tracking number:
9214 8901 0661 5400 0165 0852 38.

Item Details

Status: Delivered to Agent for Final Delivery
Status Date / Time: August 2, 2021, 10:46 am
Location: WEST PALM BEACH, FL 33401
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic
Recipient Name: JONATHAN T LEVY

Recipient Signature

Signature of Recipient: (Authorized Agent)	ROSENBERG JC
Address of Recipient:	C-19

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

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: 92148901066154000165085238
236476
JONATHAN T LEVY
1401 Forum Way Fl 6
West Palm Bch, FL 33401-2325

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

In re **Jonathan T Levy**
Statewide Nominating Commission
Judicial Nominating Commission-Statewide

PID#: 236476

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 13, 2021 with the Commission on Ethics, you are fined the amount of \$300.00 (\$25.00 per day for 12 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 received by the Commission on Ethics on or before **November 13, 2023**. **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, 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 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 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.

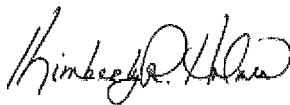
Please contact our office if you have any questions about this matter.

CERTIFICATE OF MAILING

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

**Jonathan T Levy
1401 Forum Way
STE 600
West Palm Bch, FL 33401 -2205**

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



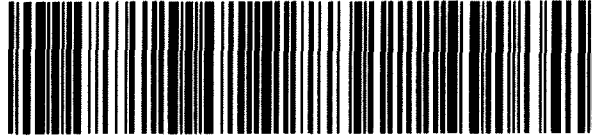
KIMBERLY R. HOLMES
Program Administrator

Florida Commission on Ethics	-or-	Florida Commission on Ethics
P. O. Drawer 15709		325 John Knox Road, Building E, Ste. 200
Tallahassee, FL 32317-5709		Tallahassee, FL 32303

Tel.: (850) 488-7864
Fax: (850) 488-3077
Email: disclosure@leg.state.fl.us



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



9214 8901 0661 5400 0189 7918 63

RETURN RECEIPT (ELECTRONIC)

236476

JONATHAN T LEVY
1401 FORUM WAY STE 600
WEST PALM BCH, FL 33401-2322

URGENT - Open Immediately!

CUT FOLD HERE

Zone 4

EXP ENVELOPE
CUT FOLD HERE

CUT FOLD HERE



Financial Disclosure Management System
THE FLORIDA COMMISSION ON ETHICS

Filer - Fines and Appeals - PID 236476 - Jonathan T Levy

Filer Information

Org Membership

Forms

Communications

Fines and Appeals >

View All

Filer Flags

- [2000](#) [2001](#) [2002](#) [2003](#) [2004](#)
- [2005](#) [2006](#) [2007](#) [2008](#) [2009](#)
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- [2015](#) [2016](#) [2017](#) [2018](#) [2019](#)
- [2020\(S\)](#) [2021](#) [2022](#)

<<2022 Form Year

Status

Filing: INACTIVE

Fine: No Fine

Flags

Public Address

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 Type	Form Signed	Filed by Email	Filing Location	Updated	Comments
09/13/21	Form 1	Yes	Yes	COE	HOLMESK on 09/13/2021	

2021 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
\$300.00	Appeal	10/10/2023	\$300.00	\$300.00			
Fine Address 1401 Forum Way STE 600 West Palm Bch FL 33401-2205 Org/Suborg Judicial Nominating Commission-Statewide-Statewide Nominating Commission							

2021 Fine Payment History						
Date Posted	Description	Amount	Method	Payment ID	Comments	
10/10/2023	Fine Levied	+ \$300.00			Fined \$300.00	
Current Balance: \$300.00						

2021 Fine Year Event

 Add a New Filer

 Jump To A Filer

PID:

 Quick Filer Search

First Name:

Last Name:

Chronology

<input type="checkbox"/> Date	Type	Description	Reference
<input checked="" type="radio"/> 05/26/2021	Letter Sent	Form 1 Official List - Form 1 Official Filers List	Print Queue: 5/26/2021 4:46 PM Printing Confirmed: 5/26/2021 4:46 PM

Letter Sent To:
Jonathan T Levy
1401 Forum Way
FL 6
West Palm Bch, FL 33401 -2205

<input checked="" type="radio"/> 07/30/2021	Letter Sent	Certified Letter Sent	Print Queue: 7/30/2021 Printing Confirmed: 7/30/2021
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Letter Sent To:
Jonathan T Levy
1401 Forum Way
FL 6
West Palm Bch, FL 33401 -2205

<input checked="" type="radio"/> 08/19/2021	Postcard Sent	Courtesy Postcard Reminder	Print Queue: 8/19/2021 Printing Confirmed: 8/19/2021
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Letter Sent To:
Jonathan T Levy
1401 Forum Way
FL 6
West Palm Bch, FL 33401 -2205

<input checked="" type="radio"/> 09/8/2021	Letter Sent	Courtesy Notice of Fines Accruing	Print Queue: 9/8/2021 Printing Confirmed: 9/8/2021
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Letter Sent To:
 Jonathan T Levy
 1401 Forum Way
 FL 6
 West Palm Bch, FL 33401 -2205


09/13/2021 Form Received Form 1 Received, Signed Form 1 Received by
 Kimberly Holmes at
 COE

Form Received By: Kimberly Holmes
 Filing Location: COE
 Record Created By: Kimberly Holmes on 09/13/2021


09/13/2021 Filer Mr. Levy called regarding Kimberly Holmes
 Communication: receipt of accruing fine
 Phone letter. He stated that he
 resigned in March 2021 and
 thought it did not pertain. I
 advised that since he was a
 member on December 31,
 2020, he is still required to
 file the 2020 Form 1. In
 addition to the 2020, he is
 to complete a 2021 Form
 1F. He requested that I
 email forms to him.

09/13/2021 Filer From: Holmes, Kim Sent: Kimberly Holmes
 Communication: Monday, September 13,
 Email 2021 4:05 PM To:
 'jlevy@rosenthallevy.com'
 Subject: Judicial Nominating
 Commission-Statewide-
 Statewide Nominating
 Commission-Financial
 Disclosure Good afternoon,
 Mr. Levy. Per our telephone
 conversation, attached is
 the 2020 Form 1, Statement
 of Financial Interests, and

2021 Form 1F, Final
 Statement of Financial
 Interests. Upon completion,
 forms can be emailed to me
 as a pdf document to
 holmes.kim@leg.state.fl.us .
 Please file the 2020 Form 1
 as soon as possible as the
 fine is accruing. If you have
 any questions or need
 further assistance, do not
 hesitate to contact me.
 Sincerely, Kimberly R.
 Holmes Program
 Administrator Financial
 Disclosure Section Florida
 Commission on Ethics P.O.
 Drawer 15709 Tallahassee,
 FL 32317-5709 (850) 488-
 7864 (850) 488-3077 (Fax)
 www.ethics.state.fl.us

10/10/2023	Fine Levied	Fined \$300.00	Journal: 10/10/2023 6:37 PM
10/12/2023	Notice of Assessed Fine	Initial Fine Notice	Journal: 10/12/2023 2:26 PM
 10/12/2023	Letter Sent	Notice of Assessed Fine - Filer 1st Fine Letter	Print Queue: 10/12/2023 Printing Confirmed: 10/12/2023

Letter Sent To:
 Jonathan T Levy
 1401 Forum Way
 STE 600
 West Palm Bch, FL 33401 -2205

11/3/2023	Fine Appeal	FD 21-011	Journal: 11/3/2023 6:08 PM
 11/7/2023	Letter Sent	Fine Appeal	Print Queue: 11/7/2023

Printing Confirmed:
11/7/2023

Letter Sent To:
Jonathan T Levy
1401 Forum Way
STE 600
West Palm Bch, FL 33401 -2205

2021 Fine Appeal – FD 21-011	Update Appeal	Withdraw Appeal
	Assign Attorney	Request More Info
	Record Appeal Outcome	

Appeal Status: Active Appeal Receipt Date: 10/23/2023 Timely Filed: Yes Print Appeal Letter: Yes Hearing Requested: No Appeal Reason: Previously Filed Financial Disclosure Appeal Notes: Appeal Number: FD 21-011 Appeal Analyst Assigned: Final Order Number: Final Order Date:	No Hearing Requested
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