

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re BRUCE FISCHMAN)	Financial Disclosure Appeal No. FD 21-023
)	
Appellant.)	Final Order No. 24-XXX
_____)	

FINAL ORDER

This matter came before the Commission on Ethics, meeting in public session on July 26, 2024, on the appeal of Appellant, 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 serves as a member of the Zoning Board for the Village of Pinecrest, a position requiring the filing of a 2020 CE Form 1, Statement of Financial Interests. In 2021, the designated due date for submitting a 2020 CE Form 1 was July 1, 2021, with a grace period ending on September 1, 2021.

2. On May 28, 2021, the Miami-Dade County Supervisor of Elections sent Appellant a 2020 CE Form 1. This notice was sent to Appellant at 5880 SW 114th Terrace, Pinecrest, FL 33156.

3. On July 29, 2021, the Miami-Dade County Supervisor of Elections sent Appellant a notice of delinquency by certified mail. This notice was sent to Appellant at the 5880 SW 114th Terrace address.

4. On August 20, 2021, the Commission on Ethics mailed Appellant a postcard intended to remind him of his obligation to file a 2020 CE Form 1. The Commission mailed the postcard to the 5880 SW 114th Terrace address.

5. On September 13, 2021, Appellant submitted his 2020 CE Form 1 to the Miami-Dade County Supervisor of Elections, which was twelve days after the expiration of the grace period.

6. On October 26, 2023, the Commission mailed Appellant a notice of assessment of his automatic fine. The notice was sent by mail to the 5880 SW 114th Terrace address. It indicated the total of Appellant's accrued automatic fine was \$300.

7. On November 8, 2023, the Commission received Appellant's appeal of automatic fine for Form Year 2020. In part B of his appeal form, Appellant checked "left public position prior to December 31, 2020" and "other unusual circumstances" as the general reason for his appeal. In part C of his appeal form, where an appellant is asked to provide detailed explanation of his or her appeal, Appellant wrote that he was under the impression that he had resigned from his public position due to the COVID-19 Pandemic. In an October 31, 2023, email correspondence with the Commission on Ethics, Appellant noted that he did not recall a single meeting that actually took place in 2020 and that, if one did take place, he did not attend based on his impression that he was no longer on the Board. Additionally, Appellant noted on part C of his appeal form and in correspondence with the Miami-Dade County Supervisor of Elections that he received a 2020 CE Form 1 and had timely submitted it back in June of 2021.

Conclusions of Law

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

9. 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.

10. 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.

11. Here, Appellant claims he was under the impression that he was no longer on the Board and that he did not attend a single meeting in 2020. Additionally, Appellant claims that he received a 2020 Form 1 and timely mailed it to the Miami-Dade County Supervisor of Elections in June of 2021. There is no evidence to dispute Appellant's claims that he did not think he was a member of the Board and that he had mailed his 2020 CE Form 1 back in June of 2021. Considering Appellant's claims, and that there is no evidence showing otherwise, there are "unusual circumstances" here that justify waiving the \$300 fine.

Order

Based on the foregoing facts and conclusions of law, the Commission hereby finds that unusual circumstances for failure to file have been demonstrated. We therefore waive the assessed fine of \$300.

ORDERED by the State of Florida Commission on Ethics meeting in public session on Friday, September 13, 2024.

Date Rendered

XXXXXX

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.

XXX: sjz/aln

Mr. Bruce Fischman
5880 SW 114th Terrace
Pinecrest, FL 33156-5029

21-023

282245

FLORIDA
COMMISSION ON ETHICS

NOV 06 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 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: Bruce Fischman

Address: 5880 SW 114 TERR City: Pinecrest State: FL Zip: 33156

Daytime Tel.: 3059875537 Cell: 3059875537

Email: Bruce@Fbdlaw.com Filer ID# (if known): PI0282245

Public Employer: Pinecrest (volunteer)

Public Position: Member Pinecrest zoning Review Board

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.

This was in middle of Covid pandemic. I did not attend meetings as I was 70 years old and have Respiratory issues. I was under the impression I Resigned From This voluntary position due to health reasons + pandemic. Also Returned to Pinerest for mail by Mail Trukey

OPTIONAL REQUEST FOR HEARING See Emails

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.

10/31/23
DATE


SIGNATURE

Bruce Fischman

From: Bruce Fischman
Sent: Wednesday, November 18, 2020 1:47 PM
To: Guido H. Inguanzo, Jr. (OVC)
Cc: Priscilla Torres (OVC); Stephen Olmsted (BPD); Chad Friedman
Subject: Re: Zoning Board Meeting > November 18, 2020 > CANCELLED

Ok thanks

Sent from phone of Bruce Fischman
www.brucefischman.com

> On Nov 18, 2020, at 1:42 PM, Guido H. Inguanzo, Jr. (OVC) <inguanzo@pinecrest-fl.gov> wrote:

>
> Unfortunately, the governor has prohibited local governments from doing so since November 1st.

>
> Sent from my iPhone

>
> On Nov 18, 2020, at 1:34 PM, Bruce Fischman <bruce@fhdlaw.com> wrote:

>
>
>
> CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>
>
> Strong suggestion to schedule future meetings by zoom during the pandemic. Thanks Bruce Fischman

>
> Sent from phone of Bruce Fischman

>
> www.brucefischman.com<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.brucefischman.com&c=E,1,wAA4k6uapqzB9mu2Q8t_6jWbQyyMRKujUddHhdoLX3rSVHQEcxbf2k18eA8LAdzti-XtcFw0nAEjjIIYhvLCILX2uRFgwAWMyZ-tv3FJwx04TY-yO0Xlzw,,&typo=1>

>
>
> On Nov 18, 2020, at 1:08 PM, Guido H. Inguanzo, Jr. (OVC) <inguanzo@pinecrest-fl.gov> wrote:

>
>
> Good afternoon, we've heard from several members that they will not be able to attend this evening's meeting.

>
> Therefore, due to a lack of a quorum, tonight's meeting is cancelled.

>
> Guido H. Inguanzo, Jr., CMC
> Village Clerk

>

> Office of the Village Clerk
> Village of Pinecrest
> 12645 Pinecrest Parkway
> Pinecrest, Florida 33156
> 305.234.2121
> clerk@pinecrest-fl.gov<mailto:clerk@pinecrest-fl.gov>
> www.pinecrest-fl.gov/clerk<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.pinecrest-fl.gov%2fclerk&c=E,1,62Oe0-4_8tx2iioId8kMQCO2a3Z6aEzDQLzLUJ7LelatMqFFLucvFV_MWRO-FqAvaJEwJYVTWZCNnYzOQdLZGS4IE-jtjiSpBpFpdjpLib5_AhJqfLuiBVY,&typo=1>
>
> @PinecrestVillageClerk<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2ffb.me%2fpinecrestvillageclerk&c=E,1,vkDtjnIHSdOjwP32Wz0CZD7oV-Z8eDWrhbelmznz68UyxGxdndL2F8FGXBmbT9Pmpuzxez4XFqyN1DNLXWRzPI_lfbtSZ-WRh3jbWuVm3_GsAH8Y,&typo=1>
>
> <image005.jpg>
>
>
>
>
> From: Guido H. Inguanzo, Jr. (OVC)
> Sent: Friday, October 9, 2020 10:47 AM
> Cc: Priscilla Torres (OVC) <ptorres@pinecrest-fl.gov>; Stephen Olmsted (BPD) <solmsted@pinecrest-fl.gov>; 'Chad Friedman' <cfriedman@wsh-law.com>
> Subject: Zoning Board Meeting > November 18, 2020
>
> Zoning Board Members:
>
> Please note that a meeting of the Zoning Board has been scheduled for Wednesday, November 18, 2020, at 7:00 p.m. The meeting will be held in the Banyan Bowl at Pinecrest Gardens.
>
> The following hearings will be considered at the meeting:
>
> Hearing #2020-1118-1. 6910 NKD, LLC/Agustin Veitia (Owner) and Scott Weston (Applicant) are requesting approval of a variance from the requirements of Division 7.16(a)9. of the Land Development Regulations to permit 3 wall signs on the north façade of the building, each 12 square feet in area (36 square feet total) instead of 1 sign, 12 square feet in area as otherwise permitted, for the property located at 6910 Southwest 88 Street.
>
> Hearing #2020-1118-2. Orlando Benitez (Owner) is requesting approval of (1) a variance from the requirements of Division 4.2(c)5.d.iii. of the Land Development Regulations to permit a reduction in the amount of required green space, to allow 40.85% green space on the property where a minimum of 55% is otherwise required and (2) a variance from the requirements of Divisions 4.2(c)3.f.; 4.2(c)5.g.; and 5.7(a) of the Land Development Regulations to permit the location of an accessory sports field 28 feet from the front property line instead of 50 feet, within an open courtyard, and screened from view as otherwise required for the property located at 6775 Southwest 101 Street.
>
> The agenda and packet will be provided to you approximately one week prior to the meeting.
>
> If you are unable to attend, please notify my office so that we can ensure that a quorum will be present.
>

> In the interim, if you have any questions, please contact my office or Planning Director Stephen
Olmsted at 305-234-2121.
>
> Guido H. Inguanzo, Jr., CMC
> Village Clerk
>
> Office of the Village Clerk
> Village of Pinecrest
> 12645 Pinecrest Parkway
> Pinecrest, Florida 33156
> 305.234.2121
> clerk@pinecrest-fl.gov<mailto:clerk@pinecrest-fl.gov>
> www.pinecrest-fl.gov/clerk<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.pinecrest-
fl.gov%2fclerk&c=E,1,Selj5GQhzza6UYCfQRgJVTvZkK57TI0OQUp_POuna1uwLJOS1x1I09b3JFT2y
alq390ao0COGpurPdEVgBTwgbxKIT2i5gsb0k_PxOxvsqawKusuAw,,&typo=1>
>
> @PinecrestVillageClerk<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2ffb.me%2fpinecrestvill
ageclerk&c=E,1,Ub2e23BStj-
JVkQv60JxuPNb96CtO1WF0WRcXigdZJDZ1cvhZhPcv_7jXmk7rIDsj7X0pYkXkpMOZ11rwCDCEIZf8
EKKklhaAIO1CJA2iwR8eubp&typo=1>
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> <image006.jpg>
>
>

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 :

FISCHMAN, BRUCE

MAILING ADDRESS :

5880 SW 114TH TER

CITY :

PINECREST, FL

ZIP :

33156

COUNTY :

MIAMI-DADE

NAME OF AGENCY :

VILLAGE OF PINECREST, ZONING BOARD

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

ZONING BOARD MEMBER

CHECK ONLY IF CANDIDATE OR NEW EMPLOYEE OR APPOINTEE

FLORIDA
COMMISSION ON ETHICS

NOV 06 2023

RECEIVED



FD060550

****** 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
WAGEST Dravos	5880 SW 114 TER Pinecrest FL 33156	Law FIRM
Schubert Invest	Coral Gables, FL	Investments
Fidelity Investments	Coral Gables FL	Investments

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")

5880 S.W 114 TER Pinecrest FL 33156

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
See PART 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
Valley Bank	Coral Gables FL on Ponce de Leon blv

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")

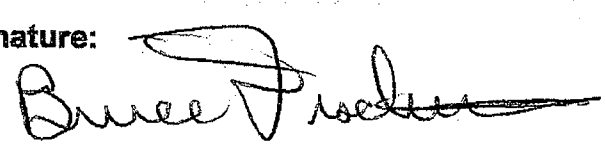
NAME OF BUSINESS ENTITY	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2
	The Fischman Law Firm, P.A.	
ADDRESS OF BUSINESS ENTITY	5880 SW 114th Ave Pinescrest FL 33156	
PRINCIPAL BUSINESS ACTIVITY	law	
POSITION HELD WITH ENTITY	pres	
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS	YES	
NATURE OF MY OWNERSHIP INTEREST	P.A.	

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: 

Date Signed: 9/10/21

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.

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

In re **Bruce Fischman**
Zoning Board Member
Zoning Board
Village Of Pinecrest

PID#: 282245

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 Supervisor of Elections for Miami-Dade County, 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 27, 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 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.

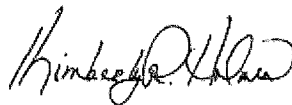
Please contact our office if you have any questions about this matter.

CERTIFICATE OF MAILING

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

Bruce Fischman
5880 Sw 114th Ter
Pinecrest, FL 33156 -5029

by Certified Mail on this Thursday, October 26, 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@leg.state.fl.us

Holmes, Kim

From: Bruce Fischman <bruce@fhdlaw.com>
Sent: Tuesday, October 31, 2023 2:20 PM
To: disclosure
Cc: Bruce Fischman
Subject: Appeal from Automatic fine. See attached.
Attachments: DOC103123-10312023021710.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Attached please find Appeal from automatic fine for Form Year 2020. This was in the middle of the pandemic and meetings were not occurring. I do not recall any meetings that actually took place in 2020 and I did not attend if any took place and was under the impression that I was no longer on the board. Thank you for your consideration,

Bruce D Fischman
5880 S.W. 114 Terrace
Pinecrest, Florida 33156
(305) 987-5537 Cell

Miami Dade County Elections Department

Financial Disclosure Details

Tax Year	Name	FD#	ID#	Filing Status
2020	FISCHMAN BRUCE	FD060550	282245	Filed-Filed

Mailing Activity

Mail Date	Address Mailed to	Correspondence	Certified	Delivered	Tracking#
05/28/2021	5880 SW 114TH TER, PINECREST, FL 33156-5029	FIRST FINANCIAL DISCLOSURE MAILING	N	Y	
07/29/2021	5880 SW 114TH TER, PINECREST, FL 33156-5029	SECOND FINANCIAL DISCLOSURE MAILING	Y	Y	94148149022668493 47728

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Filing Activity

Form Name	Filed Date	Valid	Comments	County	Date Filed in County
Form 1	09/13/2021	Y		MIAMI-DADE	

Communication

Miami Dade County Elections Department

Financial Disclosure Details

Tax Year	Name	FD#	ID#	Filing Status
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Type	Date	Comments
Phone - Incoming	09/13/2021	SAVS HE MAILED FORM IN JUNE, WILL SCAN COPY TODAY
Email	09/13/2021	<p>From: Bruce Fischman <bruce@fhdlaw.com> Sent: Monday, September 13, 2021 2:44 PM To: Financial Disclosures (Elections) <FINDISCELEC@miamidadegov> Subject: Attn: Maria Boucourt -MDC Supervisor elections. Importance: High</p> <p>EMAIL RECEIVED FROM EXTERNAL SOURCE I was, not sure if I still am, a member of the Pinecrest Zoning Board. I received a financial disclosure form sometime back earlier in 21 and returned it by mail. Apparently, it never was received by your office . Attached is another completed form. Please acknowledge receipt by email. Best Regards, Bruce D Fischman General Counsel Senior Advisor to Moishe Mana 25 W. Flagler Street (5th Floor) Miami, Florida 33131 (1-305) 670-7669 www.brucefischman.com</p>



Elections
Supervisor of Elections Financial Disclosure Section
PO Box 521550
Miami Florida 33152-1550
ADDRESS SERVICE REQUESTED

IMPORTANT:
YOUR ANNUAL DISCLOSURE FORM IS ENCLOSED
AND MUST BE FILED BY JULY 1, 2021



F D 0 6 0 5 5 0
BRUCE FISCHMAN
5880 SW 114TH TER
PINECREST, FL 33156

Memorandum



To: Local Officer

From: Christina White
Supervisor of Elections

Subject: State Financial Disclosure Filing Requirement for the 2020 Tax Year

The position you held in 2020 was determined to be one that requires the filing of a financial disclosure form. According to Florida Statute 112.3145, the enclosed **Form 1, Statement of Financial Interests (2020)** must be filed with the Elections Department by **Thursday, July 1, 2021** to satisfy your financial disclosure filing requirement for the 2020 tax year.

Persons serving as of December 31, 2020 are required to file this year. If you left the position in 2020, you are required to file a Form 1F covering the portion of 2020 you served. If you left the position in 2021, you are required to file a Form 1 for 2020 and a Form 1F for the portion of 2021 you served. See the Form 1 instructions for more information, and additional forms may be downloaded on the Elections Department website at https://www8.miamidade.gov/global/service.page?Mduid_service=ser1513200320703181.

The Elections Department is the records custodian for these forms. **Please do not file this form with the Florida Commission on Ethics in Tallahassee.** As such, kindly send your **completed and signed** financial disclosure form via email to financial.disclosures@miamidade.gov so long as it is a legible scanned copy, or by returning it to the Miami-Dade County Supervisor of Elections, Financial Disclosure Section, PO Box 521550, Miami, Florida 33152-1550. A business reply envelope has been provided for your convenience.

Please note the following:

- You can check receipt of your financial disclosure form on the Miami-Dade Elections Department website at https://www8.miamidade.gov/global/service.page?Mduid_service=ser1513200320703181.
- Persons who fail to file the annual disclosure form by September 1 are subject to automatic fines of \$25 for each late day. In addition, by law, the Commission on Ethics must initiate investigations of delinquent filers in certain circumstances. This can result in your being removed from your public office or employment. See Section 112.3145(8)(c), Florida Statutes.
- If your home address is exempt from public records, please provide your office or other address.

Instructions for completing this form are included. Additional questions on how to complete this form should be directed to the Florida Commission on Ethics at 800-262-8824. If you have questions regarding the distribution or collection of this form, please contact Maria Boucourt, Miami-Dade Financial Disclosure Coordinator, at 305-499-8413 or via email at financial.disclosures@miamidade.gov.

If you think you have received this notification in error, please contact the coordinator for your agency who has provided your name based on your official position and responsibilities. If appropriate, the local agency's coordinator will contact the Florida Commission on Ethics to remove your name from the list. To find your coordinator, you can contact Ms. Boucourt at the number above or view the coordinator list provided on the Commission on Ethics' website at <http://www.ethics.state.fl.us>.

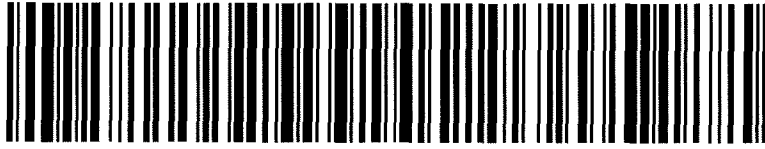
Enclosures



Elections
Supervisor of Elections Financial Disclosure Section
PO Box 521550
Miami Florida 33152-1550
ADDRESS SERVICE REQUESTED

IMPORTANT:
YOUR ANNUAL DISCLOSURE FORM IS ENCLOSED AND
MUST BE FILED BY SEPT. 1, 2021

USPS CERTIFIED MAIL



9414 8149 0226 6849 3477 28



F D 0 6 0 5 5 0

BRUCE FISCHMAN
5880 SW 114TH TER
PINECREST, FL 33156

Memorandum



To: Local Officer

From: Christina White
Supervisor of Elections

Subject: Notice of Delinquency - Financial Disclosure Filing Requirement for the 2020 Tax Year

The position you held in 2020 was determined to be one that requires the filing of a financial disclosure form. Our records indicate that you were mailed a financial disclosure notice at the end of May, advising you that per Florida Statute 112.3145, you were required to file a Form 1, Statement of Financial Interests with our office by July 1, 2021. To date, we have not received the required form from you.

Pursuant to State law, I am writing to notify you that although you are delinquent in filing your financial disclosure form with our office, **a grace period is in effect until Wednesday, September 1, 2021 to file your signed and dated Form 1 for the 2020 tax year with our office.**

If your Form 1 is not received by September 1, 2021, a fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. In addition, I will be required by law to notify the State of Florida Commission on Ethics of the delinquency. In addition, pursuant to enacted legislation, the Commission on Ethics must initiate investigations of delinquent filers, in certain circumstances. This can result in your removal from public office or employment. See Section 112.3145(8)(c), Florida Statutes.

Please note that persons serving as of December 31, 2020 are required to file this year. If you left the position in 2020, you are required to file a Form 1F 2020 covering the portion of 2020 you served. If you left the position in 2021, you are required to file a Form 1 for 2020 and a Form 1F 2021 for the portion of 2021 you served. Also, if your home address is exempt from public records, please provide your office address or other mailing address. Instructions for completing this form are included and additional questions on how to complete this form should be directed to the State of Florida Commission on Ethics at 850-488-7864.

The Elections Department is the records custodian for these forms. As such, please send your **completed, signed and dated financial disclosure statement** via email to financial.disclosures@miamidade.gov so long as it is a legible scanned copy, or by returning it to the Miami-Dade County Supervisor of Elections, Financial Disclosure Section, PO Box 521550, Miami, Florida 33152. A business reply envelope has been provided for your convenience. The form may also be hand delivered. **Please do not file this form with the Florida Commission on Ethics in Tallahassee.** If you filed directly with the Florida Commission on Ethics, please provide us a copy.

You can check receipt of your financial disclosure form on the Miami-Dade Elections Department website at www.miamidade.gov/elections/disclosure. In the event that you already filed your financial disclosure form with the Miami-Dade County Elections Department, please contact our office immediately so that we may review our records and remove your name from the delinquency list, if applicable.

If you have any questions or need additional information, please contact Maria Boucourt, Miami-Dade Financial Disclosure Coordinator, at 305-499-8413 or via email at financial.disclosures@miamidade.gov.

If you think you have received this in error, please contact the coordinator for your agency who has provided your name based on your official position and responsibilities. If appropriate, the local agency's coordinator will contact the Florida Commission on Ethics to remove your name from the list. To find your coordinator, you can contact Maria Boucourt at the number above or view the coordinator list provided on the Commission on Ethics' website at <http://www.ethics.state.fl.us>.

Enclosures



Date Produced: 08/09/2021

MIAMI-DADE COUNTY:

The following is the delivery information for Certified Mail™/RRE item number 9414 8149 0226 6849 3477 28. Our records indicate that this item was delivered on 08/02/2021 at 12:31 p.m. in MIAMI, FL 33156. The scanned image of the recipient information is provided below.

Signature of Recipient :
(Authorized Agent)

A handwritten signature in black ink, appearing to read "C. WILSON".

Address of Recipient :

A handwritten address in black ink, which is mostly illegible due to being scribbled over.

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.

Customer Reference Number: ELESTATEz3zFD060550

Track Another Package +

Tracking Number: 9414814902266849347728

[Remove X](#)

Your item has been delivered to an agent for final delivery in MIAMI, FL 33156 on August 2, 2021 at 12:31 pm.


Delivered to Agent for Final Delivery

August 2, 2021 at 12:31 pm
MIAMI, FL 33156

Get Updates 

Text & Email Updates 

Return Receipt Electronic 

Tracking History 

August 2, 2021, 12:31 pm

Delivered to Agent for Final Delivery

MIAMI, FL 33156

Your item has been delivered to an agent for final delivery in MIAMI, FL 33156 on August 2, 2021 at 12:31 pm.

August 2, 2021, 1:38 am

Departed USPS Regional Facility

OPA LOCKA FL DISTRIBUTION CENTER

August 1, 2021

In Transit to Next Facility

July 31, 2021, 6:20 am

Arrived at USPS Regional Facility

OPA LOCKA FL DISTRIBUTION CENTER

July 31, 2021, 5:05 am

Accepted at USPS Origin Facility

MIAMI, FL 33128

July 23, 2021

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

From: [Bruce Fischman](#)
To: [Financial Disclosures \(Elections\)](#)
Subject: Attn: Maria Boucourt -MDC Supervisor elections.
Date: Monday, September 13, 2021 2:44:15 PM
Attachments: [image001.png](#)
[image002.png](#)
[DOC091321-09132021023317.pdf](#)
Importance: High

EMAIL RECEIVED FROM EXTERNAL
SOURCE

I was, not sure if I still am, a member of the Pinecrest Zoning Board. I received a financial disclosure form sometime back earlier in 21 and returned it by mail. Apparently, it never was received by your office . Attached is another completed form. Please acknowledge receipt by email. Best Regards,

Bruce D Fischman

General Counsel

Senior Advisor to Moishe Mana

25 W. Flagler Street (5th Floor)

Miami, Florida 33131

(1-305) 670-7669

www.brucefischman.com

MANA
C O M M O N



MANA
PROPERTIES

**Florida Commission on Ethics
Financial Disclosure Notification System
Delinquency Certification (2021)**

I Cristina White, the Supervisor of Elections of Miami-Dade County, hereby certify that each person whose ID number, name, agency, and position appears above or on the attached list:

(1) was sent a notice of the July 1, 2021 financial disclosure deadline and a blank Form 1, Statement of Financial Interests, not later than June 1, 2021;

(2) was determined to be delinquent in filing a Form 1, Statement of Financial Interests, by July 1, 2021;

(3) was sent a delinquency notice by certified mail not later than August 1, 2021 advising him or her of the grace period in effect until September 1, 2021; and of the penalties that could be imposed as provided in Section 112.3145(8)(c), Florida Statutes; and

(4) did not file a Form 1, Statement of Financial Interests, until the date shown or, had not filed a Form 1, Statement of Financial Interests by October 31, 2021; and further

(5) that the date of filing shown is based upon the earliest of the following:
(a) when the Form 1 was actually received by my office;
(b) when the Form 1 was postmarked;
(c) when the certificate of mailing (if any) was dated; or
(d) when the receipt (if any) from an established courier company was dated.

Signed _____

SUPERVISOR OF ELECTIONS



Financial Disclosure Management System
THE FLORIDA COMMISSION ON ETHICS

Filer - Fines and Appeals - PID 282245 - Bruce Fischman

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: INACTIVE

Fine: No Fine

Flags

Public Address

Filing Extensions

Indefinite: None

Temporary:

None

Eligible for Fines

Update Flags


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	SOE	HOLMESK(SOE IMPORT) on 12/13/2021	Miami-Dade

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	10/25/2023	\$300.00	\$300.00			
Fine Address 5880 Sw 114th Ter Pinecrest FL 33156-5029 Org/Suborg Village Of Pinecrest-Zoning Board							

2021 Fine Payment History						
Date Posted	Description	Amount	Method	Payment ID	Comments	
10/25/2023	Fine Levied	+ \$300.00			Fined \$300.00	
Current Balance: \$300.00						

 Add a New Filer

 Jump To A Filer

PID:


 Quick Filer Search

First Name:


Last Name:

2021 Fine Year Event


Chronology

 Date	Type	Description	Reference
 08/20/2021	Postcard	Courtesy Postcard Reminder	Print Queue: 8/20/2021 Printing Confirmed: 8/20/2021


Letter Sent To:
Bruce Fischman
5880 Sw 114th Ter
Pinecrest, FL 33156 -5029

 09/8/2021	Letter Sent	Courtesy Notice of Fines Accruing	Print Queue: 9/8/2021 Printing Confirmed: 9/8/2021
---------------------------------------------------------------------------------------------	-------------	--------------------------------------	-----------------------------------------------------------------------------

Letter Sent To:
Bruce Fischman
5880 Sw 114th Ter
Pinecrest, FL 33156 -5029

 09/13/2021	Form Received	Form 1 Received, Signed	Form 1 Received by Miami-Dade SOE
------------------------------------------------------------------------------------------------	------------------	-------------------------	--------------------------------------

Form Received By: Miami-Dade County SOE
Filing Location: Miami-Dade County SOE
Record Created By: HOLMESK(SOE IMPORT) on 12/13/2021

10/25/2023	Fine Levied	Fined \$300.00	Journal: 10/25/2023 9:58 AM
10/25/2023	Notice of Assessed Fine	Initial Fine Notice	Journal: 10/25/2023 10:20 AM
 10/26/2023	Letter Sent	Notice of Assessed Fine - Filer 1st Fine Letter	Print Queue: 10/26/2023 Printing Confirmed: 10/26/2023

Letter Sent To:
Bruce Fischman

5880 Sw 114th Ter
 Pinecrest, FL 33156 -5029

11/8/2023 Fine Appeal FD 21-023

Journal: 11/8/2023
2:35 PM

2021 Fine Appeal - FD 21-023	<input type="button" value="Update Appeal"/> <input type="button" value="Withdraw Appeal"/>
	<input type="button" value="Assign Attorney"/> <input type="button" value="Request More Info"/>
<input type="button" value="Record Appeal Outcome"/>	
Appeal Status: No Hearing Requested Active Appeal Receipt Date: 10/31/2023 Timely Filed: Yes Print Appeal Letter: Yes Hearing Requested: No Appeal Reason: Other, Left Public Position Appeal Notes: Appeal Number: FD 21-023 Appeal Analyst Assigned: Final Order Number: Final Order Date:	