BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re ANTHONY GARDNER, )   Financial Disclosure Appeal No. FD 18-068
 )   Final Order No.
Appellant. )

FINAL ORDER

This matter came before the Commission on Ethics, meeting in public session on October 25, 2019, on the timely appeal of Appellant, pursuant to Section 112.3145(8)(g), Florida Statutes, (formerly, Section 112.3145(7)(f)), 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 trustee on the Police & Firefighters Pension Board for the City of Winter Garden, Florida, a position requiring the filing of a CE Form 1, Statement of Financial Interests, for the year 2017. In 2018, the designated due date for submitting a 2017 CE Form 1 annual filing was July 2, 2018, with a grace period ending on September 4, 2018.

2. No later than June 1, 2018, the Orange County Supervisor of Elections sent Appellant a 2017 CE Form 1.

3. No later than July 31, 2018, the Orange County Supervisor of Elections sent Appellant a Notice of Delinquency by certified mail. This Notice was delivered to the City of
Winter Garden's official address at 300 West Plant Street, Winter Garden, Florida on August 1, 2018.

4. On August 16, 2018, the Commission on Ethics mailed Appellant a postcard intended to remind him of his obligation to file a 2017 CE Form 1. The Commission mailed the postcard to the address for the Police Department for the City of Winter Garden at 251 West Plant Street, Winter Garden, Florida.

5. On September 6, 2018, a courtesy notice was sent by the Commission to Appellant indicating that fines were beginning to accrue as his 2017 CE Form 1 had not been received. The letter was sent to the 251 West Plant Street address.

6. On September 19, 2018, the Orange County Supervisor of Elections received Appellant's 2017 CE Form 1, Statement of Financial Interests.

7. On April 2, 2019, an automatically accrued fine was levied against Appellant for failure to timely file his 2017 CE Form 1.

8. The total amount of the automatic fine levied against Appellant was $375.

9. On May 6, 2019, the Commission received Appellant's Appeal of Automatic Fine for Form Year 2017. In part A of his appeal form, Appellant listed his mailing address as: 1860 Olivia Circle Apopka, Florida 32703. In part B of his appeal form, Appellant checked "lack of notification" and "other unusual circumstances" as the general reasons for his appeal. In part C of his appeal form, which asks an appellant to provide a detailed explanation of his or her appeal, Appellant wrote "see attached form," directing the Commission to an explanation of appeal letter he had attached to his appeal form. In his letter, Appellant acknowledged that although his 2017 CE Form 1 had originally been due on July 2, 2018, he did not file it until September 19, 2018, which was exactly 15 days past the grace period deadline, and had accrued a total fine of $375.
Appellant explained that he had been required to file a 2017 CE Form 1 because he had been an active member of the Winter Gardens Police Department Pension Board as of December 31, 2017. Appellant advised the Commission that he had been a member of the board for just under two years and, during that time, he had always completed and filed his financial disclosure paperwork in a timely manner. Appellant explained that by the end of 2017, he had begun considering retirement and, as of March 1, 2018, he had retired from his position as a Police Officer for the City of Winter Garden, thereby effectively vacating his position on the Winter Garden Police Department Pension Board. Appellant advised the Commission that he did not receive any notification from the City of Winter Garden or from the City of Winter Garden's Police Department Pension Board that he needed to file a 2017 financial disclosure form until August of 2018. Additionally, Appellant advised the Commission that when he left his position as a Police Officer for the City of Winter Garden, he was unaware that he would need to file any annual financial disclosure form as a new Pension Board member would be voted in to replace him. Appellant claimed that, in late August 2018, he received notification that he would need to complete a financial disclosure form that would indicate he was no longer a part of the Pension Board. Appellant said that he completed the form and mailed it to the Orange County Supervisor of Elections. Appellant claimed that, in early September 2018, he was notified by the administrator of the Winter Garden Police Department Pension Board that he had failed to timely file his required 2017 CE Form 1. Appellant said that he immediately contacted the Orange County Supervisor of Elections and explained to them that he had received notification that he had failed to complete his financial disclosure form, even though he had previously sent a form to their office. He stated an Orange County Supervisor of Elections employee confirmed that although they had received his 2018 CE Form 1F, because he was a member of the board as of December 31, 2017, he still needed
to complete a CE Form 1 for 2017. Appellant explained that he completed his 2017 CE Form 1 on September 18, 2018, and then submitted it to the Orange County Supervisor of Elections on September 19, 2018. Appellant requested that, keeping his situation in mind, the Commission waive his automatically accrued fine of $375 due to his not having been properly notified by the City of Winter Garden or by the Winter Garden Police Department Pension Board of the forms that he needed to complete.

10. Appellant attached to his appeal form a letter from the Winter Garden Police Department confirming his last day of employment was March 1, 2018.

11. Appellant also attached an email correspondence between himself and the administrator for the City of Winter Garden Police Department Pension Board. In the email, dated August 24, 2018, the administrator informed Appellant that the City had received notice from the Commission that he still needed to file a financial disclosure form. The email states, "You have to file the Financial Disclosure Form 1F (which I have attached to this email as well)."

12. Also attached to Appellant's appeal is another correspondence between himself and the same administrator, dated September 18, 2018, in which she indicated she had received notice from the City advising that he still needed to complete a financial disclosure form and encouraged him to contact the Commission "as soon as possible."

13. A final attachment is email correspondence between the Appellant and the Record Clerk for the Orange County Supervisor of Elections, dated September 19, 2018, indicating he still needed to complete his 2017 CE Form 1. The Record Clerk included with this correspondence an earlier email which she sent to the City of Winter Garden on August 27, 2018, indicating the Appellant's 2018 CE Form 1F had been received, but that he still had to complete a 2017 CE Form 1.
Conclusions of Law

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

15. 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.

16. Section 112.3145(8)(g), 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.

17. On March 1, 2018, Appellant left employment with the Winter Garden Police Department. Subsequent notices sent to Appellant during the summer of 2018 concerning his obligation to file a 2017 CE Form 1—specifically those notices sent on July 31, August 16, and September 6—were delivered to City of Winter Garden public addresses, not to a personal address for Appellant, and he claims to have never received them. And while a City representative did email Appellant on August 24, 2018, concerning his filing obligation, the email refers only to his need to file a 2018 CE Form 1F, not a 2017 CE Form 1. Of note, another notice sent prior to the expiration of the grace period concerning Appellant's 2017 CE Form 1—namely, an email from the Orange County Supervisor of Elections—was sent to City employees, not to Appellant
personally, and he claims to have not timely received it. Considering Appellant's situation, it appears he did not receive timely notice of his need to file the 2017 CE Form 1, and, therefore, the basis for the appeal of his fine constitutes an 'unusual circumstance' that justifies waiving the $375 fine.

Order

Based on the foregoing facts and conclusions of law, the Commission hereby waives the assessed fine of $375

ORDERED by the State of Florida Commission on Ethics meeting in public session on Friday, October 25, 2019.

______________________________
Date Rendered

______________________________
Kimberly B. Rezanka
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.

KBR: gps

Mr. Anthony Gardner
1860 Olivia Circle
Apoka, Florida 32703
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 2017

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: ANTHONY B. GARDNER Sr.
Address: 1800 OLIVER CIRCLE City: APPOKA State: FL Zip: 32703
Daytime Tel.: 407-636-0271 Cell: 407-636-0271
Email: Motorman148@yahoo.com Filer ID# (if known):
Public Employer: CITY OF WINTER GARDEN
Public Position: PENSION BOARD MEMBER

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. [x] 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, 2017 (Explain in Part C and provide confirmation from agency that your office-holding/employment ended before 12/31/2017)

e. [x] 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.

* SEE ATTACHED FORM *

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(5)(e)3 or Section 112.3145(7)(f)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.

DATE 4/17/2018

SIGNATURE [Signature]
To: State of Florida Commission on Ethics
From: Anthony B. Garner
PID#: 266127
Date: 05/01/2019
Ref: Notice of assessment of automatic fine

To whom it may concern,

This letter is in response to the notification of a notice of assessment of automatic fine I was issued for filing my 2017 CE Form 1 late. The form was due on July 1, 2018 and I did not file it until September 19, 2018. This put me past the grace period date and I accrued $25.00 per day totaling $375.00.

I was required to file the CE Form 1 due to the fact that I was an active member of the Winter Garden Police Department Pension Board. I was a member of the board for just under two years and during this time I always completed and filed my paperwork in a timely manner.

At the end of 2017, I began considering retirement and as of March 1, 2018, I retired from my position of a Winter Garden Police Officer, therefore vacating the position I held on the pension board. After retiring, I spent several weeks away from home traveling and eventually accepted a position with another employer outside of law enforcement. After March 1, 2018, I did not receive any notification from the City of Winter Garden or the Winter Garden Pension Board about filing any forms via email or certified mail until August 2018. Also, when I left my position I was unaware that I would need to file any forms as a new pension board member would have been voted in to replace me.

In late August, I did receive notification that I would need to complete a form that indicated that I was no longer part of the pension board. I am not sure what the form is called, but the form was completed and mailed to the Orange County Supervisor of Elections, just like I had always done. In early September, I was notified by the administrator of the Winter Garden Police Department Pension Board, Susy Pita, that I had failed to complete the CE Form 1. I contacted the Orange County Supervisor of Elections and spoke to one of their employees. I explained that I had received a notification that I failed to complete my forms, but I in fact had sent it. The employee confirmed that they had received one form, but since I was on the board during 2017, I still needed to complete the CE form 1.

I was able to complete the form on September 18, 2018 and submit it to the Supervisor of Elections on September 19, 2018. I emailed the form to the employee and she confirmed that it was received.

With this situation in mind, I respectfully request that the Commission waive the accrued fines of $375.00 due the fact that I was not properly notified by the City of Winter Garden or the Winter Garden Pension Board of the forms that would need to be completed. Attached with this letter you will find a letter from the Winter Garden Police Department confirming my last date of employment and an email correspondence with Susy Pita in reference to the form I needed to complete.

I thank you for your time and consideration in this matter. Please feel free to contact me at any time if needed.

Respectfully,

[Signature]
05/01/2019

To Whom It May Concern:

Anthony Gardner’s last day of employment with the Winter Garden Police Department was March 1, 2018.

Kind Regards,

[Signature]

Lieutenant James Capeletti
Professional Standards
Winter Garden Police Department
251 W. Plant Street
Winter Garden, FL 34787
Direct: (407) 877-4833
Subject: Re: Another Notice from COE - URGENT!

From: Anthony Gardner (motorman148@yahoo.com)
To: susypita@comcast.net;
Date: Tuesday, September 18, 2018 10:15 PM

Nothing is attached. Can you attach it and resend it?

Thanks

Sent from my iPhone

On Sep 18, 2018, at 5:05 PM, SUSANNE PITA <susypita@comcast.net> wrote:

I received this notice from the City today.....I suggest you call the COE as soon as possible.

Thanks!
Susy

On August 24, 2018 at 10:10 AM SUSANNE PITA <susypita@comcast.net> wrote:

Tony:

The City of WG received the attached notice from the Commission on Ethics and forwarded it to me.

Since you are no longer on the Pension Board you will need to call them right away to clear this up.

You have to file the Financial Disclosure Form 1F (which I have attached to this email as well).

The fines are severe and cannot be paid for by the Board.

Thanks!
Susy
Cathy McGill-Johnson

From: Cathy McGill-Johnson
Sent: Wednesday, September 19, 2018 2:48 PM
To: anthony.b.gardner@disney.com
Cc: Fred Altensee; Radhica Singh; Angela Ashby; Silvana Bermudez
Subject: FW: Gardner Anthony 266127
Attachments: DOC082718-08272018111442.pdf; Form 1_2017i.pdf

Anthony

Per our discussion, the email below was sent to Angela Gnimmage explaining that you are required to file a 2017 Form 1. Please complete the attached Form 1 and return via email. A confirmation will be sent upon receipt and processing.

Thank you
Cathy

From: Cathy McGill-Johnson
Sent: Monday, August 27, 2018 11:25 AM
To: agrimmage@cwgdn.com
Cc: Fred Altensee; Angela Ashby; Silvana Bermudez
Subject: Gardner Anthony 266127

Good morning,

The attached 2018 Form 1F was received today from the above named filer. Please contact Mr. Gardner and inform him that he is also required to file the 2017 Form 1 and has until September 4, 2018 before the COE will begin assessing fines. The excerpt below from letter mailed on May 31, 2018 explains his filing obligation. Attached is a 2017 Form 1 for his convenience which may be returned via email.

“Even if you left the position noted on the mailing label during 2018, you are required to file disclosure for the year 2017 on this form. (Note that if you left your position during 2018, you also may be required to file a Form 1F covering a portion of the year 2018”

Cathy McGill-Johnson
Records Clerk
Orange County Supervisor of Elections
407.254.6514

Have a Nice Day
Florida Commission on Ethics
Financial Disclosure Notification System
Delinquency Certification (2018)

I, Bill Cowles, the Supervisor of Elections of Orange 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 2, 2018 financial disclosure deadline and a blank Form 1, Statement of Financial Interests, not later than June 1, 2018;

(2) was determined to be delinquent in filing a Form 1, Statement of Financial Interests, by July 2, 2018;

(3) was sent a delinquency notice by certified mail not later than July 31, 2018 advising him or her of the grace period in effect until September 4, 2018; and of the penalties that could be imposed as provided in Section 112.3145(7)(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 November 3, 2018; 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
2017 Form 1 Late Filers

9214896900997901125407207
Request Signature
via Email

Gardner Anthony, Police and Firefighters Pension
Board Trustee, c/o City of Winter Garden, Winter
Garden, FL 34787

Delivered, Front Desk/Reception
August 1, 2018
View Signature
November 8, 2018

Dear Cathy McGill Johnson:

The following is in response to your request for proof of delivery on your item with the tracking number: 9214 8969 0099 9790 1125 4072 07.

Item Details

Status: Delivered, Front Desk/Reception/Mail Room
Status Date / Time: August 1, 2018, 11:20 am
Location: WINTER GARDEN, FL 34787
Postal Product: First-Class Mail
Extra Services: Certified Mail™

Recipient Name: Gardner Anthony

Shipment Details

Weight: 0.00 oz

Recipient Signature

Signature of Recipient: [Signature]
Address of Recipient: 300 W Pkwy

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
2 266127 Gardner Anthony
Winter Garden
Police
First Street
Person Bldg
(PFR)
c/o City of Winter
Garden
251 W Plant
St
Winter
Garden, FL
34787
09/19/2018
Reset Form Received
Edit Information
BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re Anthony Gardner
Board Trustee
Police & Firefighters Pension Board
Winter Garden

PID#: 266127

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(7)(f), Florida Statutes, due to your failure to timely file your 2017 CE Form 1, Statement Of Financial Interests. Under the law, your 2017 CE Form 1, Statement of Financial Interests, was due by July 2, 2018. The law provided for a penalty-free grace period extending the due date to September 4, 2018. After that date, you accrued fines of $25.00 per day for each day your financial disclosure was late, pursuant to Section 112.3145(7)(f), Florida Statutes.

Inasmuch as your 2017 CE Form 1 was filed September 19, 2018 with the Supervisor of Elections for Orange County, you are fined the amount of $375.00 ($25.00 per day for 15 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(7)(f)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 May 6, 2019. 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 4, 2018, 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, 2017: confirmation of your last date of office or employment by your former agency, showing the last date to be before December 31, 2017; 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:

Anthony Gardner
c/o City of Winter Garden
251 W Plant St
Winter Garden, FL 34787

by Certified Mail on this Friday, April 05, 2019.

/Kimberly R. Holmes/

KIMBERLY R. HOLMES
Program Administrator
Florida Commission on Ethics
P. O. Drawer 15709 -or-
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
**Recipient Address**

ANTHONY GARDNER  
C/O CITY OF WINTER GARDEN  
251 W PLANT ST  
WINTER GARDEN, FL 34787-3011

**Record / Case Number:**  
266127

**Return Address**

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

**Entry Point ZIP:**  
32317

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**Mail Piece Information**

**Tracking Number:** 92148901066154000136846806  
**Date Created:** 04/05/2019 09:49:51 AM  
**Mail Class:** USPS First Class Mail  
**Special Services:** Certified Mail  
**Memo:** Return Receipt Electronic  
**Created By:** Kimberly Holmes - Commission on Ethics

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**Signature Information**

**Signed For By:** ANTHONY GARDNER  
**Signature Status:** Available (Click Here)

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**Tracking Information**

Mailed, April 05, 2019, 09:49:51 AM, TALLAHASSEE, FL 32317  
Pre-Shipment Info Sent To Usps, Usps Awaiting Item, April 05, 2019, 12:00:00 AM  
Pre-Shipment Info Sent Usps Awaits Item, April 05, 2019, 09:07:00 AM, TALLAHASSEE, FL 32317  
Accepted At Usps Origin Facility, April 05, 2019, 07:24:00 PM, TALLAHASSEE, FL 32317  
Origin Acceptance, April 05, 2019, 07:24:00 PM, TALLAHASSEE, FL 32317  
Arrived At Usps Regional Origin Facility, April 05, 2019, 08:39:00 PM  
Processed Through Usps Facility, April 05, 2019, 08:39:00 PM, TALLAHASSEE, FL 32301  
Departed Usps Regional Facility, April 05, 2019, 09:45:00 PM  
Depart Usps Facility, April 05, 2019, 09:45:00 PM, TALLAHASSEE, FL 32301  
Arrived At Usps Regional Facility, April 06, 2019, 11:58:00 AM  
Processed Through Usps Facility, April 06, 2019, 11:58:00 AM, ORLANDO, FL 32862  
Departed Usps Facility, April 06, 2019, 10:33:00 PM, ORLANDO, FL 32862  
Departed Usps Regional Facility, April 06, 2019, 10:41:00 PM  
Processed Through Usps Facility, April 06, 2019, 10:41:00 PM, ORLANDO, FL 32862  
In Transit, Arriving On Time, April 07, 2019, 12:00:00 AM  
Arrived At Unit, April 08, 2019, 01:42:00 AM, WINTER GARDEN, FL 34787  
Arrival At Unit, April 08, 2019, 01:42:00 AM, WINTER GARDEN, FL 34787  
Sorting Complete, April 08, 2019, 09:20:00 AM, WINTER GARDEN, FL 34787  
Sorting/Processing Complete, April 08, 2019, 09:20:00 AM, WINTER GARDEN, FL 34787  
Out For Delivery, April 08, 2019, 09:30:00 AM, WINTER GARDEN, FL 34787  
Delivered, Front Desk/Reception/Mail Room, April 08, 2019, 11:20:00 AM, WINTER GARDEN, FL 34787
Date Produced: 04/09/2019

THE MAIL GROUP INC - 1 / CONFIRM DELIVERY INC:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 0661 5400 0136 8468 06. Our records indicate that this item was delivered on 04/08/2019 at 11:20 a.m. in WINTER GARDEN, FL 34787. The scanned image of the recipient information is provided below.

Signature of Recipient:

[Signature]

Address of Recipient:

[Address]

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.

Reference ID: 92148901066154000136846806
266127
ANTHONY GARDNER
C/O City Of Winter Garden
251 W Plant St
Winter Garden, FL 34787-3011
The filer has fines for: **2018 (Appeal)**

### 2018 Fines and Appeals

<table>
<thead>
<tr>
<th>Form Year 2017 Filed Forms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received Date</td>
</tr>
<tr>
<td>09/19/18</td>
</tr>
</tbody>
</table>

### 2018 Fine Information

<table>
<thead>
<tr>
<th>Fine Balance</th>
<th>Fine Status</th>
<th>Fine Date</th>
<th>Original Assessment</th>
<th>Fine Amount</th>
<th>Last Payment Date</th>
<th>Payment Plan Start Date</th>
<th>Payment Plan Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$375.00</td>
<td>Appeal</td>
<td>4/2/2019</td>
<td>$375.00</td>
<td>$375.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Fine Address**: 1860 Olivia Cir, Apoka FL 32703  
**Org/Suborg**: Winter Garden-Police & Firefighters Pension Board

### 2018 Fine Payment History

<table>
<thead>
<tr>
<th>Date Posted</th>
<th>Description</th>
<th>Amount</th>
<th>Method</th>
<th>Payment ID</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/2/2019</td>
<td>Fine Levied</td>
<td>+ $375.00</td>
<td></td>
<td></td>
<td>Fined $375.00</td>
</tr>
</tbody>
</table>

Current Balance: $375.00
### 2018 Fine Year Event

#### Chronology

<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Description</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/16/2018</td>
<td>Postcard Sent</td>
<td>Courtesy Postcard Reminder</td>
<td>Print Queue: 8/16/2018</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Printing Confirmed: 8/16/2018</td>
</tr>
<tr>
<td>09/6/2018</td>
<td>Letter Sent</td>
<td>Courtesy Notice of Fines Accruing</td>
<td>Print Queue: 9/6/2018</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Printing Confirmed: 9/6/2018</td>
</tr>
<tr>
<td>09/19/2018</td>
<td>Form Received, Signed</td>
<td>Form 1 Received by Orange SOE</td>
<td></td>
</tr>
</tbody>
</table>

#### Letter Sent To:
Anthony Gardner  
c/o City of Winter Garden  
251 W Plant St  
Winter Garden, FL 34787

#### Letter Sent To:
Anthony Gardner  
c/o City of Winter Garden  
251 W Plant St  
Winter Garden, FL 34787

#### Form Received By:
Orange County SOE  
Filing Location: Orange County SOE  
Record Created By: HOLMESK(SOE IMPORT) on 12/04/2018

- **04/2/2019**  
  - Fine Levied  
  - Fined $375.00  
  - Journal: 4/2/2019 10:29 AM

- **04/5/2019**  
  - Notice of Assessed Fine  
  - Initial Fine Notice  
  - Journal: 4/5/2019 8:42 AM

- **04/5/2019**  
  - Letter Sent  
  - Notice of Assessed Fine - Filer 1st Fine Letter  
  - Print Queue: 4/5/2019
Letter Sent To:
Anthony Gardner
c/o City of Winter Garden
251 W Plant St
Winter Garden, FL 34787

05/8/2019 Fine Appeal FD 18-068

Letter Sent Fine Appeal

05/8/2019

Journal: 5/8/2019
12:11 PM

Print Queue: 5/8/2019

Printing Confirmed: 5/8/2019

Letter Sent To:
Anthony Gardner
1860 Olivia Cir
Apoka, FL 32703

2018 Fine Appeal
– FD 18-068

<table>
<thead>
<tr>
<th>Update Appeal</th>
<th>Withdraw Appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assign Attorney</td>
<td>Request More Info</td>
</tr>
<tr>
<td>Record Appeal Outcome</td>
<td></td>
</tr>
</tbody>
</table>

Appeal Status: No Hearing Requested
Active

Appeal Receipt
Date: 05/06/2019
Timely Filed: Yes

Print Appeal
Letter: Yes
Hearing
Requested: No

Appeal Reason:
Lack of Notification, Other

Appeal Notes:
Appeal Number:
FD 18-068
Appeal Analyst
Assigned:
Final Order
Number:
Final Order Date: