

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re DANIEL W. SCHWARTZ,)	Financial Disclosure Appeal No. FD 20-029
)	
Appellant.)	Final Order No.
_____)	

FINAL ORDER

This matter came before the Commission on Ethics (Commission), meeting in public session on July 22, 2022, on a timely appeal of the Appellant, pursuant to Section 112.3145(8)(g), 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, the Appellant serves or served as a Judicial Nominating Commissioner for the 3rd District Court of Appeal, a position requiring the filing of a CE Form 1, "Statement of Financial Interests," for the year 2019. In 2020, the designated due date for submitting a 2019 CE Form 1 annual filing was July 1, 2020, with a grace period ending on September 1, 2020.

2. On May 19, 2020, the Commission sent to the Appellant a 2019 CE Form 1. The blank 2019 CE Form 1 was mailed to the Appellant at 730 Pennsylvania Ave Apt 604, Miami Beach, FL 33139.

3. On July 31, 2020, the Commission sent to the Appellant a notice via certified mail intended to remind him of his obligation to file a 2019 CE Form 1. This notice was sent to the Appellant at the same 730 Pennsylvania Ave Apt 604 address. Records from the United States Postal Service (USPS) indicate that the mailing was "in transit to next facility" on August 8, 2020. The records do not show it was delivered.

4. On August 20, 2020, the Commission mailed to the Appellant a postcard intended to remind him of his obligation to file a 2019 CE Form 1. The Commission mailed the postcard to the same address as aforementioned.

5. On August 25, 2020, the Commission sent a courtesy email to the Appellant's personal email address to remind him of his obligation to file a 2019 CE Form 1.

6. On September 8, 2020, the Commission sent a courtesy notice to the Appellant indicating that fines were beginning to accrue. This notice was sent to the same address as aforementioned.

7. On November 11, 2020, seventy-one (71) days after the expiration of the grace period, the Commission received the Appellant's 2019 CE Form 1 through mail. The Appellant's 2019 CE Form 1 says that the Appellant signed it on August 7, 2020.

8. The total amount of the automatic fine levied against the Appellant was \$1,500.

9. On March 16, 2021, the Commission sent to the Appellant a Notice of Assessment of Automatic Fine. The notice was sent to the Appellant's new updated address at 1900 Purdy Ave Apt 1909, Miami Beach, Florida 33139. It indicated the total of the Appellant's accrued automatic fine, and included a notice of the right to appeal the fine, stating that the appeal had to be received by the Commission by April 15, 2021, to be considered timely.

10. On April 14, 2021, the Commission received the Appellant's timely appeal of the automatic fine. In part B of the appeal form, the Appellant checked "Lack of notification-Failure to receive notice" and "Other unusual circumstance" as the reasons for his appeal. In part C of the appeal form, where the Appellant is asked to provide a detailed explanation of his appeal including why the options they selected in part B of their form are applicable to their situation, the Appellant stated that he had not received any of the notices apprising him of the financial disclosure requirement prior to the expiration of the penalty-free grace period because he underwent several changes to his residential and employment addresses during that period. In his appeal, the Appellant states that his employer's office in Miami abruptly closed in the March of 2020 following which he was forced to relocate to a rural area in Utah for remote work from June 28, 2020 through December 4, 2020. The Appellant further states that during the time that followed, he founded a business firm but remained swamped with transitioning his emails from his former employer, moving his residence within Miami Beach during the spread of COVID-19, and suffered considerable mail delivery disruptions was due to pandemic related mailing backlog in Miami Beach. According to the Appellant, all these factors contributed to him not receiving any of the notices from the Commission through mail or email.

Conclusions of Law

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

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

13. Section 112.3145(8)(g)3., Florida Statutes, 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.

14. The Appellant's basis for appealing the fine is that he did not timely receive any of the notices regarding the filing obligation prior to the expiration of the grace period. There is no evidence to conclusively refute the Appellant's claim. There is, however, proof that certified mail was stuck "in transit," supporting the Appellant's claim of lack of notification. The Appellant could not see the Commission's emails due to transitioning over fifteen years of his personal and work emails onto a new account, and could not receive the Commission's certified mail due to being out-of-state in Utah for a substantial period in 2020 coupled with the existing state of mail backlogs in Miami Beach.

15. Because there is no evidence to dispute the Appellant's claim that he and/or his staff did not timely receive the mailings coupled with the overlap with his change in his employment, his residence, and the state of mail backlogs in Miami Beach, there are "unusual circumstances" that justify waiving the \$1,500 fine.

Order

Based on the foregoing facts and conclusions of law, the Commission hereby waives the assessed fine of \$1,500.

ORDERED by the State of Florida Commission on Ethics meeting in public session on Friday, July 22, 2022.

Date Rendered

John Grant
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.

JG: sc

Mr. Daniel W. Schwartz
1900 Purdy Ave., Apt 1909
Miami Beach, FL 33139.



222946 20-029

STATE OF FLORIDA COMMISSION ON ETHICS

325 John Knox Road
Building E, Suite 200
Tallahassee, FL 32303
Telephone: (850) 488-7864
Fax: (850) 488-3077
Email: disclosure@leg.state.fl.us

FLORIDA
COMMISSION ON ETHICS

APR 14 2021

RECEIVED

APPEAL OF AUTOMATIC FINE FOR FORM YEAR 2019

DIRECTIONS: The information you provide in this form is critical for processing your appeal in a timely manner.

In Part A, please provide current contact information. If your contact information changes while your appeal is being processed, please notify us.

In Part B, please check any boxes that specify the general reason(s) for your appeal.

In Part C, please explain in detail the reason(s) for your appeal. In addition to your written explanation in Part C, you may attach any documents that support your appeal.

IMPORTANT: TO PRESERVE YOUR RIGHT TO APPEAL, THIS FORM OR OTHER WRITTEN APPEAL (AND ANY ATTACHMENTS) MUST BE FILED WITH (RECEIVED BY) THE COMMISSION ON ETHICS WITHIN THIRTY (30) DAYS OF THE DATE THE NOTICE OF ASSESSMENT OF AUTOMATIC FINE WAS MAILED TO YOU.

PLEASE SEND YOUR COMPLETED FORM TO ONE OF THE FOLLOWING:

Mailing Address: Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709

Physical Address: Commission on Ethics
325 John Knox Road
Building E, Suite 200
Tallahassee, FL 32303

Fax: (850) 488-3077

Email: disclosure@leg.state.fl.us

PART A: YOUR INFORMATION

Daniel W. Schwartz

Name: _____

Address: 1900 Purdy Ave., Apt. 1909 City: Miami Beach State: FL Zip: 33139

(904) 476-7703 (904) 476-7703

Daytime Tel.: _____ Cell: _____

nvaadaconsulting@gmail.com

Email: _____ Filer ID# (if known): _____

N/A

Public Employer: _____

Judicial Nominating Commissioner - 3rd District Court of Appeal

Public Position: _____

CONTINUED ON REVERSE SIDE

PART B: GENERAL REASON(S) FOR YOUR APPEAL

Please choose any/all reasons that apply to your appeal.

I hereby appeal the Notice of Assessment of Automatic Fine on the following basis:

- a. ☐ **Sickness or injury** (Explain in Part C and attach a statement from attending physician, including dates and nature of illness or injury)
- b. ☒ **Lack of notification – Failure to receive notice** (Explain in Part C and provide documentation that supports your assertion that you never received certified mail delinquency notice: for example, incorrect address; misdelivered mail; change in employment; extended absence from home, etc.)
- c. ☐ **Claim of timely filing of financial disclosure** (Explain in Part C and provide copy of certified mail receipt and/or copy of completed form which had been previously filed, along with a sworn notarized statement that you filed prior to the deadline)
- d. ☐ **Left public position prior to December 31, 2019** (Explain in Part C and provide confirmation from agency that your office-holding/employment ended before 12/31/2019)
- e. ☒ **Other unusual circumstance** (Explain in Part C and provide documentation explaining uncommon, rare, or sudden occurrence that prevented timely filing prior to deadline)
- f. ☐ **Not required to file** (Explain in Part C and provide documentation that supports reason for not required to file)

PART C: DETAILED EXPLANATION OF YOUR APPEAL

Please provide a detailed explanation of your appeal, including why each option you selected in Part B is applicable to you. You may use the space provided and/or attach additional pages.

Please see supplemental attachment.

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.

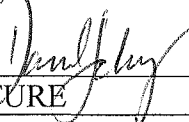
SIGNATURE

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.

4/12/21

DATE

SIGNATURE



Part C: Explanation of Appeal

It is an honor to serve the State of Florida as a Commissioner on the 3rd District Court of Appeal Judicial Nominating Commission. I take my obligations as a Commissioner seriously, including the obligation to file a CE Form 1 Statement of Financial Interest. I have always timely filed my CE Form 1's in prior years of service to the State. Unfortunately my first untimely submittal (regarding my 2019 CE Form 1) resulted from the unusual circumstances in 2020 described below.

In 2020, a change of my employment together with a change in home address and pandemic related logistics issues, resulted in multiple changes to my personal and office addresses and email addresses, as well as significant disruptions in my ability to receive and sort communications for several months in 2020.

In March of 2020, at the outset of the pandemic, my office at Akerman LLP in Miami was abruptly closed. I was unable to return to the office for the remainder of 2020. I departed Akerman at the end of the 2020 summer to found my business consulting firm, which required an enormous transition of emails, contacts, calendars and other electronic data in the leadup to my departure. Additionally, as discussed in more detail below, during this period I received forwarded office mail only occasionally.

In June of 2020, as a result of the heightened spread of COVID in Miami, I temporarily relocated out of state to a rural area to work remotely, and did not return to my home in Miami for the period extending from June 28 to December 4, 2020 ("Period of Absence from my Home"). I do not have access to the flight logs for June 28 (outbound from Miami to Utah) as I did not charter the flight, however I have attached a copy of the receipt for my return flight to South Florida on December 4.

During this Period of Absence from my Home, as further discussed below, I received forwarded mail directed to my home address only occasionally, and typically not from the proper address.

Multiple Address Changes in 2020.

Office Mail Disruptions: In March of 2020, I was employed in the Miami office of Akerman LLP as a partner. Due to the circumstances surrounding COVID, the Miami office was abruptly closed in mid-March, stranding my written working files and notes at the office, as well as disrupting mail delivery. The Miami office remained closed until the time of my departure from Akerman and I did not physically return to the office or visit for the remainder of 2020. There were a number of delays and difficulties forwarding firm mail during this time which were not fully resolved prior to my departure from the firm in the first week of September.

Personal Mail Disruptions: During the Period of Absence from my Home, I was able to receive personal mail only occasionally, either forwarded by a family member or office staff at our apartment building. Complicating matters was the purchase of a new apartment in the same building. I reside in Apartment No. 1507, but purchased Apartment No. 1909 in February of 2020. We began the process of renovating No. 1909 in early 2020, as well as transitioning our mail and various contact addresses to this new apartment number. However, due to COVID related disruptions at the City of Miami Beach permitting department, and related work stoppages and logistics issues coordinating construction, the apartment

renovation slowed and no occupancy permit was issued in 2020. This resulted in ongoing confusion among building staff, as well as with mail delivery, and unfortunately meant the rare occasions when mail was forwarded, it was sometimes only from the “old” address, and sometimes only from the “new” address.

To the best of my recollection, upon receiving a notification letter while still in Utah from the Commission on Ethics within a packet of forwarded mail in early November 2020, I immediately completed a 2019 CE Form 1 and mailed it to the Commission. Please note that due to the substantial communication disruptions I experienced in 2020 I am unable to locate notification materials and as a result do not recall precise dates.

Multiple Email Address Changes in 2020.

In the days leading up to my departure from Akerman, particularly the final weeks of August 2020 (the week of August 23rd and August 30th) I was grappling with an enormous transition of emails, contacts, calendar notes and documents in electronic format from my Akerman email address (daniel.schwartz@akerman.com) to my personal email address (dwsurfer7@gmail.com) in preparation for further transition to my interim firm account by winter 2020 (nvadaconsulting@gmail.com). Approximately 15 years of emails, contacts, calendar notes and documents in electronic format needed to be transitioned to my personal email account and calendar during this period. Additionally, upon discussing my intention to depart the firm with firm management in early summer, I substantially shifted the focus of my attention from firm activities and began only intermittently checking office email around that time.

Additional Factors for your Consideration.

Please note that:

- (1) My appointment to the 3rd District Court of Appeal JNC was in July 2019, and no meetings of the JNC occurred during the partial period of my appointment in 2019.
- (2) I did not receive any verbal notice (i.e., I did not receive a voicemail from a representative of the Commission on Ethics, or speak with someone from the Commission regarding a need to file).
- (3) I previously served on the Judicial Nominating Commission for the Eleventh Judicial Circuit, for 8 years. To the best of my recollection I timely submitted my CE Form 1's for every year of service as a Commissioner on the 11th Circuit JNC. I do take the obligation to file CE Form 1's seriously, and I hope this helps the members of the Commission to understand my sincerity when I write that absent the unusual circumstances described above, I would have timely submitted my 2019 CE Form 1 as I have in all prior years of service to the State of Florida.

Thank you for your consideration.

Respectfully,
Daniel W. Schwartz



Hello, Daniel Winfield Schwartz

Confirmation #: HUEBSQ



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VISIT OUR NEED HELP PAGE – get all your travel questions answered with information on self-service tools, baggage, SkyMiles, and more. [>>](#)

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Fri, 04DEC	DEPART	ARRIVE
DELTA 547 Delta Comfort+® (S)	SALT LAKE CITY 5:30pm	FT LAUDERDALE, FL 11:49pm

[MANAGE MY TRIP>](#)

GOVERNMENT-ISSUED COVID-19 TRAVEL RESTRICTIONS

Several countries/states have issued travel mandates that may affect your trip. We strongly encourage all customers to review the [COVID-19 Travel Restrictions](#) before arriving at the airport. You may check your eligibility to change or cancel your flight [here](#).

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

In re **Daniel Schwartz**
 3rd Appellate District
 Judicial Nominating Commission-3rd Appellate

PID#: 222946

NOTICE OF ASSESSMENT OF AUTOMATIC FINE

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

Inasmuch as your 2019 CE Form 1 was filed November 11, 2020 with the Commission on Ethics, you are fined the amount of \$1500.00 (\$25.00 per day for 71 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. Unless the fine is successfully appealed, the Commission is required to investigate public officers and employees who receive the maximum \$1,500 fine, to determine whether their failure to file was willful. The penalty for willfully failing to file disclosure is removal from public office or employment.

HOW TO APPEAL

1. Read these instructions carefully before submitting your appeal.
2. **LEGAL AUTHORITY:** Appeals are governed by Section 112.3145(8)(g)3., Florida Statutes, and Commission Rule 34-8.215, Florida Administrative Code.
3. **FORMAT:** Your appeal must be in writing and mailed to Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709, or delivered to Florida Commission on Ethics, 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303. The appeal may take the form of a letter or you may use the appeal form included in this mailing. The appeal form also is available at the Commission's website: www.ethics.state.fl.us. Click on "Financial Disclosure" and then the link to the sample appeal form.
4. **DUE DATE:** Your appeal must be received by the Commission on Ethics on or before **April 15, 2021**. **NOTE:** Failure to timely file an appeal will constitute a waiver of your right to appeal and will result in the entry of a default order against you.
5. **UNUSUAL CIRCUMSTANCES:** An appeal must demonstrate that you submitted your CE Form 1 after the extended due date because of "unusual circumstances." "Unusual circumstances" is defined in Commission Rule 34-8.215(4), Florida Administrative Code, as "uncommon, rare, or sudden events over which the reporting individual had no control and which directly result in the failure to act in accordance with the filing requirements." Therefore, circumstances that allowed for time to take steps necessary to file on time do not constitute "unusual circumstances" that will allow the Commission to waive the fine. You have the burden to establish "unusual circumstances." Your appeal must specifically state the circumstances that led to your not filing by September 1, 2020, and must include any documentation or evidence supporting your appeal, such as:
 - a. **SICKNESS/INJURY:** a statement from attending physician, including dates and nature of the illness or injury;
 - b. **LACK OF NOTICE (WRONG ADDRESS):** documentation that you did not reside at the address to which notice was sent;

- c. **LACK OF NOTICE (ABSENCE FROM HOME):** documentation establishing the period of time of your absence covering the notification period;
 - d. **CLAIM OF TIMELY FILING OF FINANCIAL DISCLOSURE:** (1) an affidavit from you attesting under oath or affirmation that you filed your financial disclosure and your recollection of when and how you filed and (2) a copy of a certified mail receipt and/or a copy of the completed form which was filed. If you have witnesses to your filing, we also will need an affidavit from each witness. **NOTE:** A claim of having filed the CE Form 1F for the current year does not satisfy the CE Form 1 filing requirement or excuse a late filing;
 - e. **LEFT PUBLIC POSITION BEFORE DECEMBER 31, 2019:** confirmation of your last date of office or employment by your former agency, showing the last date to be before December 31, 2019; or
 - f. **UNCLAIMED CERTIFIED MAIL:** if delinquency notice was addressed correctly but not received, you must explain why.
6. **YOUR RIGHT TO A HEARING:** You have the right to have your appeal heard by the Commission and to appear before the Commission at the hearing, but, to exercise this right, you must specifically request a hearing in your appeal. If you do not request a hearing, you will waive your right to a hearing, the Commission will determine the outcome of your appeal based upon the written record (including the documentation you provide and any documentation in your case file), and you will receive no further notice until after the Commission decides your appeal.

FAILURE TO PAY FINE OR FILE APPEAL WITHIN 30 DAYS

If you do not timely file an appeal or pay the assessed fine within 30 days of this Notice, a default order will be entered against you and the Commission will take the steps provided by law to collect the fine, including:

- Referral to the CFO of the Department of Financial Services, if you are a salaried state officer or employee, for withholding of a portion of your salary until the fine is satisfied; or
- Referral to your agency's governing body for withholding of a portion of your salary until the fine is satisfied;
- Referral to a collection agency, which can seek garnishment of your wages; and/or
- An additional civil penalty, not limited by this automatic fine, may be imposed if your disclosure statement is filed more than 60 days late and a complaint is filed against you pursuant to Section 112.324, Florida Statutes.

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

CERTIFICATE OF MAILING

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

**Daniel Schwartz
1900 Purdy Ave
APT 1909
Miami Beach, FL 33139**

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



KIMBERLY R. HOLMES
Program Administrator

Florida Commission on Ethics
P. O. Drawer 15709
Tallahassee, FL 32317-5709

-or-

Florida Commission on Ethics
325 John Knox Road, Building E, Ste. 200
Tallahassee, FL 32303

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

Mail Piece Details**Print this page****Recipient Address**

DANIEL SCHWARTZ
730 PENNSYLVANIA AVE APT 604
MIAMI BEACH, FL 33139-6129

Record / Case Number:
222946

Return Address

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

Entry Point ZIP:
32317

Mail Piece Information

Tracking Number: 92148901066154000153077535

Date Created: 07/30/2020 04:12:04 PM

Mail Class: USPS First Class Mail

Special Services: Certified Mail
Return Receipt Electronic

Memo: --

Created By: Kimberly Holmes - Commission on Ethics

Tracking Information

Mailed, July 30, 2020, 04:12:04 PM, TALLAHASSEE,FL 32317

Pre-Shipment Info Sent To Usps, Usps Awaiting Item, July 30, 2020, 12:00:00 AM

Pre-Shipment Info Sent Usps Awaits Item, July 30, 2020, 03:21:00 PM, TALLAHASSEE,FL 32317

Arrived At Usps Regional Destination Facility, August 03, 2020, 04:22:00 PM

Processed Through Usps Facility, August 03, 2020, 04:22:00 PM, MIAMI,FL 33152

Processed Through Usps Facility, August 03, 2020, 11:37:00 PM, MIAMI,FL 33152

Departed Usps Regional Destination Facility, August 04, 2020, 02:24:00 AM

Processed Through Usps Facility, August 04, 2020, 02:24:00 AM, MIAMI,FL 33152

In Transit To Next Facility, August 05, 2020, 12:00:00 AM

In Transit To Next Facility, August 06, 2020, 12:00:00 AM

In Transit To Next Facility, August 07, 2020, 12:00:00 AM

In Transit To Next Facility, August 08, 2020, 12:00:00 AM

Mail Piece Details**Print this page****Recipient Address**

DANIEL SCHWARTZ
1900 PURDY AVE APT 1909
MIAMI BEACH, FL 33139-1492

Record / Case Number:
222946

Return Address

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

Entry Point ZIP:
32317

Mail Piece Information

Tracking Number: 92148901066154000160862926

Date Created: 03/16/2021 04:49:01 PM

Mail Class: USPS First Class Mail

Special Services: Certified Mail
Return Receipt Electronic

Memo: --

Created By: Kimberly Holmes - Commission on Ethics

Tracking Information

Mailed, March 16, 2021, 04:49:01 PM, TALLAHASSEE,FL 32317

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

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

Arrived At Usps Regional Destination Facility, March 18, 2021, 04:53:00 PM

Processed Through Usps Facility, March 18, 2021, 04:53:00 PM, MIAMI,FL 33152

Processed Through Usps Facility, March 19, 2021, 12:31:00 AM, MIAMI,FL 33152

Departed Usps Regional Destination Facility, March 19, 2021, 03:22:00 AM

Processed Through Usps Facility, March 19, 2021, 03:22:00 AM, MIAMI,FL 33152

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

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

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

In Transit To Next Facility, March 23, 2021, 12:00:00 AM

FORM 1

STATEMENT OF
FINANCIAL INTERESTS

2019

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

FOR OFFICE USE ONLY:

LAST NAME -- FIRST NAME -- MIDDLE NAME :

SCHWARTZ DANIEL WINFIELD

MAILING ADDRESS :

1900 PURDY AVE, APT 1909

CITY :

MIAMI BEACH

ZIP :

33139

COUNTY :

MIAMI-DADE

NAME OF AGENCY :

3RD DCA JUDICIAL NOMINATING COMMISSION

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

COMMISSIONER

CHECK ONLY IF ☐ CANDIDATE OR ☐ NEW EMPLOYEE OR APPOINTEEFLORIDA
COMMISSION ON ETHICS

NOV 13 2020

RECEIVED

222946

PROCESSED

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

DISCLOSURE PERIOD:

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2019.

MANNER OF CALCULATING REPORTABLE INTERESTS:

FILERS HAVE THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). CHECK THE ONE YOU ARE USING (must check one):



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
AKERMAN LLP	98 S.E. 7th St., Miami FL 33131	LAW FIRM

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
DIVERSIFIED FUNDS & STOCKS	VANGUARD
DIVERSIFIED FUNDS & STOCKS	FIDELITY

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")

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2
NAME OF BUSINESS ENTITY		
ADDRESS OF BUSINESS ENTITY		
PRINCIPAL BUSINESS ACTIVITY		
POSITION HELD WITH ENTITY		
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS		
NATURE OF MY OWNERSHIP INTEREST		

PART G — TRAINING

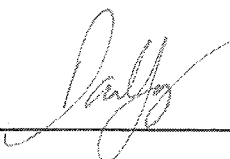
For elected municipal officers required to complete annual ethics training pursuant to section 112.3142, F.S.

☐ I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

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

SIGNATURE OF FILER:

Signature:



Date Signed:

8/7/20

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, 2019.



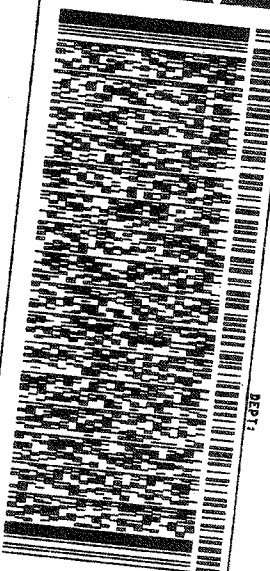
S

ORIGIN ID:PKCA (904) 426-7703
DANIEL WINFIELD SCHWARTZ
1900 PURDY AVE APT 1507
MIAMI BEACH, FL 33139
UNITED STATES US

SHIP DATE: 11NOV20
ACTWGT: 0.10 LB
CRD: 6997529/SSF02121
BILL CREDIT CARD

TO FLORIDA COMMISSION ON ETHICS

325 JOHN KNOX RD, BLDG E, STE 200
PO DRAWER 15709, TALLAHASSEE, FL
TALLAHASSEE FL 32303
(850) 498-7864



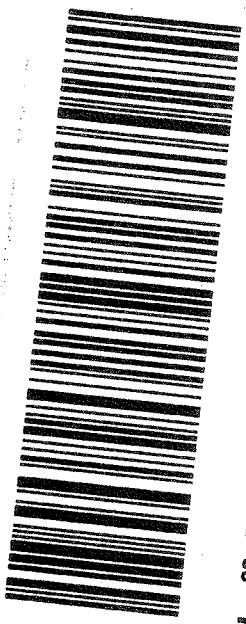
the container and packed securely.
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document, the current FedEx Service
press services, solutions, and shipping
ntact your nearest FedEx location.

TK# 3988 2171 9862
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Financial Disclosure Management System

THE FLORIDA COMMISSION ON ETHICS

Filer - Fines and Appeals - PID 222946 - Daniel Schwartz

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\(S\)](#)
[2020](#)

<<2020 Form Year

Status

Filing: ACTIVE

Fine: No Fine

Flags

Public Address

Filing Extensions

Indefinite: None

Temporary:

None

Eligible for Fines

Update Flags

The filer has fines for: [2020 \(Appeal\)](#)

2020 Fines and Appeals

Form Year 2019 Filed Forms

Received Date	Form Type	Form Signed	Filed by Email	Filing Location	Updated	Comments
11/11/20	Form 1	Yes	No	COE	BLAISL on 11/13/2020	Used postmark

2020 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
\$1,500.00	Appeal	3/16/2021	\$1,500.00	\$1,500.00			

Fine Address 1900 Purdy Ave APT 1909 Miami Beach FL 33139

Org/Suborg Judicial Nominating Commission-3rd Appellate-3rd Appellate District

2020 Fine Payment History


Date Posted	Description	Amount	Method	Payment ID	Comments
3/16/2021	Fine Levied	+ \$1,500.00			Fined \$1500.00

Current Balance: \$1,500.00

2020 Fine Year Event


Chronology

Invalidate Transaction

 Add a New Filer


 Jump To A Filer

PID:


 Quick Filer Search

First Name:


Last Name:

 Date	Type	Description	Reference
 05/19/2020	Letter Sent	Form 1 Official List - Form 1 Official Filers List	Print Queue: <u>5/19/2020 7:55 AM</u> Printing Confirmed: 5/19/2020 7:55 AM

Letter Sent To:
Daniel Schwartz
730 Pennsylvania Ave Apt 604
Miami Beach, FL 33139 -6129

 07/31/2020	Letter Sent	Certified Letter Sent	Print Queue: <u>7/31/2020</u> Printing Confirmed: 7/31/2020
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Letter Sent To:
Daniel Schwartz
730 Pennsylvania Ave Apt 604
Miami Beach, FL 33139 -6129

 08/20/2020	Postcard Sent	Courtesy Postcard Reminder	Print Queue: <u>8/20/2020</u> Printing Confirmed: 8/20/2020
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Letter Sent To:
Daniel Schwartz
730 Pennsylvania Ave Apt 604
Miami Beach, FL 33139 -6129

08/25/2020	Filer	From: Zuilkowski, Steven	Steven Zuilkowski
	Communication:	Sent: Tuesday, August 25,	
	Email	2020 2:17 PM To:	
		'dwsurfer7@gmail.com'	
		Subject: Commission on	
		Ethics: Delinquent Financial	
		Disclosure Form URGENT	
		REMINDER! YOU MUST ACT	
		NOW! Please be aware that	
		the Commission on Ethics has	
		not received your Financial	
		Disclosure for the 2019	

calendar year (2019 CE Form 1, Statement of Financial Interests). Your financial disclosure was due to be filed on July 1, 2020. There is a grace period for filing until September 1, 2020, after which time you will be fined \$25/day to a maximum of \$1,500. Please make sure you email (CEForm1@leg.state.fl.us) or postmark your financial disclosure form before September 1, 2020. Please note, your 2019 financial disclosure needs to be filed even if you left your position on or after December 31, 2019. If you have any questions, you can email me or call the Commission on Ethics at 850-488-7864.

Steven J. Zuilkowski
 Attorney Florida Commission
 on Ethics P.O. Drawer 15709
 Tallahassee, FL 32317-5709
 (850) 488-7864 (850) 488-3077 (Fax) ethics.state.fl.us
 Physical address: 325 John Knox Road Building E, Suite 200 Tallahassee, FL 32303



09/8/2020 Letter Sent

Courtesy Notice of Fines
 Accruing

Print Queue:

9/8/2020

Printing Confirmed:

9/8/2020

Letter Sent To:

Daniel Schwartz
 730 Pennsylvania Ave Apt 604
 Miami Beach, FL 33139 -6129

11/11/2020 Form Received Form 1 Received, Signed Form 1 Received by Martha Blais at COE

Form Received By: Martha Blais
Filing Location: COE
Record Created By: Martha Blais on 11/13/2020

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

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

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

Letter Sent To:
Daniel Schwartz
1900 Purdy Ave
APT 1909
Miami Beach, FL 33139

04/21/2021 Fine Appeal FD 20-029 Journal: 4/21/2021 4:54 PM

04/23/2021 Letter Sent Fine Appeal Print Queue:
4/23/2021
Printing Confirmed:
4/23/2021

Letter Sent To:
Daniel Schwartz
1900 Purdy Ave
APT 1909
Miami Beach, FL 33139

2020 Fine Appeal — FD 20-029	Update Appeal	Withdraw Appeal
	Assign Attorney	Request More Info
	Record Appeal Outcome	
Appeal Status: Active Appeal Receipt	No Hearing Requested	

	<p>Date: 04/14/2021</p> <p>Timely Filed: Yes</p> <p>Print Appeal</p> <p>Letter: Yes</p> <p>Hearing</p> <p>Requested: No</p> <p>Appeal Reason:</p> <p>Lack of</p> <p>Notification, Other</p> <p>Appeal Notes:</p> <p>Appeal Number: FD</p> <p>20-029</p> <p>Appeal Analyst</p> <p>Assigned:</p> <p>Final Order</p> <p>Number:</p> <p>Final Order Date:</p>
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