

In re BARRY FREDERIC RADOLAN)
)
 Appellant.)
)

Final Order No. XXX

This matter came before the Commission on Ethics on its own motion during its meeting in public session on October 23, 2026, pursuant to Section 112.3145(8)(g), Florida Statutes, (subsequently renumbered to Section 112.3145(8)(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.

1. According to information provided to the Commission, Appellant served as Chair of the FRERC Community Development District, a position requiring the filing of a 2019 CE Form 1, Statement of Financial Interests. In 2020, the designated due date for submitting a 2019 CE Form 1 was July 1, 2020, with a grace period ending on September 1, 2020.

2. No later than June 1, 2020, the Orange County Supervisor of Elections mailed a 2019 CE Form 1 to Appellant at 7380 W Sand Lake Rd., Orlando, FL 32819.

3. No later than August 1, 2020, the Orange County Supervisor of Elections sent a notice of delinquency by certified mail to Appellant at 7380 W Sand Lake Rd.

4. On September 9, 2020, the Commission on Ethics mailed a courtesy notice of fines accruing to Appellant at 7380 W Sand Lake Rd.

5. On October 15, 2020, the Orange County Supervisor of Elections received Appellant's 2019 CE Form 1.

6. On February 22, 2022, the Commission mailed a Notice of Assessed Fine to Appellant at 3060 N. Atlantic Ave., Apt. 508, Cocoa Beach, FL 32931. It indicated that the total of Appellant's accrued automatic fine was \$1,100 (\$25 per day for 44 days late) and provided that the Commission must receive an appeal of the fine by March 24, 2022.

7. On May 13, 2021, the Commission received Appellant's appeal of his automatic fine for Form Year 2019. In Part B of his appeal form, Appellant checked "Lack of notification – Failure to receive notice" as the general reason for his appeal. In Part C of his appeal form, where an appellant is asked to provide a detailed explanation of his or her appeal, Appellant wrote that he never received the forms in the mail due to an extended trip to China.

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)(g)3., Florida Statutes, (subsequently renumbered to Section 112.3145(8)(f)(2)) 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. Pursuant to Rule 34-8.215(4), F.A.C., "unusual circumstances" means uncommon, rare or sudden events over which the reporting individual had no control and which directly result in the failure to act in accordance with the filing requirements. Circumstances which allow for time in which to take those steps necessary to ensure compliance with the filing requirements shall be deemed not to constitute unusual circumstances.

12. Here, Appellant stated that he never received the forms in the mail due to an extended trip to China. Considering Appellant's claims, and that there is no evidence showing otherwise, there are "unusual circumstances" here that prevented the timely filing of the financial disclosure form that justify waiving the \$1,100 fine.

Order

Based on the foregoing facts and conclusions of law, the Commission hereby finds that unusual circumstances for failure to timely file have been demonstrated. We therefore waive the assessed fine of \$1,100.

ORDERED by the State of Florida Commission on Ethics meeting in public session on
October 23, 2026.

Date Rendered

Jeremy M. Rodgers
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.

JMR: jfh

Barry Frederic Radolan
3060 N. Atlantic Ave.
Apt. 508
Cocoa Beach, FL 32931

20-051

277235



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

MAY 13 2011

RECEIVED

APPEAL OF AUTOMATIC FINE FOR FORM YEAR 2019

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

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

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

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

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

PLEASE SEND YOUR COMPLETED FORM TO ONE OF THE FOLLOWING:

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

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

Fax: (850) 488-3077

Email: disclosure@leg.state.fl.us

PART A: YOUR INFORMATION

Name: BARRY RADOLAN
unit 508

Address: 3060 N. ATLANTIC AVE City: COCOA BEACH State: FL Zip: 32931

Daytime Tel.: 407-310-9575 Cell: 407-310-9575

Email: BF RADOLAN at yahoo.com Filer ID# (if known): _____

Public Employer: _____

Public Position: CHAIR of FRERC COMMUNITY DEVELOPMENT DISTRICT

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.

NEVER RECEIVED NOTIFICATION OR BACK UP REQUEST UNTIL OCT 7, 2020
SEE ATTACHED BACKUP. I RESIDE IN BREVARD COUNTY.
I VISITED CHINA DEC 2019 PLANNING ON RETURNING MARCH 2020
DID NOT RETURN UNTIL JULY 12, 2020. HAD 6 FLIGHT CANCELLATIONS
DUE TO COVID. FLIGHT DEPARTURE AND ARRIVAL ATTACHED. ADDITIONAL ^{INFO} AVAILABLE
UPON REQUEST

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.

05/13/2021
DATE

Bary Rodale
SIGNATURE

**FRAUD ALERT ---- DUE TO
INCREASED INCIDENTS OF
WIRE FRAUD, IF YOU RECEIVE
WIRE INSTRUCTIONS FROM
OUR OFFICE DO NOT SEND A
WIRE.**

From: Silvana Bermudez
<Silvana.Bermudez@ocfelections.com>
Sent: Wednesday, October 7, 2020 1:28
PM
To: Daphne Gillyard
<gillyardd@whhassociates.com>
Subject: Barry Radolan/ Delinquent
2019 Financial Disclosure

Good afternoon,

Please notice the filer below hasn't
submitted the 2019 Financial Disclosure
form.

Please provide an updated address for
the below named filer as the certified
delinquent notice regarding the 2019
Financial Disclosure has been returned
by the post office (see attached).

Since the filer below do not show an
email address in his personal
information I'm asking you, to please
contact him.

277235 Radolan Barry

Sincerely,

*Silvana Bermudez
Administrative Clerk
Orange County Supervisor of Elections
Phone: 407-254-6582
Fax: 407-254-6597
119 W. Kaley St
Orlando, FL 32806*

SOE 1 (02)

BILL COWLES
ORANGE COUNTY SUPERVISOR OF ELECTIONS
Post Office Box 562001
Orlando, Florida 32856-2001

DO NOT FORWARD—ADDRESS CORRECTION REQUESTED
SUPERVISOR OF ELECTIONS
ORANGE COUNTY, FL

2020 AUG -7 A 10:10

CERTIFIED MAIL™



9214 6969 0099 9790 1134 5247 28

Barry Radolan
7380 W Sand Lake Rd
Orlando, FL 32819

Hasler

07/31/2020

DISPATCH

FIRST-CLASS MAIL

\$005.75



ZIP 32806
011D12604145

NIXIE 339 FE 1 0008/04/20

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

3281935248 COE
32856>2001

BC: 32856200101 *1301-01963-31-42



From: Delta Air Lines <DeltaAirLines@t.delta.com>

Date: December 7, 2019 at 3:27:15 PM EST

To: "<BFRADOLAN@yahoo.com>" <BFRADOLAN@YAHOO.COM>

Subject: Your MCO > PVG Trip Details

Reply-To: "Transactional Email Reply Inbox" <reply-94336-14_HTML-5126495-10982494-34369@t.delta.com>

[View as a Web Page](#)



[#2051688089](#)

[Gold Medallion®](#)

[208,587 Miles](#)

CONFIRMATION: HGHC5H



DEPARTURE

MCO

7:35 AM Tue, Dec 10 DL720

ATL 1:53 PM DL185

DESTINATION

PVG

6:55 PM Wed, Dec 11

From: Delta Air Lines <DeltaAirLines@t.delta.com>

Date: July 9, 2020 at 1:20:02 PM EDT

To: "<BFRADOLAN@yahoo.com>" <BFRADOLAN@YAHOO.COM>

Subject: Your PVG > MCO Trip Details

Reply-To: "Transactional Email Reply Inbox" <reply-133453-14_HTML-5126495-10982494-181@t.delta.com>

[View as a Web Page](#)



[#2051688089](#)

[Silver Medallion®](#)

[224,187 Miles](#)

[SAFER TRAVEL EVERY STEP OF THE JOURNEY](#)



CONFIRMATION #: HGHC5H

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:

Rodolphe Barry Frederic

MAILING ADDRESS:

3016 N. ATLANTIC AVE UNIT 503

Cocoa Beach 32931 BREVARD

CITY: ZIP: COUNTY:

FRERC COMMUNITY DEVELOPMENT DISTRICT

NAME OF AGENCY:

CHAIRMAN

NAME OF OFFICE OR POSITION HELD OR SOUGHT

CHECK ONLY IF ☐ CANDIDATE OR ☐ NEW EMPLOYEE OR APPOINTEE

Received by OCSOE 10/15/2020

PID 277235

*** 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
Security Services		
2930 Pine Ridge Circle	2930 Pine Ridge Circle	Real Estate
911 Seaboard St	911 Seaboard St	Real Estate
1840 B. Co. Rd. 11 PK 1	1840 B. Co. Rd. 11 PK 1	10700000

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
2930 Pine Ridge Circle			

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person - See instructions]

(If you have nothing to report, write "none" or "n/a")

2930 Pine Ridge Circle
911 Seaboard St

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

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

Received by OCSOE 10/15/2020

NAME OF CREDITOR

ADDRESS OF CREDITOR

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:

Bay Redden

Date Signed:

02/13/2020

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.

**Florida Commission on Ethics
Financial Disclosure Notification System
Delinquency Certification (2020)**

FLORIDA
COMMISSION ON ETHICS

NOV 12 2020

RECEIVED

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 1, 2020 financial disclosure deadline and a blank Form 1, Statement of Financial Interests, not later than June 1, 2020;

(2) was determined to be delinquent in filing a Form 1, Statement of Financial Interests, by July 1, 2020;

(3) was sent a delinquency notice by certified mail not later than July 31, 2020 advising him or her of the grace period in effect until September 1, 2020; 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, 2020; 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

Last Name	First Name	ID			
Radolan	Barry	277235	Late-10/15/2020	email	Chair

\$0.500	\$3.55
---------	--------

\$0.00	\$1.70
--------	--------

	\$0.00	\$1.70
--	--------	--------

	\$0.00	\$1.70
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	\$0.00	\$1.70
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	\$0.00	\$1.70
--	--------	--------

	\$0.00	\$1.70
--	--------	--------

Barry Radolan
7380 W Sand Lake Rd
Orlando, FL 32819

0008 / 04, 28

SC: 32856200101 * 1301-01963-31-42

Postmark
Here

2020-4-5-7

Silvana Bermudez

From: Silvana Bermudez
Sent: Monday, August 31, 2020 4:01 PM
To: gillyardd@whhassociates.com
Cc: Form1; Fred Altensee
Subject: Form 1- September 1 deadline
Attachments: Form 1_2019.pdf

All coordinators,

This is a reminder: Tomorrow September 1 at midnight is the deadline to submit the 2019 Financial Disclosure Form. The person(s) listed below will start being fined after tomorrow if they have not submitted their Form 1. Attached is a blank Form 1, for your convenience, and they can email us the completed form at Form1@ocfelections.com or drop off at our office on 119 W Kaley St.

Radolan Barry

Sincerely,

*Silvana Bermudez
Administrative Support
Orange County Supervisor of Elections
Phone: 407-254-6582
Fax: 407-254-6597
119 W. Kaley St
Orlando, Fl. 32806
Silvana.Bermudez@ocfelections.com*

Silvana Bermudez

From: Silvana Bermudez
Sent: Friday, September 04, 2020 2:05 PM
To: gillyardd@whhassociates.com
Cc: Fred Altensee
Subject: Form 1 2019-Non- Filers
Attachments: Form 1_2019.pdf

This is a reminder that September 1, 2020 was the deadline for submission of Form 1. Please know that you have begun to accrue a fine of \$25 per day. The fines will continue to accrue until the form has been completed and submitted or the fine reaches \$1,500 whichever comes first.

Since the filer below do not show an email address in his personal information I'm asking you, to please contact him.

Radolan Barry

Sincerely,

Silvana Bermudez
Administrative Clerk
Orange County Supervisor of Elections
Phone: 407-254-6582
Fax: 407-254-6597
119 W. Kaley St
Orlando, Fl. 32806
Silvana.Bermudez@ocfelections.com

Silvana Bermudez

From: Silvana Bermudez
Sent: Wednesday, October 07, 2020 1:28 PM
To: 'gillyardd@whhassociates.com'
Subject: Barry Radolan/ Delinquent 2019 Financial Disclosure
Attachments: Barry Radolan.pdf

Good afternoon,

Please notice the filer below hasn't submitted the 2019 Financial Disclosure form.

Please provide an updated address for the below named filer as the certified delinquent notice regarding the 2019 Financial Disclosure has been returned by the post office (see attached).

Since the filer below do not show an email address in his personal information I'm asking you, to please contact him.

277235 Radolan Barry

Sincerely,

Silvana Bermudez
Administrative Clerk
Orange County Supervisor of Elections
Phone: 407-254-6582
Fax: 407-254-6597
119 W. Kaley St
Orlando, Fl. 32806
Silvana.Bermudez@ocfelections.com

CERTIFIED MAIL™

BILL COWLES
 INTY SUPERVISOR OF ELECTIONS
 Post Office Box 562001
 Orlando, Florida 32856-2001



9214 8969 0099 9790 1134 5247 28

RD—ADDRESS CORRECTION REQUESTED

Barry Radolan
 7380 W Sand Lake Rd
 Orlando, FL 32819

[Handwritten signature]

04/30/2020 4:03 PM

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®

9214 8969 0099 9790 1134 5247 28

Certified Mail Fee

\$0.500

Extra Services & Fees (check box and fee is appropriate)

Return Receipt (hardcopy) \$3.55

Return Receipt (electronic)

First-Class Mail Restricted Delivery \$1.70

Adult Signature Required

Signature Required (Priority Mail)

Postage

\$0.00

Total Postage and Fees

\$5.750

Barry Radolan
 7380 W Sand Lake Rd
 Orlando, FL 32819

7/30/2020 4:03:20 PM

PS Form 3800, April 2015

See Reverse for Instructions

Electronic Return Receipt Requested

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

In re **Barry Radolan**
 Chair
 Board of Supervisors
 FRERC Community Development District

PID#: 277235

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 October 15, 2020 with the Supervisor of Elections for Orange County, you are fined the amount of \$1100.00 (\$25.00 per day for 44 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 **March 24, 2022**. **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.

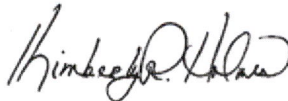
Please contact our office if you have any questions about this matter.

CERTIFICATE OF MAILING

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

Barry Radolan
3060 N Atlantic Ave Apt 508
Cocoa Beach, FL 32931 -5047

by Certified Mail on this Tuesday, February 22, 2022.



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

Form Year 2019 Filed Forms

FORM TYPE	DATE SUBMITTED	FORM SIGNED	FILED BY EMAIL?	UPDATED BY	COMMENTS
Form 1	10/15/2020	No	Yes	HOLMESK(SOE IMPORT)	Orange

Fine Year 2020 Fine Information

FINE BALANCE	STATUS	FINE DATE	ORIGINAL FINE AMOUNT	ADJUSTED FINE AMOUNT	LAST PAYMENT DATE	PAYMENT PLAN START DATE	PAYMENT PLAN AMOUNT	TOTAL PAYMENT PLAN AMOUNT DUE
\$1,100.00	Appeal	05/13/2021	\$1,100.00	\$1,100.00				

Fine Address: 3060 N Atlantic Ave Apt 508, Cocoa Beach, FL 32931-5047

Email: bfradolan@yahoo.com

Org/Suborg: FRERC Community Development District - Board of Supervisors

Fine Year 2020 Appeal Information

2020 FINE APPEAL - FD 20-051		No Hearing Scheduled
APPEAL STATUS		Active
APPEAL RECEIPT DATE		05/13/2021
APPEAL TIMELY FILED		Yes
PRINT APPEAL LETTER		
HEARING REQUESTED		No
APPEAL REASON		Lack of Notification
APPEAL NOTES		
APPEAL NUMBER		FD 20-051
APPEAL ANALYST ASSIGNED		
FINAL ORDER NUMBER		
FINAL ORDER DATE		

Fine Year 2020 Payment Information

DATE POSTED	DESCRIPTION	AMOUNT	METHOD	PAYMENT ID	COMMENT
05/13/2021	Fine Levied	+\$1,100.00			Fined \$1100.00
Current Balance: \$1,100.00					

Fine Year 2020 Event Chronology

DATE	TYPE	DESCRIPTION	ADDRESS/EMAIL	REFERENCE
09/09/2020	Filer Correspondence Letter	Courtesy Notice of Fines Accruing - Courtesy Notice of Fines Accruing	7380 W Sand Lake Rd Ste 395, Orlando, FL 32819-5290 UNKNOWN@email.com	KimberlyHolmes

05/13/2021	Fine Levied	Fined \$1100.00		Journal: Fine Orange 2021-05-13-04:01
08/24/2021	Fine Appeal	FD 20-051		Journal: Appeal 2021-08
02/22/2022	Filer Correspondence Letter	Notice of Assessed Fine - Filer 1st Fine Letter	3060 N Atlantic Ave Apt 508, Cocoa Beach, FL 32931-5047 bfradolan@yahoo.com	Correspondence Queue: 2022-02-22 00:00:00 Correspondence Sent: 2022-02-22 00:00:00.0000000
02/22/2022	Filer Correspondence Letter	Fine Appeal - Filer 1st Fine and Pending Appeal Letter	3060 N Atlantic Ave Apt 508, Cocoa Beach, FL 32931-5047 bfradolan@yahoo.com	Correspondence Queue: 2022-02-22 00:00:00 Correspondence Sent: 2022-02-22 00:00:00.0000000
02/22/2022	Notice of Assessed Fine	Initial Fine Notice		Journal: Fine1st 2022-02-22-10:31

Created Date: 2/22/2022**Type:** Letter**Created By:** System**Description:** Notice of Assessed Fine - Filer 1st Fine Letter**Created Date:** 2/22/2022**Type:** Letter**Created By:** System**Description:** Fine Appeal - Filer 1st Fine and Pending Appeal Letter**Created Date:** 5/12/2021**Type:** Phone**Created By:** admin system**Description:** Filer did not receive notices/also unable to return from China for seven months. Does not live in Orange county and address is the office we currently have. Filer lives in Brevard, told him to update his 2020 form to reflect.**Created Date:** 5/12/2021**Type:** Email**Created By:** admin system**Description:** From: Prine,Emily Sent: Wednesday, May 12, 2021 1:40 PM To: 'bfradolan@yahoo.com' Cc: Holmes, Kim Subject: Ref Appeal Importance: High Mr. Radolan, Per our conversation is the appeal form. Please complete and submit back to disclosure@leg.state.fl.us as soon as possible. Per our discussion, elaborate on lack of notice as well as being unable to return from China for seven months. In addition, attached is your Form 1 2020 for this year s filing, complete and return to same email address as soon as possible. If you have any further questions, call me. 850-488-7864**Created Date:** 9/9/2020**Type:** Letter

Created By: System

Description: Courtesy Notice of Fines Accruing - Courtesy Notice of Fines Accruing

Created Date: 8/20/2020

Type: Postcard

Created By: System

Description: Courtesy Postcard Reminder - Courtesy Postcard Reminder