



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20543

THIS IS THE END OF MUR # 1306

Date Filmed 3/26/82 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

routing slips, Commissioners' comment sheets,
the name & address of an individual on a bill,
and matters involving conciliation

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| ☐ (1) Classified Information | ☒ (6) Personal privacy |
| ☐ (2) Internal rules and practices | ☒ (7) Investigatory files |
| ☒ (3) Exempted by other statute | ☐ (8) Banking Information |
| ☐ (4) Trade secrets and commercial or financial information | ☐ (9) Well Information (geographic or geophysical) |
| ☒ (5) Internal Documents | |

Signed

Ann Coleman

date

February 18, 1982



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 25, 1982

Andrew H. Moriber, Esq.
Dubbin, Schiff, Berkman & Dubbin
444 Brickell Avenue
Miami, Florida 33131

Re: MUR 1306

Dear Mr. Moriber:

On January 22, 1982, the Commission accepted the conciliation agreement signed by the Chairman of the Florida Podiatry Political Action Committee ("the Committee") and the President of the Florida Podiatry Association ("FPA") and the enclosed civil penalty. These were accepted in settlement of violations by the FPA of 2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R. § 114.5(a)(2), (3) and (5), and of violations by the Committee of 11 C.F.R. § 114.5(a)(2), (3) and (5) and 2 U.S.C. §§ 433(a); 434(a)(4)(A)(i), (iii) and (iv); and 441b(b)(3)(B) and (C). Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation agreement

82040312293



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Andrew H. Moriber, Esq.
Dubbin, Schiff, Berkman & Dubbin
444 Brickell Avenue
Miami, Florida 33131

Re: MUR 1306

Dear Mr. Moriber:

On January 22, 1982, the Commission accepted the conciliation agreement signed by the Chairman of the Florida Podiatry Political Action Committee ("the Committee") and the President of the Florida Podiatry Association ("FPA") and the enclosed civil penalty. These were accepted in settlement of violations by the FPA of 2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R. § 114.5(a)(2), (3) and (5), and of violations by the Committee of 11 C.F.R. § 114.5(a)(2), (3) and (5) and 2 U.S.C. §§ 433(a); 434(a)(4)(A)(i), (iii) and (iv); and 441b(b)(3)(B) and (C). Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation agreement

ae 1/22/82



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 25, 1982

Werner Strupp, Esq.
Sinrod and Tash
3301 New Mexico Avenue, N.W.
Washington, D.C. 20016

Re: MUR 1306
American Podiatry Association
American Podiatry Political
Action Committee

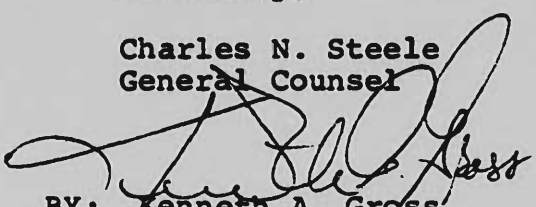
Dear Mr. Strupp:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within thirty days.

Should you have any questions, contact Anne Cauman, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

82040312300



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Werner Strupp, Esq.
Sinrod and Tash
3301 New Mexico Avenue, N.W.
Washington, D.C. 20016

Re: MUR 1306
American Podiatry Association
American Podiatry Political
Action Committee

Dear Mr. Strupp:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within thirty days.

Should you have any questions, contact Anne Cauman, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

ac 1/22/82

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 25, 1982

Robert A. Kostka, D.P.M.
Gulf to Bay Professional Plaza
2260 Gulf to Bay Boulevard
Clearwater, Florida 33414

Re: MUR 1306

Dear Dr. Kostka:

8 2 0 1 2 3 0 2
This is in reference to the complaint you filed with the Commission on September 17, 1980, concerning the American Podiatry Association and the Florida Podiatry Association ("FPA"). The Commission reviewed the allegations of your complaint and determined on the basis of the information provided by the respondents that there was reason to believe that the FPA violated 2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R. § 114.5(a)(2)-(5). The Commission determined further that there was reason to believe that the Florida Podiatry Political Action Committee ("the Committee") violated 2 U.S.C. §§ 433(a); 434(a)(4)(A)(i), (iii) and (iv); and 441b(b)(3)(B) and (C); and 11 C.F.R. § 114.5(a)(2)-(5). On January 22, 1982, a conciliation agreement signed on behalf of the FPA and the Committee was accepted by the Commission, thereby concluding the matter. A copy of this agreement is enclosed for your information.

If you have any questions, please contact Anne Cauman, the attorney assigned to this matter, at 202-523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert A. Kostka, D.P.M.
Gulf to Bay Professional Plaza
2260 Gulf to Bay Boulevard
Clearwater, Florida 33414

Re: MUR 1306

Dear Dr. Kostka:

This is in reference to the complaint you filed with the Commission on September 17, 1980, concerning the American Podiatry Association and the Florida Podiatry Association ("FPA"). The Commission reviewed the allegations of your complaint and determined on the basis of the information provided by the respondents that there was reason to believe that the FPA violated 2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R. § 114.5(a)(2)-(5). The Commission determined further that there was reason to believe that the Florida Podiatry Political Action Committee ("the Committee") violated 2 U.S.C. §§ 433(a); 434(a)(4)(A)(i), (iii) and (iv); and 441b(b)(3)(B) and (C); and 11 C.F.R. § 114.5(a)(2)-(5). On January 22, 1982, a conciliation agreement signed on behalf of the FPA and the Committee was accepted by the Commission, thereby concluding the matter. A copy of this agreement is enclosed for your information.

If you have any questions, please contact Anne Cauman, the attorney assigned to this matter, at 202-523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

cc 1/22/82

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Florida Podiatry Association
Florida Podiatry Political
Action Committee

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MUR 1306

CONCILIATION AGREEMENT

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This matter was initiated by a signed, sworn, and notarized complaint by Robert A. Kostka. The Commission determined there was reason to believe that the Florida Podiatry Association ("FPA") and the Florida Podiatry Political Action Committee ("the Committee") violated 2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R. § 114.5(a)(2)-(5) by failing to indicate in written solicitations 1) the political purposes of the Committee, 2) the right of any person to refuse to contribute to the Committee without reprisal, and 3) that an individual is free to contribute more or less than a suggested guideline and will not be favored or disadvantaged because of the amount of a contribution or a decision not to contribute. Reason to believe has been found, further, that the Committee violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization and 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv) by failing to file required reports of receipts and expenditures.

NOW THEREFORE, the Commission and Respondents having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a) (4) (A) (i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntariness into this Agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent FPA is a membership organization which is incorporated in Florida as a non-profit corporation.

2. Respondent Committee is the political action committee of the FPA.

3. The Committee has been in operation since the passage of the Federal Election Campaign Act of 1971. Prior to 1980 the Committee never made any contribution or expenditure for the purpose of influencing a federal election.

4. In June 1980, the Committee made a \$500 contribution to a federal election campaign.

5. The Committee has indicated that it will not participate financially in federal elections in the future, and that its By-laws will be amended to limit permissible financial activity to non-federal matters.

6. The Committee has never registered as a federal political committee by filing a Statement of Organization pursuant to 2 U.S.C. § 433(a).

7. The Committee has never filed reports of receipts and expenditures pursuant to 2 U.S.C. § 434(a) (4).

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8. Voluntary contributions to the Committee have been collected along with annual membership dues for the FPA.

A. The invoice sent to members as part of this collection process for 1981-82 used the words "Voluntary P-PAC Contribution" and the memorandum sent with the invoice also indicated that contributions to the Committee were voluntary and that FPA members had a choice as to whether or not to contribute to the Committee.

B. Nowhere in this solicitation were the political purposes of the Committee stated.

C. The solicitation requested a fifty-dollar (\$50) contribution to the Committee without indicating that this was merely a suggested guideline and that an individual could have contributed more or less and would not have been favored or disadvantaged because of the amount of a contribution or a decision not to contribute.

V. 1. The Committee violated 2 U.S.C. § 433(a) by failing to register as a political committee after contributing to a federal election campaign.

2. The Committee violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv) by failing to file reports of receipts and expenditures due on July 15, 1980, October 15, 1980, December 4, 1980, January 31, 1981, and July 31, 1981.

3. The Committee and the FPA violated 2 U.S.C. § 441b(b)(3)(B) and 11 C.F.R. § 114.5(a)(3) and (5) by failing

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to inform members in their written solicitation for 1981-82 of the political purposes of the Committee.

6. The Committee and the FPA violated 2 U.S.C. § 441b(b)(3)(C) and 11 C.F.R. § 114.5(a)(2) and (5) by failing to indicate in their written solicitation for 1981-82 that the fifty-dollar (\$50) suggested contribution to the Committee was merely a guideline and that no one would be favored or disadvantaged because of the amount of a contribution or a decision not to contribute.

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of two-hundred-fifty dollars (\$250), pursuant to 2 U.S.C. § 437g(a)(5)(A) to be divided between them as they so choose.

VII. Respondents agree that they shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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X. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

Jan 22, 1982
Date

Charles N. Steele
General Counsel

BY: [Signature]
Kenneth A. Gross
Associate General Counsel

12/28/81
Date

Florida Podiatry Political
Action Committee

BY: [Signature]
ITS: Chairman

18 Dec 81
Date

Florida Podiatry Association

BY: [Signature]
ITS: Pres.

82010312308

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FLORIDA PODIATRY
POLITICAL ACTION COMMITTEE
600 BARNETT BANK BUILDING PH. 222-4455
TALLAHASSEE, FLORIDA 32301

241

Dec 28 1987

03-184
691

Pay to the
order of

U.S. Treasurer

\$250.00

Two hundred fifty & 00/100

Dollars



Ellis National Bank
OF TALLAHASSEE
TALLAHASSEE, FLORIDA 32302



For Circulation Agreement & FEC -

Sheldon White

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⑈12 813 8⑈

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Florida Podiatry Association
Florida Podiatry Political
Action Committee

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MUR 1306

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 22, 1982, the Commission decided by a vote of 6-0 to accept the conciliation agreement with the Florida Podiatry Association and the Florida Podiatry Political Action Committee as submitted with the General Counsel's January 19, 1982 Memorandum to the Commission and Close the File in this matter.

Commissioners Aikens, Elliott, Harris, McGarry, McDonald, and Reiche voted affirmatively for the decision.

Attest:

1-22-82

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

1-19-82, 4:53
1-20-82, 11:00

32040312310

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Florida Podiatry Association)

Florida Podiatry Political)

Action Committee)

MUR 1306

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 27, 1981, the Commission approved by a vote of 6-0 the conciliation agreement and letter to be sent to counsel for the Committee and the FPA (Attachments to the General Counsel's November 23, 1981 memorandum).

Commissioners Aikens, Harris, McGarry, Reiche, Thomson and Tiernan voted affirmatively in this matter.

Attest:

11-27-81

Date

Jody A. Custer

for Marjorie W. Emmons
Secretary of the Commission

Received in Office of the Commission Secretary: 11-23-81, 4:05
Circulated on 48 hour vote basis: 11-24-81, 11:00

82040312311



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS / JODY CUSTER *JC*
DATE: NOVEMBER 25, 1981
SUBJECT: COMMENTS RE: MUR 1306 Pre-Probable Cause
Conciliation Report dated November 23, 1981

Attached is a copy of Commissioner Harris'
vote sheet with comments regarding suggested modifications.

82040312312

ATTACHMENT:
Copy of Vote Sheet

November 23, 1981

MEMORANDUM TO: Marjorie W. Emmons
FROM: Phyllis A. Kayson
SUBJECT: MUR 1306

Please have the attached Memo to the Commission distributed
to the Commission on a 48 hour tally basis. Thank you.

Attachment

cc: Cauman

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSIONER
81 NOV 23 P 4: 05

November 23, 1981

MEMORANDUM

TO: THE COMMISSION

FROM: CHARLES N. STEELE
GENERAL COUNSEL

BY: KENNETH A. GROSS
ASSOCIATE GENERAL COUNSEL *KAG*

SUBJECT: PRE-PROBABLE CAUSE
CONCILIATION IN MUR 1306

This matter arose out of a complaint filed with the Commission. On September 1, 1981, the Commission found reason to believe that the Florida Podiatry Political Action Committee ("the Committee") had violated 2 U.S.C. § 433(a) by failing to file a Statement of Organization and 2 U.S.C. § 434(a)(4)(A)(i), (iii), and (iv) by failing to file reports of receipts and expenditures. The Commission further found reason to believe that since June 30, 1980, the Committee and the Florida Podiatry Association ("FPA") violated 2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R. § 114.5 (a)(2)-(5) by providing inadequate notice to solicitees in connection with the collection of contributions.

In response to the Commission's reason to believe notification, counsel for both respondents called and then wrote to the General Counsel's staff indicating an interest in pre-probable cause conciliation. (See Attachment 1). Respondents are involved in this matter because on June 30, 1980, the Committee, which has operated for many years as a state political action committee, made a \$500 contribution to a federal campaign subjecting it to the requirements of the Act. While counsel has objected to the application of the Act to respondents in this instance, counsel has indicated that as a practical matter it makes sense for the Committee to remain a non-federal PAC and that, therefore, respondents would like to resolve this matter as simply as possible. (Attachment 1). To this end, counsel has indicated a willingness to amend the by-laws of the Committee to limit permissible expenditures to "non-federal" matters and to report the termination of activities which would make the Committee subject to the Act. (Id.). Counsel has also been very cooperative in providing further information regarding the solicitation practices of the Committee. (See Attachments 2; 3; and 4).

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Attached is a proposed concilation agreement which the General Counsel recommends be sent to respondents. (See Attachment 5). It does not refer to a violation of 11 C.F.R. § 114.5(a)(4), which requires notice of the right to refuse to contribute, because the sample solicitation invoice refers to "Voluntary P-PAC Contribution" and the accompanying memorandum again refers to a voluntary contribution and uses permissive language with regard to the contribution. (See Attachment 2, p.2; Attachment 3; and Attachment 4).

Recommendation

The General Counsel recommends that the Commission approve the attached concilation agreement and letter to be sent to counsel for the Committee and the FPA.

Attachments

1. Letter from counsel dated September 28, 1981.
2. Letter from counsel dated October 6, 1981 with attached solicitation materials.
3. Memorandum dated December 15, 1980.
4. Letter from W.D. Owens dated November 4, 1981.
5. Proposed agreement and letter.

82040312315

101811 Cauman
CCH # 5565
110875 AM:47

LAW OFFICES
DUBBIN, SCHIFF, BERKMAN & DUBBIN
444 BRICKELL AVENUE
MIAMI, FLORIDA 33131

1000 RIVERGATE PLAZA

TELEPHONE (305) 373-3606

September 28, 1981

Federal Election Commission
Washington, D. C. 20463

Attention: Anne Cauman

Re: MUR 1306

Dear Ms. Cauman:

8 2 0 4 0 3 1 2 3 1 6

We represent the Florida Podiatry Association (FPA) and the Florida Podiatry Political Action Committee (the Committee). With reference to the letter of the Vice Chairman of the Commission, The Honorable Frank P. Reiche, dated September 8, 1981, please be advised that the FPA and the Committee take exception to the findings reported therein that either the Florida Podiatry Association or the Florida Podiatry Political Action Committee have violated the Federal Election Campaign Act of 1971. However, since our clients are public interest oriented, but without abandoning our clients' rights or the positions previously stated to the Committee, we wish to explore the possibility of conciliation of this matter. We would, therefore, propose to you the following:

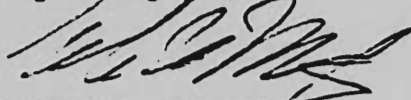
1. Under separate cover, we will forward to you copies of the report which the Committee has filed with the Secretary of State of the State of Florida pursuant to Florida's election code for the last year.
2. We would propose to amend the By-Laws of the Committee (which have been previously sent to you) by inserting provisions therein which would limit the permissible expenditures of the Committee to "non-federal" matters.
3. For purposes of assuring the Committee that the Association is, in fact, not governed by the Act, we would propose to furnish to you copies of the reports which the Committee files with the Secretary of State of the State of Florida in the future for an agreed period of time.
4. Either in the conciliation agreement, or separately, the Committee would report that it has terminated activities which might make it subject to the Act.

Federal Election Commission
September 28, 1981
Page Two

We believe that in light of the fact that the Florida Podiatry Political Action Committee has only made one contribution to a Federal campaign, and considering the costs of preparing the various reports, and the small size and limited budgets of both the FPA and the Committee, that the above method of resolving your inquiry would serve the purposes of the Federal Election Campaign Act and resolve this matter.

With respect to the materials requested in the first full paragraph of page three of the above referenced letter, please be advised that we have requested the Executive Director of the Florida Podiatry Association to forward those documents to us, however, since he is located in Tallahassee it will be a few days until the material is in our hands. We will, of course, forward it to you immediately upon receipt. Likewise, we do not have copies of the documents referred to on the first numbered paragraph hereof. We will forward them as soon as they are received by us.

Very truly yours,



ANDREW H. MORIBER

AHM/vlp

Attachment 1, p. 2

Cauman *Call# 5592*

OCT 8 12:18

LAW OFFICES
DUBBIN, SCHIFF, BERKMAN & DUBBIN
444 BRICKELL AVENUE
MIAMI, FLORIDA 33131

TELEPHONE (305) 373-3606

1000 RIVERGATE PLAZA

October 6, 1981

OCT 8 13:04

The Federal Election Commission
Washington, D.C. 20463

ATTN: Anne Cauman, Esquire

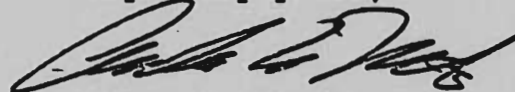
Dear Ms. Cauman:

As requested by the Commission's letter of September 8, 1981, we are enclosing herewith the following:

- (1) photocopy of typical membership invoice issued 12/15/80,
- (2) copy of memorandum to former P-PAC contributors (Podiatry Political Action Committee) dated April 9, 1981,
- (3) memorandum to FPA General Membership dated September 16, 1981.

I have not yet received the financial reports from the PAC. As soon as I receive same, I will forward to you.

Very truly yours,



Andrew H. Moriber

AHM/cjs

Enclosures

OTE: IF YOU ALREADY HAVE REMITTED YOUR PAYMENT, PLEASE IGNORE THIS INVOICE.

Member-No.
Billing Date
11-15-81

MEMBERSHIP INVOICE

National Society of State Aided Schools		National Society of State Aided Schools	
Voluntary P-Paid Contribution	50.00	Voluntary P-Paid Contribution	50.00
1231207028		1231207028	



FLORIDA PODIATRY ASSOCIATION

Suite 590
Barnett Bank Building
Tallahassee, Florida 32301
Phone (904) 222-4455

William D. Owens
Executive Director

MEMORANDUM

010070 04/12/81

TO: Former P-PAC Contributors
FROM: William D. Owens, Executive Director
SUBJECT: 1981 P-PAC Contributions
DATE: April 9, 1981

Perhaps there was some misunderstanding in our recent explanatory letter mailed with dues statements for the year. However, our records indicate that your usual voluntary P-PAC contribution was not included, as in past years.

As you are aware, these extra funds are lifeblood to our legislative program. For the past eight years, we have passed a total of 41 bills in the Legislature, which could not have been accomplished except through everyone's support.

Our Annual Legislative Appreciation Night in Tallahassee each year produces over 400 legislators, committee personnel, staff directors, aides and staff, and has grown to be one of the best attended events during each Session. Our success with the passage of many bills could not have been achieved except through the rapport we have gained through the years with our legislators.

Several pieces of that legislation have been milestones. A mandatory insurance inclusion bill requires all health-insurance carriers to provide for podiatry services. A felony bill played a part in tightening the law for those convicted of practicing podiatry without a license. One piece of legislation increased the Board of Podiatry Examiners from 3 to 5, and subsequently 7 members. Ten or twelve bills addressed themselves to cleaning up our Practice Act, not to mention the actual re-writing of the Act during Sunset Review.

Hospital privileges for podiatrists ended discrimination by hospitals, and even though full implementation has not yet been fulfilled, we are seeing great strides in this direction.

Your contribution of \$50 is needed to continue our legislative efforts if we are to remain a force in the health-care field. Without it, we simply cannot compete with the big monies being expended by medicine, osteopathy, optometry, chiropractics, nursing and the others. For our dollar, we are already getting more, but with the cost of government increasing, inflation, and new legislators to be cultivated, we must keep our progress upward.

This year, we are introducing bills that will legally authorize the utilization and prescription of DMSO and include podiatry in the Florida Medicaid Act. These are two very important issues and it's going to take a yeoman's effort to pass them.

We urge you to consider your decision of support and help fund our P-PAC efforts. Where would we be as a profession without it? Your participation will be most graciously appreciated.

WDO/lw

Attachment 2, p. 3

cc: Executive Board

Warren L. Simmonds, D.P.M.
President

7331 Collins Avenue
Miami Beach, Florida 33141

Frederick I. Pearl, D.P.M.
President Elect

1780 Mercy Drive
Mercy Medical Center
Orlando, Florida 32808

Bruce N. Kramer, D.P.M.
First Vice President

2529 Okeechobee Boulevard
West Palm Beach, Florida 33409

Lionel Goldstein, D.P.M.
Second Vice President
801 West 49th Street
Hialeah, Florida 33012

Murray B. Goldstein, D.P.M.
Secretary
150 South Federal Highway
Royal Palm Professional Building
Boca Raton, Florida 33432

Robert H. Eder, D.P.M.
Past President
1608 West Plaza Drive
Tallahassee, Florida 32308



FLORIDA PODIATRY ASSOCIATION

1690 Raymond Diehl Road
Plaza 10, Suite B-1
Tallahassee, Florida 32308
Phone (904) 386-7939

William D. Owens
Executive Director

MEMORANDUM

TO: FPA General Membership
FROM: Fred I. Pearl, D.P.M., President
SUBJECT: \$50 P-PAC Contribution
DATE: September 16, 1981

At our recent Meeting of the Executive Board, the subject of contributions to Florida P-PAC was discussed.

Dr. Barry Blass of Tampa, serving as our Membership Chairman, has discovered that many of our Florida doctors are not aware that this \$50 voluntary contribution is solely for the use of the Florida Podiatry Political Action Committee and is not an automatic collection to be forwarded to the American Podiatry Association Political Action Committee.

As you know, for years, the P-PAC contributions to our FPA P-PAC Committee was billed as such at the same time as dues notices were sent for each new fiscal year. It was understood that the \$50 would be a voluntary contribution. However, during a recent IRS audit, it was suggested that we more specifically spell out this when our dues notices were mailed.

During the last year, over eighty of our doctors chose not to remit this \$50 contribution and a lot of them probably figured, as did Dr. Blass, that it was a collection for APA P-PAC. Again, this is NOT the case! Your \$50 P-PAC contribution is very important to the progress that we have made in our governmental and legislative programs, within the State of Florida.

During the last nine years, we have passed over forty pieces of legislation which has directly affected podiatry and your pocket-books. Many new innovations have been made possible in the health care field through the money which has been utilized with our legislative delegation and WE MUST continue our efforts in such important areas as total implementation of the new hospital privileges law, medicaid inclusion and considerations relevant to certification of electronic technologists, the curtailment of unlicensed practitioners and many other important issues which are depriving podiatrists each year of enhancement within our profession.

So, please keep in mind that the \$50 P-PAC contribution for those of you who have chosen not to pay is a contribution to our State P-PAC - not National P-PAC. Your contribution is vitally needed to continue our programs and to continue to advance the profession of podiatry within our State. In light of this explanation, we sincerely hope that you will understand more clearly that your money is, without a doubt, being utilized in a just and proper way. If you are one who has not paid, may we encourage you to do so today. It will be most appreciated.

Frederick I. Pearl, D.P.M.
President

1780 Mercy Drive
Mercy Medical Center
Orlando, Florida 32808

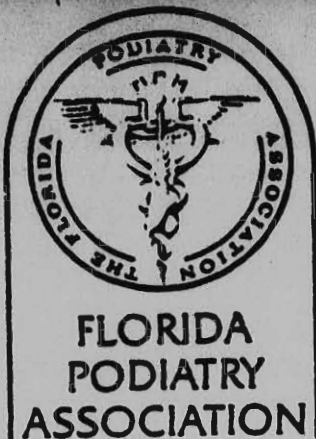
Bruce N. Kramer, D.P.M.
President Elect
603 Fulton Road, #G-57
Tallahassee, Florida 32312

Lonel Goldstein, D.P.M.
First Vice President
801 West 49th Street
Hialeah, Florida 33012

Murray B. Goldstein, D.P.M.
Second Vice President
150 South Federal Highway
Royal Palm Professional Building
Boca Raton, Florida 33432

Arnold V. Signer, D.P.M.
Secretary
6151 Miramar Parkway
Miramar, Florida 33023

Warren L. Simmonds, D.P.M.
Past President
7331 Collins Avenue
Miami Beach, Florida 33141



BC#5752
NOV 3 11:22

MEMORANDUM

TO: All FPA Members
FROM: Warren L. Simmonds, D.P.M., President
SUBJECT: Dues Payments, 1981-82
DATE: December 15, 1980

NOV 3 12:4

As you are aware, the FPA's dues structure for the coming year was presented, passed and ratified during the last Meeting of the General Membership at the June Convention. Inflationary trends, expanded programs, and general economic dictates mandated it that we increase the dues substantially in order to exist and to maintain our current programs.

With this in mind, however, your Executive Board has taken measures to allow each doctor the privilege of paying his dues in quarterly installments if he prefers. Additionally, there has been a provision installed that will allow each doctor to pay his entire dues in the first payment and receive a rebate of 5% of his FPA dues only, should he pay the entire amount by no later than JANUARY 15, 1981. In each membership category, it will amount to 5% as stated. We do caution you, however, to send the TOTAL AMOUNT of your dues without deducting that amount for rebate. Upon receipt and deposit, a rebate check in the appropriate amount will be mailed back to you. This will simplify the accounting procedures necessary for efficiency.

The enclosed form for your dues is enclosed. You will note that there are four colored forms on each statement. Each color is for a separate quarterly payment. Should you decide to pay the entire amount of the dues, which includes a \$50 voluntary P-PAC contribution, then simply attach your check to ALL FOUR FORMS and return to the Executive Offices. Should you choose to pay in installments, then each installment should be returned with the respective colored notice as indicated thereon. Listed below are the dates that your quarterly payments are due along with the delinquent dates. Should your quarterly payment not be received by the delinquent date, you will receive a certified letter which will allow you thirty additional days in which to pay that installment, or, otherwise, you will be dropped immediately from the Association's membership rolls.

<u>PAYMENT CHOICE</u>	<u>DUE DATE</u>	<u>DELINQUENT DATE</u>	<u>DATE DROPPED</u>	<u>FORM COLOR</u>
Full Amount	Immediately	February 1	February 28	All
1st Installment	January 1	January 31	February 28	White
2nd Installment	April 1	May 1	May 31	Blue
3rd Installment	July 1	August 1	August 31	Green
4th Installment	October 1	November 1	November 30	Pink

Since we have different types of membership and in order to give you an idea as to how much is due according to the payment plan you prefer, we are indicating that below. Please keep in mind that the amounts are calculated with a voluntary P-PAC contribution of \$50 included in the first payment, except for the residents category.

<u>CATEGORY</u>	<u>PMT IN FULL</u>	<u>1st INSTALL.</u>	<u>2nd INSTALL.</u>	<u>3rd INSTALL.</u>	<u>4th INSTALL.</u>
Active	\$825.00	\$250.00	\$200.00	\$200.00	\$175.00
1st yr. asso.	470.00	167.50	117.50	117.50	67.50
2nd yr. asso.	577.00	194.25	144.25	144.25	94.25
3rd yr. asso.	696.00	224.00	174.00	174.00	124.00
Senior	612.00	203.00	153.00	153.00	103.00
Resident	337.00	84.25	84.25	84.25	84.25

If you will follow the procedures outlined herein, you should have no problem determining what amount you should pay, when you should pay it, and with which form you submit payment with. However, since this is a new procedure to allow each and everyone within each category a privilege of paying his dues, either all at once or on a quarterly basis, we would hope that you will bear with us. Should you have any questions of clarification, don't hesitate to call Ms. Weldon in the Executive Offices in Tallahassee, 904/222-4455. We hope that, though the procedure is complex, that it will allow you to choose whatever payment schedule that will fit your economic means. Keep in mind that all dues payments which are paid in full by January 15 will enable you to a 5% rebate on the FPA dues only.

It is also very important for you to understand that no additional notices or invoices will be mailed except for delinquent certified letters advising you of any delinquent dues. YOU SHOULD KEEP THIS TABLE HANDY IN TIME TO SUBMIT YOUR PROPER PAYMENTS AS LISTED HEREON!

We hope that this will meet with your approval and that together, we can continue to work in the best interests of our profession.

Thank you.



**FLORIDA
PODIATRY
ASSOCIATION**

1690 Raymond Diehl Road
Plaza 10, Suite B-1
Tallahassee, Florida 32308
Phone (904) 386-7939

William D. Owens
Executive Director

Frederick I. Pearl, D.P.M.

President
1780 Mercy Drive
Mercy Medical Center
Orlando, Florida 32806

Bruce N. Kramer, D.P.M.

President Elect
603 Fulton Road, #G-57
Tallahassee, Florida 32312

Lionel Goldstein, D.P.M.

First Vice President
801 West 49th Street
Hialeah, Florida 33012

Murray B. Goldstein, D.P.M.

Second Vice President
150 South Federal Highway
Royal Palm Professional Building
Boca Raton, Florida 33432

Arnold V. Signer, D.P.M.

Secretary
6151 Miramar Parkway
Miramar, Florida 33023

Warren L. Simmonds, D.P.M.

Past President
7331 Collins Avenue
Miami Beach, Florida 33141

November 4, 1981

Mr. Andrew Moriber
Dubbin, Schiff, Berkman & Dubbin
1000 Rivergate Plaza
444 Brickell Avenue
Miami, Florida 33131

Dear Mr. Moriber:

With reference to your inquiry concerning whether the discount or rebate referred to in your memorandum of December 15, 1980 was given to those who paid FPA and APA dues but not the voluntary P-PAC contribution.

Please be advised that in the event a person chose not to make the voluntary P-PAC contribution but paid their other dues in full with one payment, they did receive the discount or rebate.

Very truly yours,

FLORIDA PODIATRY ASSOCIATION, INC.

Bill
William D. Owens
Executive Director

WDO/lw

Rec'd 11/6/81
GC# 5781

02:72 2100

RECEIVED
FROM THE DESK OF

ANDREW H. MORIBER

November 9, 1981

Dear Ms. Cauman,

As per our conversation, enclosed
is the letter of 11-4-81.

Andy Moriber

82040312325



FLORIDA PODIATRY ASSOCIATION

1690 Raymond Diehl Road
Plaza 10, Suite B-1
Tallahassee, Florida 32308
Phone (904) 386-7939

William D. Owens
Executive Director

November 4, 1981

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Dubbin, Schiff, Berkman & Dubbin
1000 Rivergate Plaza
444 Brickell Avenue
Miami, Florida 33131

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Very truly yours,

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Bece
William D. Owens
Executive Director

WDO/lw

Frederick I. Pearl, D.P.M.
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1780 Mercy Drive
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Secretary
6151 Miramar Parkway
Miramar, Florida 33023

Warren L. Simmonds, D.P.M.
Past President
7331 Collins Avenue
Miami Beach, Florida 33141

Rec'd 11/6/81
GCH 5781

02:70

8201031237

LAW OFFICES

DUBBIN, SCHIFF, BERKMAN & DUBBIN

1000 RIVERGATE PLAZA

444 BRICKELL AVENUE

MIAMI, FLORIDA 33131



BENEVOLENT
ON EASTERN

The Federal Election Commission
Washington, D.C. 20463

ATTN: Anne Cauman, Esquire

FROM THE DESK OF

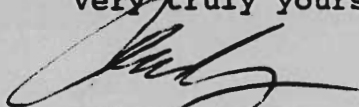
ANDREW H. MORIBER

10/30/81

Dear Ms. Cauman,

As per of conversation, enclosed
is a copy of the memo regarding
Dues Payments, 1981-82.

Very truly yours,



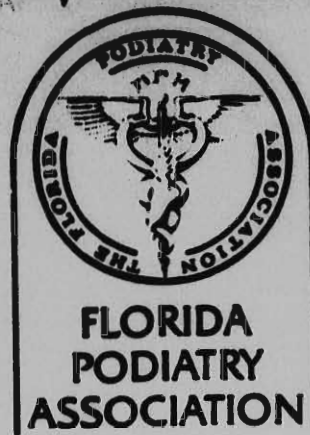
Andy Moriber

82040312329

RECEIVED

CC#5752

81 NOV 3 P1:22



MEMORANDUM

TO: All FPA Members
 FROM: Warren L. Simmonds, D.P.M., President
 SUBJECT: Dues Payments, 1981-82
 DATE: December 15, 1980

81 NOV 3 P2:4

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OVER

8304132329

<u>CATEGORY</u>	<u>PMT IN FULL</u>	<u>1st INSTALL.</u>	<u>2nd INSTALL.</u>	<u>3rd INSTALL.</u>	<u>4th INSTALL.</u>
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We hope that this will meet with your approval and that together, we can continue to work in the best interests of our profession.

Thank you.

32049312330

LAW OFFICES

DUBBIN, SCHIFF, BERKMAN & DUBBIN

1000 RIVERGATE PLAZA

444 BRICKELL AVENUE

MIAMI, FLORIDA 33131



The Federal Election Commission
Washington, D.C. 20463

ATTENTION: Anne Cauman, Esquire

82010333

11:00
OCT 31 1981

RECEIVED
OFFICE OF
GENERAL COUNSEL
LAW OFFICES

101982-6005704

81 OCT 26 P2:12

DUBBIN, SCHIFF, BERKMAN & DUBBIN

31 OCT 26 3:59
1400 BRICKELL AVENUE
MIAMI, FLORIDA 33131

1000 RIVERGATE PLAZA

TELEPHONE (305) 373-3606

October 19, 1981

The Federal Election Commission
Washington, D.C. 20463

ATTN: Anne Cauman, Esquire

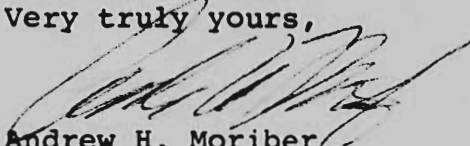
Re: MUR 1306

Dear Ms. Cauman:

Enclosed herewith please find a copy of the Treasurer's Report to the Secretary of State for the Florida Podiatry Political Action Committee for the period covering June 26, 1980 through June 11, 1981.

I believe I have now sent you all the documents which I indicated I would forward to you. If there are any further requests, please contact me. I hope that with the information I have furnished to date that we can reach an amicable resolution of the matter, particularly in light of the relatively minor nature of my client's federal election activity in the past.

Very truly yours,


Andrew H. Moriber

AHM/cjs

Enclosure

82010312332

TREASURER'S REPORT TO THE SECRETARY OF STATE

Report of Contributions and Expenditures

For A

Committee of Continuous Existence

(Section 106.04(4), Florida Statutes)

Rec'd 10/1/81

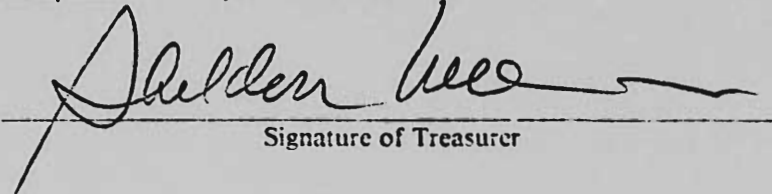
1. Full Name of Committee Florida Podiatry Political Action Comm.	2. Mailing Address 3829 Hollywood Blvd.	Telephone 962-5801
3. City Hollywood	4. County Broward	5. State Fl.
6. Zip Code 33021		

Tallahassee Address: Suite 590, Barnett Bank Building, Tallahassee, Florida 32301
Attention: Mr. William Owens

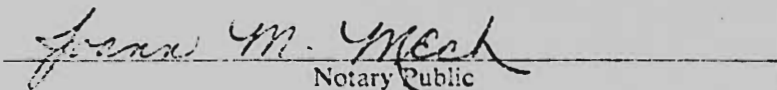
VERIFICATION BY OATH OR AFFIRMATION

State of Florida County Broward

I, SHERDON WILLIAMS, being duly sworn, depose (affirm) and say that
(Please Print or Type)
this report containing 5 pages of receipts (contributions) and 1 pages of
expenditures, upon each which I have written my initials, covering the period of 6-26-80
through 6-11-81 is complete, true and correct.


Signature of Treasurer

Subscribed and sworn to (affirm) before me this 30th
day of June, A.D., 1981.


Notary Public

(seal)

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES MAY 14 1985
BONDED THROUGH GENERAL INS. UNDERWRITERS

My commission expires _____ 19____

82040312333

TREASURER'S REPORT TO THE SECRETARY OF STATE

For A

Committee of Continuous Existence

CONTRIBUTIONS

Report covering the period 1/1/81 through 6/20/81

Page _____ of _____ Pages

1. Full Name of Committee

Florida Podiatry Political Action Comm

2. Mailing Address

3829 Hollywood Blvd.,

3. City

Hollywood

4. County

Broward

5. State

Florida

6. Zip Code

33021

7 CONTRIBUTIONS RECEIVED

Date	Full name, residence address or business address, mailing address, if different from residence or business address, occupation. (However, if the contribution is less than \$100 the occupation need not be listed.)	Amount
	SEE ATTACHED FIVE (5) PAGE LIST. 225 contributions @ \$50.00 each	\$11,250.00

8 TRANSFER OF FUNDS RECEIVED

Date	Name and address of political committee or committee of continuous existence from which transfer of funds was received.	Amount
	NONE	

9 OTHER RECEIPT OF FUNDS

Date	List source of funds.	Amount
	NONE	

Treasurer's Initials _____

TREASURER'S REPORT TO THE SECRETARY OF STATE

For A
Committee of Continuous Existence
EXPENDITURES

Report covering the period 6/26/80 through 6/11/81

Page _____ of _____ Pages

1. Full Name of Committee

Florida Podiatry Political Action Comm.

2. Mailing Address

3829 Hollywood Blvd.

3. City

Hollywood

4. County

Broward

5. State

Florida

6. Zip Code

33021

7. TRANSFER OF FUNDS TO COMMITTEES

Date	Name and address of political committee or committee of continuous existence to which transfer of funds was made.	Amount
5/26/81	Florida Democratic Party	\$400.00
6/4/81	Florida Republican Party	100.00

8. CONTRIBUTIONS MADE TO CANDIDATES DURING REPORTING PERIOD

Date	Name, address and office sought.	Amount
	SEE ATTACHED LIST	

9. OTHER

Date	Name, address and purpose	Amount
	SEE ATTACHED LIST	

Treasurer's Initials

82040312335



Florida Podiatry Political Action Committee

EXPENDITURES

8. CONTRIBUTIONS MADE TO CANDIDATES FOR FLORIDA LEGISLATURE DURING REPORTING PERIOD

6/25/80	Elaine Gordon	\$ 100.00	8/19/80	Carl Ogden	\$ 100.00
7/1/80	Bob Walters	50.00	8/19/80	Frank Willaims	100.00
7/1/80	Richard Crotty	100.00	8/19/80	Bob Brantley	100.00
7/10/80	Bob Crawford	200.00	8/19/80	Everett Kelley	100.00
7/11/80	Roberta Fox	100.00	8/19/80	Ron Richmond	100.00
7/11/80	Toni Jennings	100.00	8/19/80	Bruce Nants	100.00
7/23/80	John Lewis	100.00	8/19/80	Dick Batchelor	100.00
7/23/80	Terry O'Malley	100.00	8/19/80	Bon Melby	100.00
7/23/80	Fred Jones	74.60	8/19/80	Elvin Martinez	100.00
7/23/80	Fred Lippman	200.00	8/19/80	George Sheldon	100.00
7/23/80	David Lehman	100.00	8/19/80	Lawrence Shackelford	100.00
8/2/80	Linda Cox	100.00	8/19/80	Ray Liberti	100.00
8/11/80	Fred Burrall	100.00	8/19/80	Eleanor Weinstock	100.00
8/11/80	Dempsey Barron	500.00	8/19/80	Gene Campbell	100.00
8/11/80	Ron Silver	100.00	8/19/80	Virginia Rosen	100.00
8/19/80	Dan Scarborough	100.00	8/19/80	Joe Lang Kershaw	100.00
8/19/80	John Vogt	100.00	8/19/80	Tony Fontana	100.00
8/19/80	Jim Glisson	200.00	8/19/80	Larry Plummer	100.00
8/19/80	George Williamson	100.00	8/19/80	Bill Flynn	100.00
8/19/80	Gwen Margolis	100.00	8/19/80	Larry Hawkins	100.00
8/19/80	Sherrill Skinner	100.00	9/26/80	George Platt	100.00
8/19/80	James Ward	100.00	10/27/80	Tom Woodruff	100.00
8/19/80	Sam Mitchell	100.00			
	SUB TOTAL	\$2924.60		SUB TOTAL	\$2200.00

TOTAL CONTRIBUTIONS-\$5124.60





Florida Political Action Committee

EXPENDITURES

9. Other Expenses - 6/26/80 through 6/11/81

6/26/80	Dr. Willens expenses as per invoice, stamps, misc.	\$ 82.68
7/1/80	Brothers Three Restaurant	404.65
7/1/80	Pulse - Reimburse Legislative Reporting Service	75.00
8/1/80	Dr. Willens - Telephone	29.69
10/9/80	Reimburse Dr. Allan Katz - Manatee County	300.00
10/9/80	Reimburse Dr. Ellis Jacobs - Broward County	30.00
10/9/80	Reimburse Dr. Barry Block - Broward County	30.00
10/23/80	Broward County Fly In	500.00
1/16/81	Reimburse Dr. William Beaton - Pineallias County	50.00
2/19/81	Dr. Willens - Telephone - Aug. 5, 1980 - Feb. 25, 1981	104.34
2/19/81	Dr. Willens - Reimburse Travel & Expenses - Tallahassee	310.19
3/20/81	Pulse - Reimburse Legislative Reporting Service - March	75.00
4/13/81	Pulse - Reimburse Legislative Reporting Service - April	75.00
4/13/81	Quick Print	78.00
4/30/81	Brothers Three Restaurant - Legislative Appreciation Night	3,336.76
4/30/81	Brothers Three Restaurant - Dinner Meeting	628.27
5/8/81	Dr. Willens - Reimburse Travel & Expenses - April 14 & 15	296.67
5/8/81	Dr. Willens - Reimburse Travel & Expenses - March 12 & 13	290.67
5/8/81	Dr. Willens - Reimburse Travel & Expenses - April 29 & 30.	
	May 1 & 2	325.00
5/14/81	F.P.R.A. Roast Testimonial for Allen Morris	150.00
5/14/81	Brothers Three Restaurant - Entertainment	185.47
5/14/81	Pulse - Reimburse Legislative Reporting Service	75.00
5/15/81	B.C.P.A. - Reimburse Legislative Appreciation Night - 2/17/81	300.00
5/15/81	Dr. Willens - Telephone - Feb. 26, 1981 - May 13, 1981	119.24
5/26/81	Health Fair 1981 - Tallahassee	80.00
5/29/81	Dubbin, Schiff, Beekman & Dubbin - Legal Fee	695.00
5/26/81	F.P.A. Copies	5.17
6/4/81	Pulse - Legislative Reportin Service	75.00
6/5/81	Dr. Willens - Reimburse Travel & Expenses - May 19, 1981	255.00
6/5/81	Ramada Inn West - Expenses with Legislative Appreciation Night	1,310.46

TOTAL EXPENSES

\$10,764.76



Dr. James Aaron
1702 S. Blvd.
Newport Richey, FL 33552

Dr. Philip Adler
3716 University Blvd., S.
Jacksonville, FL 32216

Dr. Morton Altman
7400 N. Kendall Dr.
Miami, FL 33156

Dr. J.M. Applegate
225 - 2 Ave., N.
St. Petersburg, FL 33701

Dr. Karl E. Applegate
125 - 2nd Ave., N.
St. Petersburg, FL 33701

Dr. Alfred Arnold
927 S. Fla. Ave.
Lakeland, FL 33803

Dr. Irwin Ayes
6536 Central Ave.
St. Petersburg, FL 33707

Dr. William Beaton
800 5th Ave., S.
St. Petersburg, FL 33701

Dr. Seymour Beiser
7400 N. Kendall Dr.
Miami, FL 33156

Dr. Ira Bennett
1706 S. Blvd.
Newport Richey, FL 33552

Dr. Harold Bernstein
1441 Washington Ave.
Miami Bch, FL 33139

Dr. Arthur Binkowitz
2601 N. Flagler Dr.
W. Palm Bch, FL 33407

Dr. Barry C. Blass
1020 W. Hillsborough Ave.
Tampa, FL 33603

Dr. Barry Block
1011 S. Federal Highway
Hollywood, FL 33020

Dr. Irving Block
1 Lincoln Rd.
Miami Bch, FL 33139

Dr. Burton Bornstein
1020 Legion Place
Orlando, FL 32801

Dr. Tyler B. Brahm
418 Cleveland St.
Clearwater, FL 33515

Dr. Jeffrey Breslaw
858 N. Krome Ave.
Homestead, FL 33030

Dr. W.T. Bricker
1522 E. Robinson Ave.
Orlando, FL 32801

Dr. Thomas Broner
931 N. 3rd St.
Jacksonville Bch, FL 32250

Dr. Harry Brooks
P.O. Box 2552
Ft. Myers, FL 33902

Dr. John Brooksbank
1921 S. Osprey Ave.
Sarasota, FL 33579

Dr. Albert Brown
201 N. State Road 7
Margate, FL 33063

Dr. M.H. Buchbinder
302 SE 2nd St.
Delray Bch, FL 33444

Dr. Raymond Burton
1174 NW Cleveland St.
Clearwater, FL 33515

Dr. David Cantor
13878 N. Kendall Dr.
Miami, FL 33186

Dr. Samuel Cantor
3700 NW 167 St.
Coral Gables, FL 33054

Dr. Jerald Carmel
1602 A Washington Ave.
Miami Bch, FL 33139

Dr. Eugene Carr
275 8th St., S.
Naples, FL 33940

Dr. Richard Carroll
3830 5th Ave., N.
St. Petersburg, FL 33713

Dr. Robert Case
230-B Tamiami Trail, NW
Pt. Charlotte, FL 33952

Dr. Christopher Chiodo
625 SE 2nd Ave.
Boynton Bch, FL 33435

Dr. Avriel Cohen
4300 Sheridan St.
Hollywood, FL 33021

Dr. Harvey Cooper
885 NE 125th St.
N. Miami, FL 33161

Dr. C.W. Corbett
128 S. Pineapple Ave.
Sarasota, FL 33577

Dr. William Corbett
128 S. Pineapple Ave.
Sarasota, FL 33577

Dr. Nigel Cosand
Route 1, Box 407
Crystal River, FL 32629

Dr. Stuart Courtney
2524 E. Hallandale Bch Blvd
Hallandale, FL 33009

Dr. Robert Davidson
2100 E. Hallandale Bch Blvd
Hallandale, FL 33009

Dr. Lawrence DeBor
1123 N. Federal Hwy
Lake Worth, FL 33460

Dr. Martin Diamond
1808 N. University Dr.
Plantation, FL 33322

Dr. Heywood Dowling
2236 Park Street
Jacksonville, FL 32216

Dr. Barry Drossner
6855 Miramar Parkway
Miramar, FL 33023

Dr. Charles Duffey
850 N. Stone St.
Deland, FL 32720

Dr. Walter Earnest
5140 Curry Ford Rd.
Orlando, FL 32806

Dr. Ronald Eckerlein
4850 N. 9th Ave.
Pensacola, FL 32503

Dr. Robert Eder
1608 W. Plaza Dr.
Tallahassee, FL 32308

Dr. Barry Efron
2140 Kingsley Ave.
Orange Park, FL 32073

Dr. David Ehrlich
1661 Atlantic Blvd.
Pompano Bch, FL 33060

Dr. Richard Ellis
1019 E. Gondola Dr.
Venice, FL 33595

Dr. William Ellison
802 1st Nat'l Bank Bldg.
Tampa, FL 33602

Dr. Frank Evans
712 The Rialto
Venice, FL 33595

Dr. Louis Falletta
4414 W. Oakland Park Blvd.
Ft. Lauderdale, FL 33313

Dr. Thoams Fann
3011 Aloma Ave.
Winter Park, FL 32792

Dr. Lawrence Farber
223 E. Hallandale Blvd.
Hallandale, FL 33009

Dr. Herbert Feinberg
1780 Meridian Ave.
Miami Bch, FL 33139

Dr. Irwin Feinman
201 - 108th Ave.
Treasure Island, FL 33706

Dr. Matthew Fineman
525 E. Olympia Ave.
Punta Gorda, FL 33950

Dr. Jerald Fishbein
1040 71st St.
Miami Bch, FL 33141

Dr. Leonard Franklin
2330 NE 53rd St.
Ft. Lauderdale, FL 33308

Dr. Stanley Gabe
205 W. New Haven
Melbourne, FL 32901

Dr. Robert Garnet
6201 SW 70th St.
Miami, FL 33143

Dr. Earle Garrett
2190 Gulf Gate Dr.
Sarasota, FL 33581

Dr. Nathan Feinberg
208 Clematis St.
W. Palm Bch, FL 33401

Dr. Jules Gelb
208 Clematis St.
Hollywood, FL 33021

Dr. Edward Geller
7487 SW 82nd St.
Miami, FL 33143

Dr. Robert Giudice
118 SW 4th Ave.
Gainesville, FL 32601

Dr. Mertin Glick
4832 Okeechobee Blvd.
W. Palm Bch, FL 33401

Dr. Edward Goldberg
1460 Washington Ave.
Miami Bch, FL 33133

Dr. Robert Goldberg
1204-6 Washington Ave.
Miami Bch, FL 33139

Dr. Bernard Goldstein
9000 Fla. A-e.
Tampa, FL 33604

Dr. Lionel Goldstein
801 W. 49th St.
Hialeah, FL 33012

Dr. Murray Goldstein
150 S. Federal Hwy
Boca Raton, FL 33432

Dr. Barney Greenberg
3829 Hollywood Blvd.
Hollywood, FL 33021

Dr. Howard Greenberg
7331 - 9th St., N.
St. Petersburg, FL

8 2 0 4 0 3 1 2 3

Dr. Jay Grife
4754 Norwood Ave.
Jacksonville, FL 32206

Dr. Howard Groshell
2236 Park St.
Jacksonville, FL 32204

Dr. David Gross
5622 Central Ave.
St. Petersburg, FL 33707

Dr. Jerome Gross
5622 Central Ave.
St. Petersburg, FL 33707

Dr. Scott Hale
321 Lincoln Ave.
Clearwater, FL 33515

Dr. Robert Hall
1500 E. Broward Blvd.
Ft. Lauderdale, FL 33301

Dr. Martin Harris
5678 Okeechobee Blvd.
W. Palm Bch, FL 33409

Dr. Arthur Haspel
1117 E. Hallandale Bch Blvd.
Hallandale, FL 33009

Dr. Gary Heimowitz
4959 N. State Road 7
Tamarac, FL 33313

Dr. Mark Hinkes
11880 SW 40 St.
Miami, FL 33175

Dr. Richard Hodes
9530 NW 32 Ct.
Sunrise, FL 33321

Dr. Steven Holberg
4663 S. University Dr.
David, FL 33328

Dr. Fred Holman
1114 Israel Discount
Miami, FL 33132

Dr. Martin Horn
1990 NE 163rd St.
N. Miami Bch, FL 33162

Dr. Earl Horowitz
P.O. Box 2618
Jacksonville, FL 32203

Dr. Sam Horowitz
7000 W. 12th Ave.
Hialeah, FL 33014

Dr. Paul Houle
512 W. Oakland Park Blvd.
Ft. Lauderdale, FL 33311

Dr. Howard Imanuel
3900 S. Broadway
Ft. Myers, FL 33901

Dr. Maurice Isenberg
525 E. Olympia Ave.
Punta Gorda, FL 33950

Dr. Ellis Jacobs
1011 Federal Hwy
Hollywood, FL 33020

Dr. Jerome Jacobs
1688 Meridian Ave.
Miami Bch, FL 33139

Dr. Monroe Jacobs
505 S. Federal Hwy
Deerfield Bch, FL 33441

Dr. Richard Jason
1808 University Blvd.
Jacksonville, FL 32216

Dr. Meyer Kaplan
220 Miracle Mile
Coral Gables, FL 33134

Dr. Martin Karns
333 Arthur Godfrey Road
Miami Bch, FL 33140

Dr. Keith Kashuk
6201 SW 70 St.
Miami, FL 33143

Dr. Alan Katz
1800 Cortez Road, W.
Bradenton, FL 33507

Dr. Joel Katz
4001 Newberry Road
Gainesville, FL 32607

Dr. Michael Katz
231 Nokomis Ave.,
Venice, FL 33595

Dr. Nicholas Kayal
2800 E. Commercial Blvd.
Ft. Lauderdale, FL 33308

Dr. Larry Kipp
211 Bullard Pkwy
Temple Terrace, FL 33617

Dr. Ronald Kolbert
6701 SW 20th St.
Plantation, FL 33317

Dr. Harvey Kopelman
4423 Central Ave.
St. Petersburg, FL 33713

Dr. Arthur Korbel
1950 S. Ocean Dr.
Hallandale, FL 33009

Dr. Bruce Kramer
2529 Okeechobee Blvd.
W. Palm Bch, FL 33401

Dr. Robert Kramer
225 Scotsdale Sq.
Winter Pk, FL 32792

Dr. Robert Krauklis
2909 N. Orange Ave.
Orlando, FL 32804

Dr. Steven Kringold
13878 N. Kendall Dr.
Miami, FL 33186

Dr. Ronald Krusch
112 Pablo St.
Lakeland, FL 33803

Dr. Barry Kwasman
649 US Hwy 1
N. Palm Bch, FL 33408

Dr. Edward Labelle
800 5th Ave., S.
St. Petersburg, FL 33701

Dr. Saul Ladd
1800 Cortez Road
W. Bradenton, FL 33507

Dr. Elliott Lampert
7040 SW 62nd Ave.
S. Miami, FL 33143

Dr. Irving Lazar
423 N. Federal Hwy
Hollywood, FL 33020

Dr. Melvin Lazowick
4620 W. Commercial Blvd.
Tamarac, FL 33319

Dr. Robert Lee
10700 Caribbean Blvd.
Miami, FL 33157

Dr. Stuart Leeds
8955 SW 87th Ct.
Miami, FL 33176

Dr. Richard Leighton
2620 Manatee Ave.
Bradenton, FL 33505

Dr. Howard Leslie
1178 Cypress Lake Dr.
Ft. Myers, FL 33901

Dr. Frank Levy
3900 S. Broadway
Ft. Myers, FL 33901

Dr. James Lindsey
4852 NW 7th Ave.
Miami, FL 33127

Dr. Irwin Linker
1321 S. Powerline Rd.
Pompano Bch, FL 33060

Dr. Donald Lipp
1350 NE 163rd St.
N. Miami Bch, FL 33162

Dr. Jeffrey Liss
211 SE 12th Ave.
Ft. Lauderdale, FL 33301

Dr. James Long
210 Patricia Lane
Dunedin, FL 33528

Dr. Louis Lubet
2210 S. MacDill Ave.
Tampa, FL 33609

Dr. Peter Luckower
17971 Biscayne Blvd.
N. Miami Bch, FL 33160

Dr. Michael Lupashunski
1002 N. Parsons
Brandon, FL 33511

Dr. Owen Macken
4801 Hollywood Blvd.
Hollywood, FL 33021

Dr. David Mafдали
4086 St.
Bradenton, FL 33505

Dr. Stephen Malin
5975 W. Sunrise Blvd.
Sunrise, FL 33313

Dr. Richard Mann
275 NE 2nd Ave.
Delray Bch, FL 33444

Dr. Stuart Marcus
2701 Park Dr.
Clearwater, FL 33515

Dr. Ronald Marino
7000 N. Dale Mabry
Tampa, FL 33614

Dr. Peter Mason
2499 E. Bay Dr.
Largo, FL 33540

Dr. Henry Merritt
4248 NW 12th St.
Ft. Lauderdale, FL 33313

Dr. Charles Michael
P.O. Box 86
Venice, FL 33595

Dr. Ronald Michota
5760 10 Ave.
St. Petersburg, FL 33710

Dr. Paul Miller
4702 Martinique Dr.
Coconut Creek, FL 33066

Dr. Jack Morris
4330 W. Broward Blvd.
Ft. Lauderdale, FL 33314

Dr. Stephen Moss
6499 38th Ave
St. Petersburg, FL 33710

Dr. Stephen Mourat
2210 S. MacDill Ave.
Tampa, FL 33609

Dr. Briant Moyles
211 E. New Haven Ave.
Melbourne, FL 32901

Dr. John McCaffrey
2737 E. Oakland Park Blvd.
Ft. Lauderdale, FL 33306

Dr. William McCormack
3003 Cardinal Dr.
Vero Bch, FL 32960

Dr. Michael McDonough
192 Vining Court
Ormond Bch, FL 32074

Dr. Lawrence Newmann
22 SE 6th St.
Boca Raton, FL 33432

Dr. Thomas Norris
390 Maitland Ave.
Altamonte Spgs, FL 32701

Dr. Marc Novell
78 N. University Dr.
Pembroke Pines, FL 33024

Dr. Marvin Odro
112 Pablo St.
Lakeland, FL 33803

Dr. Steven Ostendorf
1469 Colonial Dr.
Ft. Myers, FL 33902

Dr. Norman Page
3015 Bayview Dr.
Ft. Lauderdale, FL 33306

Dr. William Patterson
2035 S. Hibiscus Dr.
N. Miami, FL 33181

Dr. Fred Pearl
1780 Mercy Dr.
Orlando, FL 32801

Dr. Simon Pels
5760 10 Ave.
N. St. Petersburg, FL 33710

Dr. Gerson Perry
320 US Hwy 1
Lake Park, FL 33403

Dr. Paul Peters
1960 NE 47 St.
Ft. Lauderdale, FL 33508

Dr. Stephen Petrofsky
436 N. Tamiami Dr., NE
Port Charlotte, FL 33952

Dr. Arnold Pinsker
3902 Cleveland Ave.
Ft. Myers, FL 33901

Dr. Ivan Prager
7331 Collins Ave.
Miami Bch, FL 3141

Dr. Charles Price
101 N. State Road 7
Margate, FL 33063

Dr. Kenneth Rappaport
4249 W. John F. Kennedy Blvd.
Tampa, FL 33609

Dr. Harold Reinhartz
1851 Aloma Ave.
Winter Park, FL 32789

Dr. Nathan Rickoff
2110 N. Palafox St.
Pensacola, FL 32501

Dr. Scott Rickoff
2110 Palafox St.
Pensacola, FL 32501

Dr. Gary Robbins
2430 Roxbury Road
Winter Park, FL 32789

Dr. Lee Rosenthal
8025 Biscayne Blvd.
Miami, FL 33138

Dr. Allan Rothschild
660 Main
Dunedin, FL 33528

Dr. Myron Rubin
827 NE 20th Ave.
Ft. Lauderdale, FL 33304

Dr. Michael Rush
3829 Hollywood Blvd.
Hollywood, FL 33021

Dr. Barrett Sachs
1808 N. University Dr
Plantation, FL 33322

Dr. Harvey Saff
1661 Atlantaic Blvd.
Pompano Bch, FL 33060

Dr. Marc Sakoff
2352 Ponce DeLeon Blvd.
Coral Gables, FL 33134

Dr. Ronald Samson
7926 W. Hillsborough Ave.
Tampa, FL 33615

Dr. Edward Samuel
4014 Chase Ave.
Miami Bch, FL 33140

Dr. Henry Sapenoff
4678 Okeechobee Blvd.
W. Palm Bch, FL 33401

Dr. Irwin Sapenoff
4678 Okeechobee Blvd.
W. Palm Bch, FL 33401

Dr. Donald Schwartz
1990 NE 163rd St.
N. Miami Bch, FL 33120

Dr. Allen Schwartzenfeld
1990 NE 163rd St.
N. Miami Bch, FL 33120

Dr. Larry Seaman
1990 N. University Dr.
Pembroke Pines, FL 33024

Dr. Craig Semer
223 E. Hallandale Bch Blvd.
Hallandale, FL 33009

Dr. Martin Shank
23041 State Road 7
Boca Raton, FL 33432

Dr. Phillip Shapiro
500 Ridgewood Ave.
Port Orange, FL 32018

Dr. Stanley Shapiro
631 N. Ridgewood Ave
Daytona Bch, FL 32014

Dr. Steven Sherman
1114 Normandy Dr.
Miami Bch, FL 33141

Dr. Robert Shermeta
12661 Seminole Blvd.
Largo, FL 33540

Dr. Aaron Shevlin
9507 S. US 1
Port St. Lucie, FL 33452

Dr. Saul Siegelson
1500 Bay Road
Miami Bch, FL 33139

Dr. Arnold Signer
6151 Miramar Parkway
Miramar, FL 33023

Dr. Warren Simmonds
7331 Collins Ave.
Miami Bch, FL 33141

Dr. Bernard Simmons
3801 Bee Ridge Road
Sarasota, FL 33585

Dr. David Skliar
1184 Mary Jane Lane
Dunedin, FL 33528

Dr. Robert Snyder
143 N. Congress Ave.
Boynton Bch, FL 33435

Dr. James Stelnicki
1108 S. Highland Ave.
Clearwater, FL 33516

Dr. Thomas Stelnicki
3950 US Highway 19, S.
Weekie Wachee, FL 33512

Dr. David Stone
4801 Hollywood Blvd.
Hollywood, FL 33021

Dr. Richard Strauss
223 E. Hallandale Blvd.
Hallandale, FL 33009

Dr. Frederic Streiker
11050 Cape Coral Parkway
Cape Coral, FL 33904

Dr. Robert Taner
745 Palm Ave.
Hialeah, FL 33010

Dr. Benjamin Tanner
1370 Washington Ave.
Miami Bch, FL 33139

Dr. Henry Thistle
638 Brevard Ave.
Cocoa, FL 32922

Dr. Ralph Thompson
260 95th St.
Miami Bch, FL 33154

Dr. Anthony Tocco
420 N. Halifax Ave.
Daytona Bch, FL 32018

Dr. Elba Trice
US 1, S.
St. Augustine, FL 32084

Dr. Robert Valins
18843 Highway 41
Lutz, FL 33549

Dr. Sheldon Wagner
112 S. Federal Hwy
Boynton Bch, FL 33435

Dr. Gerald Walker
848 1st Ave., N.
Naples, FL 33940

Dr. Robert Wayne
4640 S. Orange Blossom Trail
Orlando, FL 32809

Dr. Sidney Weinberg
1 NE 23 Ave.
Pompano Bch, FL 33062

Dr. West Weiner
34812 Creechobee Blvd.
W. Palm Bch, FL 33401

Dr. Allen Weinstein
927 S. Fla. Ave.
Lakeland, FL 33803

Dr. Sherwood Weisman
1780 Mercy Dr.
Orlando, FL 32808

Dr. Eugene Weiss
420 Lincoln Road
Miami Bch, FL 33139

Dr. Richard Weissman
2441 SW 22 St.
Miami, FL 33145

Dr. Sheldon Willens
3829 Hollywood Blvd.
Hollywood, FL 33020

Dr. Lee Winthrop
4460 Sheridan St.
Hollywood, FL 33021

Dr. Erwin Wunderlich
3904 9th Ave.
Bradenton, FL 33505

Dr. Ramon Ybanez
1801 16th St., N.
St. Petersburg, FL 33704

Dr. Elliott Zacker
990 S. Congress Ave.
Delray Bch, FL 33445

Dr. Howard Zucker
12788 Indian Rocks Road
Largo, FL 33540

225 @ \$50 ea = \$11,250

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AHM

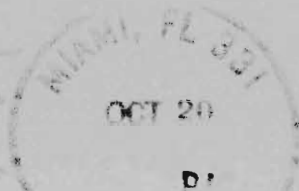
LAW OFFICES

~~DUBBIN, SCHIFF, BERKMAN & DUBBIN~~

1000 RIVERGATE PLAZA

444 BRICKELL AVENUE

MIAMI, FLORIDA 33131



The ~~Federal~~ Election Commission
Washington, D.C. 20463

ATTN: Anne Cauman, Esquire

LAW OFFICES
DUBBIN, SCHIFF, BERKMAN & DUBBIN
444 BRICKELL AVENUE
MIAMI, FLORIDA 33131

1000 RIVERGATE PLAZA

TELEPHONE (305) 373-3606

October 6, 1981

The Federal Election Commission
Washington, D.C. 20463

ATTN: Anne Cauman, Esquire

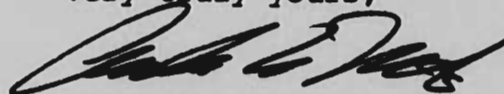
Dear Ms. Cauman:

As requested by the Commission's letter of September 8, 1981, we are enclosing herewith the following:

- (1) photocopy of typical membership invoice issued 12/15/80,
- (2) copy of memorandum to former P-PAC contributors (Podiatry Political Action Committee) dated April 9, 1981,
- (3) memorandum to FPA General Membership dated September 16, 1981.

I have not yet received the financial reports from the PAC. As soon as I receive same, I will forward to you.

Very truly yours,



Andrew H. Moriber

AHM/cjs

Enclosures

RECEIVED
CCH# 5592

81 OCT 8 P12:19

OCT 8 P3:04

820010312345



William D. Owens
Executive Director

0 1 2 3 4 5

7331 Collins Avenue
Miami Beach, Florida 33141

Frederick I. Pearl, D.P.M.
President Elect
1780 Mercy Drive
Mercy Medical Center
Orlando, Florida 32808

Bruce N. Kramer, D.P.M.
First Vice President
2529 Okeechobee Boulevard
West Palm Beach, Florida 33409

Lionel Goldstein, D.P.M.
Second Vice President
801 West 49th Street
Hialeah, Florida 33012

Murray B. Goldstein, D.P.M.
Secretary
150 South Federal Highway
Royal Palm Professional Building
Boca Raton, Florida 33432

Robert H. Eder, D.P.M.
Past President
1608 West Plaza Drive
Tallahassee, Florida 32308

MEMORANDUM

81 OCT 8 PM 12:19

TO: Former P-PAC Contributors
FROM: William D. Owens, Executive Director
SUBJECT: 1981 P-PAC Contributions
DATE: April 9, 1981

Perhaps there was some misunderstanding in our recent explanatory letter mailed with dues statements for the year. However, our records indicate that your usual voluntary P-PAC contribution was not included, as in past years.

As you are aware, these extra funds are lifeblood to our legislative program. For the past eight years, we have passed a total of 41 bills in the Legislature, which could not have been accomplished except through everyone's support.

Our Annual Legislative Appreciation Night in Tallahassee each year produces over 400 legislators, committee personnel, staff directors, aides and staff, and has grown to be one of the best attended events during each Session. Our success with the passage of many bills could not have been achieved except through the rapport we have gained through the years with our legislators.

Several pieces of that legislation have been milestones. A mandatory insurance inclusion bill requires all health-insurance carriers to provide for podiatry services. A felony bill played a part in tightening the law for those convicted of practicing podiatry without a license. One piece of legislation increased the Board of Podiatry Examiners from 3 to 5, and subsequently 7 members. Ten or twelve bills addressed themselves to cleaning up our Practice Act, not to mention the actual re-writing of the Act during Sunset Review.

Hospital privileges for podiatrists ended discrimination by hospitals, and even though full implementation has not yet been fulfilled, we are seeing great strides in this direction.

Your contribution of \$50 is needed to continue our legislative efforts if we are to remain a force in the health-care field. Without it, we simply cannot compete with the big monies being expended by medicine, osteopathy, optometry, chiropractics, nursing and the others. For our dollar, we are already getting more, but with the cost of government increasing, inflation, and new legislators to be cultivated, we must keep our progress upward.

This year, we are introducing bills that will legally authorize the utilization and prescription of DMSO and include podiatry in the Florida Medicaid Act. These are two very important issues and it's going to take a yeoman's effort to pass them.

We urge you to consider your decision of support and help fund our P-PAC efforts. Where would we be as a profession without it? Your participation will be most graciously appreciated.

WDO/1w

cc: Executive Board



FLORIDA PODIATRY ASSOCIATION

1690 Raymond Diehl Road
Plaza 10, Suite B-1
Tallahassee, Florida 32308
Phone (904) 386-7939

William D. Owens
Executive Director

MEMORANDUM

TO: FPA General Membership
FROM: Fred I. Pearl, D.P.M., President
SUBJECT: \$50 P-PAC Contribution
DATE: September 16, 1981

At our recent Meeting of the Executive Board, the subject of contributions to Florida P-PAC was discussed.

Dr. Barry Blass of Tampa, serving as our Membership Chairman, has discovered that many of our Florida doctors are not aware that this \$50 voluntary contribution is solely for the use of the Florida Podiatry Political Action Committee and is not an automatic collection to be forwarded to the American Podiatry Association Political Action Committee.

As you know, for years, the P-PAC contributions to our FPA P-PAC Committee was billed as such at the same time as dues notices were sent for each new fiscal year. It was understood that the \$50 would be a voluntary contribution. However, during a recent IRS audit, it was suggested that we more specifically spell out this when our dues notices were mailed.

During the last year, over eighty of our doctors chose not to remit this \$50 contribution and a lot of them probably figured, as did Dr. Blass, that it was a collection for APA P-PAC. Again, this is NOT the case! Your \$50 P-PAC contribution is very important to the progress that we have made in our governmental and legislative programs, within the State of Florida.

During the last nine years, we have passed over forty pieces of legislation which has directly affected podiatry and your pocket-books. Many new innovations have been made possible in the health care field through the money which has been utilized with our legislative delegation and WE MUST continue our efforts in such important areas as total implementation of the new hospital privileges law, medicaid inclusion and considerations relevant to certification of electronic technologists, the curtailment of unlicensed practitioners and many other important issues which are depriving podiatrists each year of enhancement within our profession.

So, please keep in mind that the \$50 P-PAC contribution for those of you who have chosen not to pay is a contribution to our State P-PAC - not National P-PAC. Your contribution is vitally needed to continue our programs and to continue to advance the profession of podiatry within our State. In light of this explanation, we sincerely hope that you will understand more clearly that your money is, without a doubt, being utilized in a just and proper way. If you are one who has not paid, may we encourage you to do so today. It will be most appreciated.

Frederick I. Pearl, D.P.M.
President

1780 Mercy Drive
Mercy Medical Center
Orlando, Florida 32808

Bruce N. Kramer, D.P.M.
President Elect
603 Fulton Road, #G-57
Tallahassee, Florida 32312

Lionel Goldstein, D.P.M.
First Vice President
801 West 49th Street
Hialeah, Florida 33012

Murray B. Goldstein, D.P.M.
Second Vice President
150 South Federal Highway
Royal Palm Professional Building
Boca Raton, Florida 33432

Arnold V. Signer, D.P.M.
Secretary
6151 Miramar Parkway
Miramar, Florida 33023

Warren L. Simmonds, D.P.M.
Past President
7331 Collins Avenue
Miami Beach, Florida 33141

0312313

AMERICAN PODIATRY ASSOCIATION
20 CITY CHASE CIRCLE, N.W. WASHINGTON, D.C. 20015

NOTE: IF YOU ALREADY HAVE REMITTED
YOUR PAYMENT, PLEASE IGNORE
THIS INVOICE.

Member-No.
Billing Date
1-15-80

MEMBERSHIP INVOICE

Second Year Membership		\$117.50
National Assn. Dues		\$100.00
State Assn. Dues		\$17.50
Balance Due		\$117.50
Voluntary P-PAC Contribution		50.00
		\$167.50

#113
#1034

Please enter address correction
on reverse side

For Office Use Only

Member-No.

Billing Date

AMOUNT
ENCLOSED \$

PLEASE MAKE CHECK PAYABLE TO:

Florida Podiatry Association
500 Barnett Bank Building
Tallahassee, Florida 32301

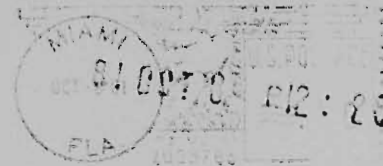
LAW OFFICES

DUBBIN, SCHIFF, BERKMAN & DUBBIN

1000 RIVERGATE PLAZA

444 BRICKELL AVENUE

MIAMI, FLORIDA 33131



The Federal Election Commission
Washington, D.C. 20463

ATTN: Anne Cauman, Esquire

8201012349

LAW OFFICES
DUBBIN, SCHIFF, BERKMAN & DUBBIN
444 BRICKELL AVENUE
MIAMI, FLORIDA 33131

1000 RIVERGATE PLAZA

September 28, 1981

TELEPHONE (305) 373-3606

Federal Election Commission
Washington, D. C. 20463

Attention: Anne Cauman

Re: MUR 1306

Dear Ms. Cauman:

We represent the Florida Podiatry Association (FPA) and the Florida Podiatry Political Action Committee (the Committee). With reference to the letter of the Vice Chairman of the Commission, The Honorable Frank P. Reiche, dated September 8, 1981, please be advised that the FPA and the Committee take exception to the findings reported therein that either the Florida Podiatry Association or the Florida Podiatry Political Action Committee have violated the Federal Election Campaign Act of 1971. However, since our clients are public interest oriented, but without abandoning our clients' rights or the positions previously stated to the Committee, we wish to explore the possibility of conciliation of this matter. We would, therefore, propose to you the following:

1. Under separate cover, we will forward to you copies of the report which the Committee has filed with the Secretary of State of the State of Florida pursuant to Florida's election code for the last year.
2. We would propose to amend the By-Laws of the Committee (which have been previously sent to you) by inserting provisions therein which would limit the permissible expenditures of the Committee to "non-federal" matters.
3. For purposes of assuring the Committee that the Association is, in fact, not governed by the Act, we would propose to furnish to you copies of the reports which the Committee files with the Secretary of State of the State of Florida in the future for an agreed period of time.
4. Either in the conciliation agreement, or separately, the Committee would report that it has terminated activities which might make it subject to the Act.

01811 RECEIVED
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SEP 4 11:39

GENERAL COUNCIL

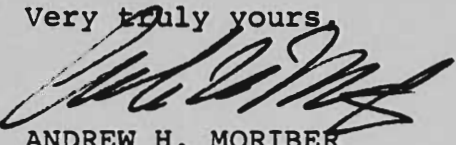
8 2040312350

Federal Election Commission
September 28, 1981
Page Two

We believe that in light of the fact that the Florida Podiatry Political Action Committee has only made one contribution to a Federal campaign, and considering the costs of preparing the various reports, and the small size and limited budgets of both the FPA and the Committee, that the above method of resolving your inquiry would serve the purposes of the Federal Election Campaign Act and resolve this matter.

With respect to the materials requested in the first full paragraph of page three of the above referenced letter, please be advised that we have requested the Executive Director of the Florida Podiatry Association to forward those documents to us, however, since he is located in Tallahassee it will be a few days until the material is in our hands. We will, of course, forward it to you immediately upon receipt. Likewise, we do not have copies of the documents referred to on the first numbered paragraph hereof. We will forward them as soon as they are received by us.

Very truly yours,



ANDREW H. MORIBER

AHM/vlp

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LAW OFFICES

DUBBIN, SCHIFF, BERKMAN & DUBBIN

1000 RIVERGATE PLAZA

444 BRICKELL AVENUE

MIAMI, FLORIDA 33131

31 OCT 5 AM: 47

Federal Election Commission
Washington, D. C. 20463

Attention: Ms. Anne Cauman



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 23, 1981

Andrew H. Moriber, Esq.
Dubbin, Schiff, Berkman & Dubbin
444 Brickell Avenue
Miami, Florida 33131

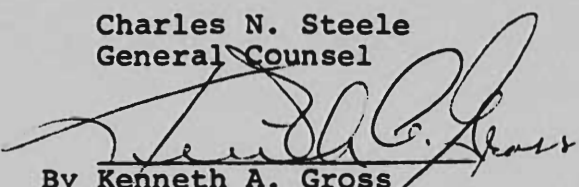
Re: MUR 1306

Dear Mr. Moriber:

In reference to your letter of September 17, 1981, this is to advise you that your request for an extension of time until September 30, 1981, has been granted.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

82040312353



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Andrew H. Moriber, Esq.
Dubbin, Schiff, Berkman & Dubbin
444 Brickell Avenue
Miami, Florida 33131

Re: MUR 1306

Dear Mr. Moriber:

In reference to your letter of September 17, 1981, this is to advise you that your request for an extension of time until September 30, 1981, has been granted.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

ack 9/22/81

92040312354

121682 RECEIVED
GCC#5479
81 SEP 21 AID: 35

LAW OFFICES
DUBBIN, SCHIFF, BERKMAN & DUBBIN
444 BRICKELL AVENUE
MIAMI, FLORIDA 33131

1000 RIVERGATE PLAZA

TELEPHONE (305) 373-3606

September 17, 1981

Ms. Anne Cauman
Federal Election Commission
Washington, D. C. 20463

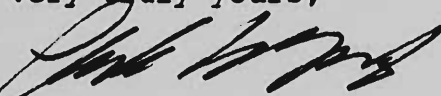
Re: Florida Podiatry Association
Your Reference No. MUR 1306

Dear Ms. Cauman:

We are in receipt of the letter of Frank P. Reiche reference the above matter. At the present time, I am in the middle of a significant trademark infringement case pending before Judge Adkins in the Federal District Court for the Southern District of Florida in which the damages sought exceed two and one-half million dollars. Preparation for trial and the trial itself has consumed almost all my waking hours for the last two weeks. Accordingly, I would appreciate an extension of time until September 30, 1981, in which to respond to the above referenced letter.

Your courtesies in this regard would be greatly appreciated.

Very truly yours,



ANDREW H. MORIBER

AHM/vlp

SEP 21 AID: 47

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LAW OFFICES

DUBBIN, SCHIFF, BERKMAN & DUBBIN

1000 RIVERGATE PLAZA

444 BRICKELL AVENUE

MIAMI, FLORIDA 33131

Ms. Anne Cauman
Federal Election Commission
Washington, D. C. 20463

SEP 21 10:35



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 8, 1981

Andrew H. Moriber, Esq.
Dubbin, Schiff, Berkman
and Lubbin
444 Brickell Avenue
Miami, Florida 33131

Re: MUR 1306

Dear Mr. Moriber:

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The Federal Election Commission notified the Florida Podiatry Association ("the FPA") and the Florida Podiatry Political Action Committee ("the Committee") on October 10, 1980, of a complaint which alleges that your clients had violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaint were forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission has found reason to believe that the Committee has violated 2 U.S.C. §§ 433a, 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv), and that both the Committee and the FPA have violated 2 U.S.C. § 441b(b)(3)(b) and (C) and 11 C.F.R. § 114.5 (a)(2)-(5) since June 30, 1980.

The Commission found no reason to believe that the FPA and the Committee violated 2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R. § 114.5(a)(2)-(5) prior to June 30, 1980. The Commission also found no reason to believe that the FPA and the Committee have violated 2 U.S.C. § 441b(a) in connection with the joint collection of dues and contributions and the disbursement by the FPA of contribution receipts to the Committee.

By contributing to the senatorial campaign of Richard Stone, the Committee became a separate segregated fund and a political committee within the meaning of the Act. See 2 U.S.C. §§ 441b(b) and 431(4)(B). Pursuant to 2 U.S.C. § 433(a) a separate segregated fund established pursuant to 2 U.S.C. § 441b(b) must file a statement of organization "no later than 10 days after establishment." The Committee has never filed such a statement of organization.

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In an election year, 2 U.S.C. § 434(a)(4)(A)(i) requires all political committees other than authorized candidate committees to file quarterly reports no later than the 15th day after the end of each calendar quarter except for the last quarter when the report must be filed no later than January 31 of the following year. Under 2 U.S.C. § 434(a)(4)(A)(iii) such committees are required to file a post-general election report no later than the 30th day after the general election, complete as of the 20th day after the election. In a non election year, 2 U.S.C. § 434(a)(4)(A)(iv) requires all political committees other than authorized candidate committees to file, no later than July 31, a report covering the period from January 1 through June 30. Thus, the Committee was required to file quarterly reports due July 15, 1980, October 15, 1980, and January 31, 1981, a post-general election report due December 4, 1980, and a mid-year report due July 31, 1981. The Committee has not filed any of these required reports.

As a separate segregated fund pursuant to the Act, solicitation of contributions to the Committee are governed by the Act and the Commission's regulations. Section 441b(b)(3)(b) of Title 2, United States Code, and 11 C.F.R. § 114.5(a)(3) provide that any person soliciting for a contribution to a separate segregated fund must inform the member solicited at the time of the solicitation of the political purposes of the fund. Section 441b(b)(3)(C) of Title 2, United States Code, and 11 C.F.R. § 114.5(a)(4) provide that any person soliciting for a contribution to a separate segregated fund must inform the member solicited at the time of the solicitation of his right to refuse to contribute without any reprisal. 11 C.F.R. § 114.5(a)(2) provides that if guidelines for contributions to a separate segregated fund are suggested that the person being solicited be informed that the guidelines are merely suggestions, that more or less may be contributed, and that no one will be favored or disadvantaged because of the amount contributed or a decision not to contribute. 11 C.F.R. § 114.5(a)(5) provides that any written solicitation for a contribution to a separate segregated fund must contain statements which comply with the requirements of 11 C.F.R. §§ 114.5(a)(3) and (4), and, if a guideline is suggested, with the requirements of 11 C.F.R. § 114.5(a)(2) also. 11 C.F.R. § 114.7(g) specifically makes these provisions applicable to the separate segregated fund of a membership organization or a corporation without capital stock. Your response and the solicitation materials attached to the complaint do not indicate that solicitations by the FFA and the Committee comply with the requirements

Letter to: Andrew H. Moriber, Esq.

Page 3

of 2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R.
§ 114.5(a)(2)-(5).

You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please file any such response within ten days of your receipt of this notification. Please also submit within ten days of receipt of this letter, copies of all solicitations since June 30, 1980, the proceeds of which included contributions to the Committee. This should include but not be limited to all invoices, cover letters, contribution envelopes and promotional materials. It should also include any follow-up letters and included materials.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Anne Cauman, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

Frank P. Reiche

Frank P. Reiche
Vice Chairman

Enclosures
Procedures

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

MUR1306 *Camacho*

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RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1. **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on back.

2. **The following service is requested (check one.)**

☐ Show to whom and date delivered.....

☐ Show to whom, date and address of delivery.....

☐ **RESTRICTED DELIVERY**
Show to whom and date delivered.....

☐ **RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery.....

(CONSULT POSTMASTER FOR FEES)

3. **ARTICLE ADDRESSED TO:**
*Werner Hump, Esq.
Hinson & Tash
3301 New Mexico Ave, N.W.
D.C. 20016*

4. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>10546</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Address ☐ Authorized agent

5. **DATE OF DELIVERY**
9-8-81

6. **ADDRESSEE (Complete only if requested)**

7. **UNABLE TO DELIVER BECAUSE:**

CLERK'S INITIALS

9-4-81

U.S. POSTAL SERVICE
SEP 8 1981
WASHINGTON, DC

☆EFO: 1070-000-100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 4, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Werner Strupp, Esq.
Sinrod & Tash
3301 New Mexico Avenue, N.W.
Washington, D.C. 20016

Re: MUR 1306

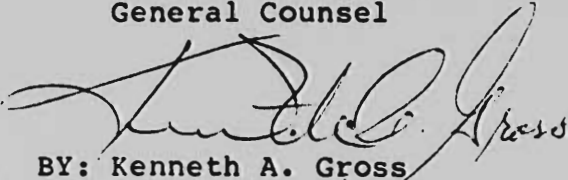
Dear Mr. Strupp:

On October 10, 1980, the Commission notified the American Podiatry Association ("the APA") and the Podiatry Political Action Committee ("PPAC") of a complaint alleging that the APA had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September 1, 1981, determined that on the basis of the information in the complaint and information provided by the respondents there is no reason to believe that a violation of any statute within its jurisdiction has been committed by PPAC or the APA. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Werner Strupp, Esq.
Sinrod & Tash
3301 New Mexico Avenue, N.W.
Washington, D.C. 20016

Re: MUR 1306

Dear Mr. Strupp:

On October 10, 1980, the Commission notified the American Podiatry Association ("the APA") and the Podiatry Political Action Committee ("PPAC") of a complaint alleging that the APA had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September 1, 1981, determined that on the basis of the information in the complaint and information provided by the respondents there is no reason to believe that a violation of any statute within its jurisdiction has been committed by PPAC or the APA. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

enc 9/4/81

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Florida Podiatry Association) MUR 1306
Florida Podiatry Political)
Action Committee)
American Podiatry Association)
Podiatry Political Action)
Committee)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 1, 1981, the Commission decided by a vote of 6-0 to take the following actions in MUR 1306:

1. Find NO Reason to Believe that the Florida Podiatry Association (FPA) and the Florida Podiatry Political Action Committee (the Committee) violated 2 U.S.C. § 441b(b)(3)(B) or (C) or 11 C.F.R. § 114.5(a)(2)-(5) from 1974 through 1979 in connection with the solicitation of contributions.
2. Find Reason to Believe that since June 30, 1980, when the Committee contributed to a federal election, the FPA and the Committee have violated 2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R. § 114.5(a)(2)-(5) in connection with the solicitation of contributions.
3. Find NO Reason to Believe that the American Podiatry Association (APA) and the Podiatry Political Action Committee (PPAC) have violated 2 U.S.C. § 441b(b)(3)(B) or (C) or 11 C.F.R. § 114.5(a)(2)-(5) in connection with the solicitation of contributions.

(Continued)

CERTIFICATION

MUR 1306

Revised First General Counsel's Report

Dated August 27, 1981

Page 2

4. Find Reason to Believe that the Committee has violated 2 U.S.C. § 433(a) by failing to file a statement of organization.
5. Find Reason to Believe that the Committee has violated 2 U.S.C. § 434(a)(4)(A)(i) by failure to file quarterly reports due on July 15, 1980, October 15, 1980 and January 31, 1981.
6. Find Reason to Believe that the Committee has violated 2 U.S.C. § 434(a)(4)(A)(iii) by failure to file a 30 day post-general election report due on December 4, 1980.
7. Find Reason to Believe that the Committee has violated 2 U.S.C. § 434(a)(4)(A)(iv) by failure to file a mid-year report due on July 31, 1981.
8. Find NO Reason to Believe that the Committee and the FPA have violated 2 U.S.C. § 441b(a) in connection with the joint collection of contributions and dues and the disbursement by FPA of contribution receipts to the Committee.
9. Send the letters as submitted with the Revised First General Counsel's Report dated August 27, 1981.

Commissioners Aikens, Harris, McGarry, Reiche, Thomson, and Tiernan voted affirmatively.

Attest:

9-1-81
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

8-27-81, 4:11
8-28-81, 2:00

92040312364

August 27, 1981

MEMORANDUM TO: Marjorie W. Emmons
FROM: Phyllis A. Kayson
SUBJECT: MUR 1306

Please have the attached Memo to the Commission
distributed to the Commission on a 48 hour tally basis.

Thank you.

Attachment

cc: Thomas

92017112365



SENSITIVE

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

81 AUG 27 P 4: 11

August 27, 1981

MEMORANDUM TO: The Commission

FROM:

Charles N. Steele
General Counsel *CN Steele*

SUBJECT:

Revised First General Counsel's Report in MUR 1306

Pursuant to the discussion at the Commission meeting of August 25, 1981, the General Counsel has revised the First General Counsel's Report in MUR 1306 to incorporate references to the relevant statutory sections in recommendations #1, 2, and 3 and to clarify the scope of recommendation #8. The proposed letter to the respondent has been modified along the same lines.

The revised report is being recirculated for tally vote.

8201012366

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 8-17-81

MUR # 1306
DATE COMPLAINT RECEIVED
BY OGC October 7, 1980
DATE OF NOTIFICATION TO
RESPONDENT Oct. 10, 1981
STAFF MEMBER
Anne Cauman

COMPLAINANT'S NAME: Robert A. Kostka

RESPONDENT'S NAME: Florida Podiatry Association, Florida Podiatry Political
Action Committee, American Podiatry Association and
Podiatry Political Action Committee

RELEVANT STATUTE: 2 U.S.C. §§ 433(a), 434(a)(4)(A)(i), (iii), and (iv),
and 441b(a) and (b)(3)(B) and (C)
11 C.F.R. §§ 114.5(a)(2)-(5)

INTERNAL REPORTS CHECKED: Indexes of political committees for 1972-1980,
Reports of the Podiatry Political Action Committee
Reports of the Senator Richard (Dick) Stone Committee
FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

The complainant, Robert A. Kostka, alleges that the
Florida Podiatry Association (FPA) and the American Podiatry
Association (APA) have, from 1974 through 1979, violated his
right of political expression by 1) the inclusion of mandatory
contributions to the Florida Podiatry Political Action Committee
(Committee) in FPA and APA dues invoices, and 2) the commingling
of funds of the FPA and the Committee. The complainant makes
no reference to specific statutes or regulations. However,
his first allegation may be considered as alleging a violation of
2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R. § 114.5(a)(2)-(5), and the second
may be considered as alleging a violation of 2 U.S.C. § 441b(a).

II. FACTUAL BASIS AND LEGAL ANALYSIS

A. Facts as documented by complainant

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The complainant's allegation that contributions to the Committee were mandatory from 1974 through 1979 is documented by a newsletter from the FPA dated November, 1973, and membership invoices for 1977 and 1978. (Complaint, pp. 2 and 3). The newsletter indicates that in 1972 and 1973 FPA dues had been lowered \$50 and members were each asked to make a voluntary contribution to the Committee. The newsletter further indicates that as that system had not been successful, FPA dues were being returned to the previous figure and a contribution to the Committee would be made automatically in each individual's name when dues were paid in full; separate receipts from the FPA and the Committee would be sent in acknowledgement. (Id., p. 2). The invoices from the APA have categories for national association and state association dues; there is no reference whatsoever to the Committee on the invoices. (Id., p. 3).

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The complainant's allegation that funds of the Committee and the FPA have been commingled is documented by a page from the FPA statement of receipts and disbursements for the period from July 1, 1978, through May 31, 1979. A disbursement of \$13,554.24 to the Political Action Committee is listed. (Id., p. 4).

B. Reply of respondents FPA and the Committee

The Office of General Counsel has received responses from the APA, the Podiatry Political Action Committee (PPAC),

the FPA and the Committee. (Attachments 1, 2 and 3).

It is stated in the response filed on behalf of the FPA and the Committee that the Committee is a separate PAC maintained by the FPA which is organized under the laws of Florida and which has made only one contribution relating to a federal election in the amount of \$500 to the 1980 primary election campaign of Senator Richard Stone. (Attachment 1, pp. 1 and 2). The FPA and the Committee take the position that the Act is not applicable to them in this instance as the Committee is not engaged in activities subject to the Act other than the single contribution to Senator Stone. 1/

With regard to the solicitation of contributions to the Committee, it is stated that the the APA acts merely as a billing agent for the FPA and that the FPA has instructed the APA to include a contribution to the Committee in the amount billed for FPA dues. The response alleges that the amount of the Committee contribution "has been" disclosed to the membership by the FPA, but refers only obliquely to the 1973 newsletter attached to the complaint in support of this claim.

The FPA and the Committee contend that their solicitation practice is distinguishable from "negative check-off" cases

1/ It is possible that the contribution to Senator Stone's campaign included corporate funds as Florida law allows corporate contributions by state PACs, see Florida Election Code § 106.011, and the Committee appears to view itself as a state PAC only. However, there is no direct evidence of the acceptance of corporate contributions by the Committee.

decided under the Act because payment of dues "is made by an affirmative act of the member." (Id., p. 2). They also contend that 2 U.S.C. §§ 441b(b)(4)(C) and (D) and 11 C.F.R. §§ 114.7(f) and 114.8(e)(3) allow them total latitude in their solicitation practices. They further contend that if the Act is applicable to them in this instance it is unconstitutional. The response also states that while the Committee contribution is billed as part of the lump sum of FPA dues, any FPA member is free to remit only FPA dues and still retain membership in good standing in the FPA.

The FPA and Committee response further states that the funds for the Committee are "segregated from the general funds of the FPA upon receipt by the FPA." (Id., p. 2). While this response does not state explicitly whether or not the FPA is a corporation, the response filed on behalf of the APA states that both the APA and the FPA are separate corporations. (Attachment 2). 2/

C. Commission records

A search of the Commission's records indicates that the Committee has never registered as a political committee pursuant to the Act and, also, that it has apparently made only the single \$500 contribution to Senator Stone's campaign which was referred

2/ A telephone call to the Florida Secretary of State's office verified that the Florida Podiatry Association, Inc. is listed as a non-profit corporation.

to in the Committee's response. PPAC reports do not indicate any financial activity between PPAC and either the Committee or the FPA.

D. Relevant law and its application to the facts

Pursuant to 2 U.S.C. § 441b(b)(3)(A) the separate segregated fund of a corporation is prohibited from making contributions or expenditures by utilizing money secured by force, job discrimination, financial reprisals, or threats, or by dues, fees, or other moneys required as a condition of employment. Pursuant to 2 U.S.C. §§ 441b(b)(3)(B) and (C) any person soliciting an employee for a contribution to such a fund is required to inform the employee at the time of the solicitation of the political purposes of the fund and the employee's right to refuse to contribute to the fund without any reprisal. The Commission's regulations clarify that these restrictions govern the separate segregated funds of incorporated membership organizations and corporations without capital stock. 11 C.F.R. § 114.7(g) specifically provides that the general provisions governing separate segregated funds pursuant to 11 C.F.R. § 114.5(a) are applicable to the separate segregated fund of a membership organization or a corporation without capital stock. 11 C.F.R. § 114.5(a)(3) provides that any person soliciting a contribution to a separate segregated fund must inform the member solicited at the time of the solicitation of the political purposes of the

fund. 11 C.F.R. § 114.5(a)(4) provides that any person soliciting a contribution to a separate segregated fund must inform the member solicited at the time of the solicitation of his right to refuse to contribute without any reprisal. 11 C.F.R. § 114.5(a)(2) provides that if guidelines for contributions to a separate segregated fund are suggested, the person being solicited be informed that the guidelines are merely suggestions, that more or less may be contributed, and that no one will be favored or disadvantaged because of the amount contributed or a decision not to contribute. 11 C.F.R. § 114.5(a)(5) provides that any written solicitation for a contribution to a separate segregated fund must contain statements which comply with the requirements of 11 C.F.R. §§ 114.5(a)(3) and (4), and, if a guideline is suggested, with the requirements of 11 C.F.R. § 114.5(a)(2) also.

The concept of separate segregated funds emanates from 2 U.S.C. § 441b which concerns corporate and union activity in connection with federal elections. Therefore, in the opinion of the General Counsel the restrictions on separate segregated funds set forth in 11 C.F.R. § 114.5(a) do not apply to a separate segregated fund which is not involved in federal elections.

The Committee engaged in no federal election activity prior to June 30, 1980. On that date it made a \$500 contribution to the primary campaign of Senator Richard Stone. Therefore, there is no reason to believe the Committee violated

11 C.F.R. §§ 114.5(a)(2)-(5) in connection with any of its solicitation activities prior to June 30, 1980.

While the complainant's allegations only concern solicitation violations for the years 1974 through 1979, there is no indication that the solicitation practices of the FPA and the Committee have changed over the years. In the documents submitted by the complainant, there is no reference whatsoever, to the contribution to the Committee on the invoices and no indication in the newsletter that the \$50 contribution is merely a guideline or that a member has a right to refuse to contribute without fear of reprisal. (See complaint, pp. 2 and 3). The response on behalf of the FPA and the Committee speaks in the present tense as though their current dues billing practice is the same as in the past, including contributions to the Committee in the amount of dues payable to the FPA. (See Attachment 1, p. 2). Therefore, the General Counsel recommends that the Commission find reason to believe that the FPA and the Committee have violated 11 C.F.R. §§ 114.5a(2)-(5) in solicitations made since June 30, 1980, the date the Committee engaged in federal election activity and therefore became subject to the provisions of the Act and the regulations. As, according to the responses, the APA merely acts as a billing service for state associations and prepares dues statements based on information submitted by the state associations (see Attachment 1, p. 2 and Attachment 2), the General Counsel recommends that the Commission find no

reason to believe that the APA has violated 11 C.F.R.

§§ 114.5a(2)-(5). 3/

Also inherent in this matter are apparent violations by the Committee of the registration and reporting requirements of the Act. Registration of political committees is governed by 2 U.S.C. § 433. Political committees include any separate segregated fund established pursuant to 2 U.S.C. § 441b(b). Pursuant to 2 U.S.C. § 433(a) such a separate segregated fund is required to file a statement of organization "no later than 10 days after establishment." As soon as the Committee acted in a manner to become a separate segregated fund within the meaning of the Act, it had an obligation to file a statement of organization within 10 days. In this instance the Committee had an obligation to file by July 10, 1980. To date, the Committee has not filed a statement of organization. Therefore, the General Counsel recommends that the Commission find reason to believe that the Committee has violated 2 U.S.C. § 433(a).

Political committees are required to file reports of receipts and disbursements pursuant to 2 U.S.C. § 434(a). Specifically, in an election year, 2 U.S.C. § 434(a)(4)(A)(i) requires all political committees other than authorized candidate committees to file quarterly reports no later than the 15th day after the end of each calendar quarter except for the last quarter

3/ There is no indication of involvement by PPAC in the solicitations of the APA, the FPA and the Committee.

when the report must be filed no later than January 31 of the following year. Section 434(a)(4)(A)(iii) requires these committees to file a post-general election report no later than the 30th day after the general election, complete as of the 20th day after the election. 4/

In a non election year, 2 U.S.C. § 434(a)(4)(A)(iv) requires all political committees other than authorized candidate committees to file no later than July 31, a report covering the period from January 1 through June 30. Thus, the Committee which is not an authorized committee and has filed no reports to date, was required to file quarterly reports due July 15, 1980, October 15, 1980, and January 31, 1981, a post-general election report due December 4, 1980, and a mid-year report due July 31, 1981. Therefore, the General Counsel recommends that the Commission find reason to believe that the Committee has violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv).

Pursuant to 2 U.S.C. § 441b(a) corporations are prohibited from contributing to political committees; thus, the commingling of corporate and political action committee funds is prohibited. The complaint alleges such commingling based on the Disbursement Budget for 1979. (See Complaint pp. 1 and 4). However the response on behalf of the Committee and the FPA indicates

4/ Alternatively, 2 U.S.C. § 434(a)(4)(B) calls for monthly reports from political committees other than authorized candidates committees. The less burdensome requirement of 2 U.S.C. § 434(a)(4)(A) was chosen for analysis, however.

that this disbursement item covers the individual contributions to the Committee and that this sum is "segregated from the general funds of the FPA upon receipt by the FPA." (Attachment 1, p. 2). 5/ Therefore, the General Counsel recommends that the Commission find no reason to believe that the FPA and the Committee have violated 2 U.S.C. § 441b(a).

RECOMMENDATIONS

1. Find no reason to believe that the Florida Podiatry Association (FPA) and the Florida Podiatry Political Action Committee (the Committee) violated 2 U.S.C. § 441b(b)(3)(B) or (C) or 11 C.F.R. § 114.5(a)(2)-(5) from 1974 through 1979 in connection with the solicitation of contributions.
2. Find reason to believe that since June 30, 1980, when the Committee contributed to a federal election, the FPA and the Committee have violated 2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R. § 114.5(a)(2)-(5) in connection with the solicitation of contributions.
3. Find no reason to believe that the American Podiatry Association (APA) and the Podiatry Political Action Committee (PPAC) have violated 2 U.S.C. § 441b(b)(3)(B) or (C) or 11 C.F.R. § 114.5(a)(2)-(5) in connection with the solicitation of contributions.
4. Find reason to believe that the Committee has violated 2 U.S.C. § 433(a) by failing to file a statement of organization.

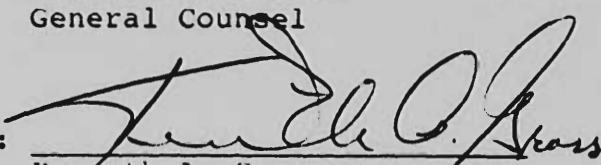
5/ This response indicates that the FPA and the Committee appear to be in compliance with 2 U.S.C. § 432(b)(2) and 11 C.F.R. §§ 103.3(b) and 102.6(b).

5. Find reason to believe that the Committee has violated 2 U.S.C. § 434(a)(4)(A)(i) by failure to file quarterly reports due on July 15, 1980, October 15, 1980, and January 31, 1981.
6. Find reason to believe that the Committee has violated 2 U.S.C. § 434(a)(4)(A)(iii) by failure to file a 30 day post-general election report due on December 4, 1981.
7. Find reason to believe that the Committee has violated 2 U.S.C. § 434(a)(4)(A)(iv) by failure to file a mid-year report due on July 31, 1981.
8. Find no reason to believe that the Committee and the FPA have violated 2 U.S.C. § 441b(a) in connection with the joint collection of contributions and dues and the disbursement by FPA of contribution receipts to the Committee.
9. Send the attached letters.

Charles N. Steele
General Counsel

82040312377
Date Aug 27, 1981

by:


Kenneth A. Gross
Associate General Counsel

Attachments

1. Response from the FPA and the Committee
2. Response from the APA
3. Response from the PPAC
4. Proposed letters - 2

LAW OFFICES

DUBBIN, SCHIFF, BERKMAN & DUBBIN

444 BRICKELL AVENUE

MIAMI, FLORIDA 33131

1000 RIVERGATE PLAZA

TELEPHONE (305) 373-3606

October 31, 1980

Ms. Anne Cauman
Federal Elections Commission
1325 K Street N.W.
Washington, D.C. 20463

Dear Ms. Cauman:

Re: MUR 1306

We represent the Florida Podiatry Association (FPA) and the Florida Podiatry Political Action Committee. We submit this response to the General Counsel's letter of October 10, 1980, reference the above complaint. Inasmuch as the complaint letter is rather informal and the acknowledgment thereon appears almost solely as a matter of form, we have not caused this response to be signed by our clients and notarized. If the Commission requires a more formal response, we will provide same upon request. In response to the complaint, please be advised:

1. The FPA is a voluntary organization similar in purpose to the American Medical Association or the American Bar Association in that its major mission is to assist the podiatric practitioner in maintaining and improving his skills through the dissemination of professional literature, committees, etc., and to provide the practicing podiatrist with various services, such as malpractice insurance, and other items which can be more economically obtained on a group basis. Membership in the FPA is not legally required in order to practice podiatry in the State of Florida. See Florida Statutes, Chapter 461 (copy attached as Exhibit 1)

2. The FPA maintains a separate Political Action Committee (PAC) which is duly organized under the laws of the State of Florida and complies with all State laws. Attached hereto as Exhibit 2 is a copy of the By-laws of the PAC.

3. The relation of the American Podiatry Association to the FPA as it concerns this case is simply one of a billing service for the dues of the State Association. The APA remits

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GENERAL COUNSEL

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dues to the FPA. The FPA is free to set its dues at whatever level it wishes, and disposes of its dues in such manner as it sees fit. Likewise, except to the extent that members of the FPA may have a limited voice in the governance of the National Association, the American Podiatry Association is free to set its dues as it sees fit, without supervision of the FPA. The FPA has instructed the APA to bill State dues at a sum which includes the contribution to the PAC. As is apparent from the complaint, the amount of the contribution and its inclusion in the dues statement has been disclosed to the membership by the FPA.

4. The FPA, upon receipt of dues collected, remits a clearly set sum to its PAC, which sum is clearly set forth in the FPA's literature, and which is segregated from the general funds of the FPA upon receipt by the FPA. The disbursement item contained on the report attached to the complaint reflects this remittance to the PAC and a posting error which is explained by the letter attached hereto as Exhibit 3.

5. Although billed in a lump sum, any FPA member who does not wish to contribute to the PAC, may send in only the FPA dues and remain a member in good standing. In fact, in the past, several members who remain in good standing have done just that. Since payment of dues is made by affirmative act of the member, the FPA's actions are distinguishable from the "negative check-off" cases which have been decided under the Statute.

6. In any event, 2 U.S.C. 441b(b)(4)(C)&(D) expressly exempts from the solicitations provision of the Act membership organizations or trade associations such as the FPA. As you are aware the regulations (11 CFR 114.7(F) and 114.8(e)(3)) recognize the broad latitude which groups enjoy under the law by providing that there is no limitation on the method of solicitation or method of facilitating the making of contributions which may be used.

7. Further, the FPA's PAC is not engaged in activities subject to the Act since its only contribution relating to a Federal election was in the sum of \$500 to Richard Stone in connection with his primary campaign for the U.S. Senate. It is the position of the FPA and its PAC that a construction of the Act as being applicable to the subject circumstances is erroneous, or in the alternative, that the Statute is constitutionally defective, both on its face and as applied.

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Federal Elections Commission
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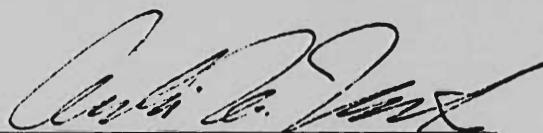
8. Notwithstanding the position of the FPA and its PAC that the Act is either not applicable or unconstitutional, it is their position that there has been substantial compliance with the Act, particularly, in view of the writing of this letter which discloses its sole activity in connection with a Federal election. The FPA and its PAC submit that as a matter of administrative discretion, the Federal Elections Commission should close this file and not spend tax dollars on a complaint which the Association believes was brought solely as harassment by a dissident podiatrist who is not even a member of the Association. (For the record, the Commission should be advised that the complainant resigned from his County Podiatry Association. Since membership in the County Association is a pre-requisite for membership in the State Association, he was automatically dropped from the State Association for that reason).

We trust that you will conclude that no further action is merited on this matter.

Very truly yours,

DUBBIN, SCHIFF, BERKMAN & DUBBIN

By:


ANDREW H. MORIBER

AHM/mcs
Enclosures

DUBBIN, SCHIFF, BERKMAN & DUBBIN

82040312330

CHAPTER 461

PODIATRY

- 461.001 Legislative findings; intent; scope.
- 461.002 Exceptions.
- 461.003 Definitions.
- 461.004 Board of Podiatry; membership; appointment; terms.
- 461.005 Authority to make rules.
- 461.006 Licensure by examination.
- 461.007 Renewal of license.
- 461.008 Inactive status.
- 461.009 Itemized patient billing.
- 461.012 Violations and penalties.
- 461.013 Grounds for disciplinary action; action by the board.
- 461.015 Saving clauses.

461.001 Legislative findings; intent; scope.—The Legislature finds that the practice of podiatry by unskilled and incompetent practitioners presents a danger to the public health and safety. The Legislature finds further that it is difficult for the public to make an informed choice about podiatrists and that the consequences of a wrong choice could seriously endanger their health and safety. The sole legislative purpose for enacting this chapter is to ensure that every podiatrist practicing in this state meet minimum requirements for safe practice. It is the legislative intent that podiatrists who fall below minimum competency or who otherwise present a danger to the public health be prohibited from practicing in this state.

History.—ss. 1, 6, ch. 79-229.

*Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.002 Exceptions.—

(1) The provisions of this chapter shall not apply to other duly licensed health care practitioners acting within their authorized scope of practice.

(2) This chapter shall not prohibit the manufacture, advertisement, or sale of proprietary foot appliances or remedies or corrective shoes.

History.—ss. 1, 6, ch. 79-229.

*Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.003 Definitions.—As used in this chapter:

(1) "Department" means the Department of Professional Regulation.

(2) "Board" means the Board of Podiatry as created in this chapter.

(3) "Practice of podiatry" means the diagnosis and medical, surgical, palliative, and mechanical treatment of ailments of the human foot and leg. The surgical treatment of ailments of the human foot and leg shall be limited anatomically to that part below the anterior tibial tubercle. The practice of podiatry shall include the amputation of the toes or other parts of the foot but shall not include the amputation of the foot or leg in its entirety. A podiatrist may prescribe drugs that relate specifically to the scope of practice authorized herein.

(4) "Podiatrist" means any person licensed to practice podiatry pursuant to this chapter.

History.—ss. 1, 6, ch. 79-229.

*Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.004 Board of Podiatry; membership; appointment; terms.—

(1) The Board of Podiatry is created within the Department of Professional Regulation and shall consist of seven members to be appointed by the Governor and confirmed by the Senate.

(2) Five members of the board shall be licensed podiatrists who are residents of the state and who have been licensed podiatrists engaged in the practice of podiatry for at least 4 years, and the remaining two members shall be residents of the state who are not and have never been licensed as podiatrists or members of any closely related profession.

(3) Within 60 days after June 30, 1979, the Governor shall appoint seven eligible and qualified persons to be members of the board as follows:

- (a) Two members for terms of 2 years each.
- (b) Two members for terms of 3 years each.
- (c) Three members for terms of 4 years each.

(4) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed. The members of the board serving on July 1, 1979, shall continue in office until their successors are appointed.

(5) All provisions of chapter 455 relating to the board shall apply.

History.—ss. 1, 6, ch. 79-229.

*Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.005 Authority to make rules.—The Board of Podiatry is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by this chapter and as may be necessary to protect the health, safety, and welfare of the public.

History.—ss. 1, 6, ch. 79-229.

*Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.006 Licensure by examination.—

(1) Any person desiring to be licensed as a podiatrist shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies has:

(a) Completed the application form and remitted an examination fee set by the board not to exceed \$250.

(b) Submitted proof satisfactory to the department that he is not less than 18 years of age and is a recipient of a degree from a school or college of podiatry or chiropody recognized and approved by the Council on Podiatry Education. For applicants who matriculated prior to 1953, the course of study shall have been at least 3 years. For applicants who matriculated during or subsequent to 1953, the

course of study shall be at least 4 years or the total hourly equivalent of a 4-year course of study.

(2) The department shall issue a license to practice podiatry to any applicant who successfully completes the examination in accordance with this section. The department shall not issue a license to any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this act. Upon the completion of the investigation, the provisions of s. 461.013 shall apply.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.007 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and a fee set by the board not to exceed \$250.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 461.008.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.008 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed \$50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to s. 461.007 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours for all years. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension, the department shall give notice to the licensee. A suspended license may be reinstated as provided in s. 461.013.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

Note.—The words "for all years" were inserted by the editors.

461.009 Itemized patient billing.—Whenever a podiatrist licensed under this chapter renders professional services to a patient, the podiatrist is required, upon request, to submit to the patient, to the patient's insurer, or to the administrative agency for any federal or state health program under which the patient is entitled to benefits, an itemized statement of the specific services rendered and the charge for each, no later than the podiatrist's next regular billing cycle which follows the fifth day after rendering of professional services. A podiatrist may not condition the furnishing of an itemized statement upon prior payment of the bill.

History.—s. 6, ch. 79-193.

461.012 Violations and penalties.—

(1) Each of the following acts constitutes a violation of this chapter and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing or attempting to practice podiatry without an active license or with a license fraudulently obtained.

(b) Using or attempting to use a license to practice podiatry which has been suspended or revoked.

(2) Each of the following acts constitutes a violation of this chapter and is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Selling or fraudulently obtaining or furnishing any podiatry diploma, license, or record of registration or aiding or abetting in the same.

(b) Making any willfully false oath or affirmation whenever an oath or affirmation is required by this chapter.

(c) Using the name or title "Podiatrist," "Doctor of Podiatry," "Doctor of Podiatric Medicine," or any other name or title which would lead the public to believe that such person is engaging in the practice of podiatry, unless such person is licensed as a podiatrist in this state.

(d) Knowingly concealing any information relative to violations of this chapter.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.013 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license to practice podiatry by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice podiatry revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of podiatry or to the ability to practice podiatry. Any plea of nolo conten-

dere shall be considered a conviction for purposes of this chapter.

- (d) False, deceptive, or misleading advertising.
- (e) Advertising, practicing, or attempting to practice under a name other than one's own.
- (f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board.
- (g) Aiding, assisting, procuring, or advising any unlicensed person to practice podiatry contrary to this chapter or to rule of the department or the board.
- (h) Failing to perform any statutory or legal obligation placed upon a licensed podiatrist.
- (i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such report or records shall include only those which are signed in the capacity of a licensed podiatrist.
- (j) Paying or receiving any commission, bonus, kickback, rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. This provision shall not be construed to prohibit a podiatrist from receiving consultation fees for professional services rendered.
- (k) Making misleading, deceptive, untrue, or fraudulent representations in the practice of podiatry or employing a trick or scheme in the practice of podiatry when such scheme or trick fails to conform to the generally prevailing standards of treatment in the podiatric community.
- (l) Soliciting patients either personally or through an agent, unless such solicitation falls into a category of solicitations approved by rule of the board.
- (m) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.
- (n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."
- (o) Performing professional services which have not been duly authorized by the patient or client or his legal representative except as provided in ss. 458.21, 768.13, and 768.46.
- (p) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the podiatrist's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing,

or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the podiatrist's professional practice, without regard to his intent.

(q) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the podiatrist to himself except those prescribed, dispensed, or administered to the podiatrist by another practitioner authorized to prescribe, dispense, or administer them.

(r) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to chapter 893.

(s) Being unable to practice podiatry with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph the department shall, upon probable cause, have authority to compel a podiatrist to submit to a mental or physical examination by physicians designated by the department. Failure of a podiatrist to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A podiatrist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of podiatry with reasonable skill and safety to patients.

(t) Gross or repeated malpractice or the failure to practice podiatry at a level of care, skill, and treatment which is recognized by a reasonably prudent podiatrist as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 763.45 in interpreting this provision.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of podiatric practice in the community, would constitute experimentation on human subjects without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or license to perform them.

(x) Violating any provision of this chapter, any rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude

another licensee from lawfully advertising his services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

- (a) Refusal to certify to the department an application for licensure.
- (b) Revocation or suspension of a license.
- (c) Restriction of practice.
- (d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.
- (e) Issuance of a reprimand.
- (f) Placing the podiatrist on probation for a period of time and subject to such conditions as the board may specify, including requiring the podiatrist to submit to treatment, to attend continuing education courses, to submit to reexamination, and to work under the supervision of another podiatrist.

(3) The department shall not reinstate the license of a podiatrist, or cause a license to be issued to a person the board has deemed unqualified, until such time as the board is satisfied that he has complied with all the terms and conditions set forth in

the final order and that such person is capable of safely engaging in the practice of podiatry.

(4) The board shall by rule establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision or probation, or conditions of probation or reissuance of a license.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

'461.015 Saving clauses.—

(1) No judicial or administrative proceeding pending on July 1, 1979, shall be abated as a result of the repeal and reenactment of this chapter.

(2) Each podiatrist who is duly licensed on June 30, 1979, shall be entitled to hold such license. Henceforth, such license shall be renewed in accordance with the provisions of this act.

History.—ss. 4-6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

§5.03 Judgments; rate of interest, generally.--

(1) All judgments and decrees bear interest at the rate of 10 6 percent a year, ~~except that judgments or decrees rendered in circuit court shall bear interest at the rate of 8 percent a year~~ unless the judgment or decree is rendered on a written contract or obligation providing for interest at a lesser rate, in which case the judgment or decree bears interest at the rate specified in such written contract or obligation.

Section 2.¹ This act shall apply to any judgment or decree entered on or after the effective date of this act.

Section 3. This act shall take effect October 1, 1980.

Approved by the Governor June 12, 1980.

Filed in Office Secretary of State June 13, 1980.

¹ Tentative assignment as §5.03(3).

PODIATRY—RESIDENCY PROGRAMS**CHAPTER 80-111****House Bill No. 310**

An act relating to podiatry; creating s. 461.014, Florida Statutes, providing for podiatric residency programs in hospitals; providing for the registration of residents and for semiannual reports; restricting the unlicensed practice of residents under such programs; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 461.014, Florida Statutes, is created to read:

461.014 Residency.--The board shall encourage and develop podiatric residency programs in hospitals in this state and shall establish such programs by the promulgation of rules, subject to the following conditions:

(1) Any residency program shall be approved by the Council of Podiatry Education of the American Podiatry Association.

(2) A residency program may be established only at a hospital where there is a duly licensed podiatrist on the hospital staff, or otherwise in a supervisory position.

(3) Every resident shall register with the board through the submission of forms provided by said board which shall, among other information required, reflect the date of commencement of residency.

(4) Every hospital having a residency program shall semiannually, on January 1 and July 1 of each year, provide the board with a list of podiatric residents and such other information as required by the board.

(5) No program in residency shall allow a resident to continue as such, unlicensed, for an aggregate of in excess of 2 years.

CODING: Words in ~~strike-through~~ type are deletions from existing law; words in underscoring type are additions.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 12, 1980.

Filed in Office Secretary of State June 13, 1980.

WEAPONS AND FIREARMS—ANTIQUES

CHAPTER 80-112

House Bill No. 497

An act relating to weapons and firearms; amending s. 790.001(6), Florida Statutes, including antique firearms within the definition of firearms under certain circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (6) of section 790.001, Florida Statutes, is amended to read:

790.001 Definitions.—The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this chapter, except where the context otherwise requires:

(6) "Firearm" means any weapon (including a starter gun) which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" shall not include an antique firearm unless the antique firearm is used in the commission of a riot, the inciting or encouraging of a riot, or the commission of a murder, armed robbery, aggravated assault, aggravated battery, burglary, aircraft piracy, kidnapping, or sexual battery.

Section 2. This act shall take effect October 1, 1980.

Approved by the Governor June 12, 1980.

Filed in Office Secretary of State June 13, 1980.

HONEY—CERTIFICATION

CHAPTER 80-113

House Bill No. 505

An act relating to the Florida Honey Certification Law; amending s. 586.09, Florida Statutes, providing for administrative fines not exceeding \$5,000; providing for suspension or revocation of any permit or certificate of inspection under certain circumstances; providing penalties for failure to pay fines within the prescribed time; amending ss. 586.14 and 586.15, Florida Statutes, increasing the maximum compensation

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Be It

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2. Upon a second conviction within a period of 5 years from the date of a prior conviction for a violation of the provisions of s. 316.193(1) or (3), or a combination of said subsections, the driver's license or privilege shall be revoked for not less than 6 months or more than 24 months.

3. Upon a third or subsequent conviction within a period of 5 years from the date of conviction of the first of three or more convictions for the violation of the provisions of s. 316.193(1) or (3), or a combination of said subsections, the driver's license or privilege shall be revoked for not less than 1 year or more than 5 years, as provided in s. 322.27(5).

Section 21. This act shall take effect July 1, 1980.

Approved by the Governor July 1, 1980.

Filed in Office Secretary of State July 2, 1980.

PROFESSIONS AND OCCUPATIONS—CONTINUING EDUCATION

CHAPTER 80-291

Senate Bill No. 472

An act relating to continuing education; adding subsection (5) to s. 461.007, Florida Statutes; authorizing continuing education for podiatrists; adding subsection (5) to s. 468.1715, Florida Statutes; authorizing continuing education for nursing home administrators; adding subsection (5) to s. 474.211, Florida Statutes; authorizing continuing education for veterinarians; adding subsection (5) to s. 484.008, Florida Statutes; authorizing continuing education for opticians; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (5) is added to section 461.007, Florida Statutes, to read:

461.007 Renewal of license.--

(5) The board may by rule prescribe continuing education not to exceed 30 hours biennially as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board.

Section 2. Subsection (5) is added to section 468.1715, Florida Statutes, to read:

468.1715 Renewal of license.--

(5) The board may by rule prescribe continuing education not to exceed 20 hours biennially as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board.

CODING: Words in ~~struck-through~~ type are deletions from existing law; words in underscored type are additions.

Section 3. Subsection (5) is added to section 474.211, Florida Statutes, to read:

474.211 Renewal of license.--

(5) The board may by rule prescribe continuing education not to exceed 30 hours biennially as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board.

Section 4. Subsection (5) is added to section 484.008, Florida Statutes, to read:

484.008 Renewal of license.--

(5) The board may by rule prescribe continuing education not to exceed 20 hours biennially as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board and the department. All education programs which contribute to the advancement, extension or enhancement of professional skills and knowledge, whether conducted by a nonprofit or a for-profit entity, are eligible for approval.

Section 5. This act shall take effect October 1, 1980.

Approved by the Governor July 1, 1980.

Filed in Office Secretary of State July 2, 1980.

ELECTIONS

CHAPTER 80-292

Senate Bill No. 618

An act relating to elections; amending s. 106.141(5), (6), Florida Statutes; specifying method of disposition by candidates of surplus funds; authorizing deposit of certain funds in savings account; authorizing persons who have retained certain funds to donate such funds to a charitable organization or organizations upon leaving office; amending s. 97.072, Florida Statutes, providing for the replacement of voter registration identification cards; amending ss. 97.091(1) and (2)(a) and (d), and 97.1031, Florida Statutes, relating to name and residence changes of electors; repealing s. 97.111, Florida Statutes; relating to change of party affiliation; amending s. 101.21, Florida Statutes; providing for the number of official ballots to be printed and provided for counties; amending s. 98.051(3)(a) and (c), Florida Statutes; relating to changes in the status of an elector when the registration books are closed; amending s. 98.081(1), Florida Statutes; relating to the removal of names of electors from registration books; adding a subsection to s. 98.161, Florida Statutes; providing for voter educational programs and materials; amending s. 98.211(1), Florida Statutes, authorizing the supervisor to provide certain lists; amending s. 98.031(1), Florida Statutes, and adding subsection (5) thereto, authorizing the supervisor of elections to select polling place locations; amending s.

CODING: Words in ~~strikethrough~~ type are deletions from existing law; words in underscored type are additions.

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BY-LAWS
OF THE
FLORIDA PODIATRY POLITICAL ACTION COMMITTEE
(P-PAC)

ARTICLE I

Name and Definition

8 2 0 1 2 3 8 9
The name of this Committee is The Florida Podiatry Political Action Committee, hereinafter referred to as the Committee or P-PAC. It is a voluntary, non-profit, unincorporated Committee of individual Practitioners of Podiatry and others and is not affiliated with any political party. The Committee is an independent, autonomous organization and not a branch or subsidiary of any national or other political action organization.

ARTICLE II

Objectives

The objectives of the Committee are:

- (1) To promote and strive for the improvement of government by encouraging and stimulating podiatrists and others to take a more active and effective part in governmental affairs.
- (2) To encourage podiatrists and others to understand the nature and actions of their government, as to important political issues, and as to the records of officeholders and candidates for elective office at all levels of government.
- (3) To assist podiatrists and others in organizing themselves for more effective political action and in carrying out their civil responsibilities.

EXHIBIT 2.

(4) To do any and all things necessary or desirable for the attainment of the objectives stated above.

ARTICLE III

Membership, Dues and Contributions

Section 1. Members.

Active membership shall be available to any podiatrist, his or her spouse, members of his or her immediate family, and other professional groups as authorized by the Board of Directors. The Board of Directors is authorized to establish additional categories of membership. Candidates for membership shall be subject to approval by the Board of Directors and to the payment of the full annual dues.

Section 2. Dues.

The annual and fiscal year of P-PAC shall be the calendar year. P-PAC annual dues shall be established by the Board of Directors for the period from January 1 through December 31 each calendar year for all classifications of membership. A member whose annual dues have not been paid by April 1 of the current year shall be considered delinquent.

Section 3. Contributions.

Contributions and membership dues to P-PAC shall be subject to the approval of the Board of Directors and such funds shall be disbursed only upon recommendation and approval of the Board of Directors and/or the Executive Committee who upon that time, will authorize either the Treasurer or the Chairman to disburse the funds. This authority may be delegated by the Board to the Chairman at their discretion.

Section 4. Established Dues.

The following are the dues for P-PAC:

\$50.00 per year per member.

ARTICLE IV

Officers

Section 1.

The officers of this Committee shall be: a Chairman, a Vice-Chairman, a Secretary, a Treasurer, the Immediate Past Chairman.

Section 2.

The officers shall be elected by the Board of Directors at the time of the annual meeting of P-PAC, for a term of one year, and shall serve from the time of their election until the annual meeting following the completion of their term of office.

Section 3.

In the event of resignation or death of an officer or district chairman, the Chairman shall exercise authority in making an appointment of an officer to serve in the interim period prior to the next election.

Section 4. Duties and Functions

(a) Chairman: The Chairman shall be the official head of P-PAC and shall preside at all meetings of the Executive Committee and the Board of Directors. He shall be an ex-officio member of all committees other than the above mentioned. The Chairman shall present an annual report to the Board of Directors. The Chairman shall appoint all committees as prescribed for in these By-Laws and perform such other duties to assure the proper functioning of the Committee.

(b) Secretary: The Secretary shall maintain correct and complete records of the activities of P-PAC which shall include minutes of the meetings of the Board and the Executive Committee.

(c) Treasurer: The Treasurer shall be custodian of the funds of P-PAC; he shall keep full and accurate accounts of the finances of P-PAC and provide an annual CPA audit to the Board of Directors. He shall perform other functions as directed by the Board of Directors.

(d) Other officers: The duties and functions of the other officers as provided for in these By-Laws shall be prescribed by the Board of Directors.

ARTICLE V

Board of Directors

Section 1. Functions.

The Board of Directors shall have general supervision and control over the affairs and funds of the Committee and shall establish and carry out all policies and activities of the Committee. Members of the Board of Directors shall serve without compensation.

Section 2. Composition.

The Board of Directors shall consist of the elected officers and podiatrists who shall be selected in the following manner: By election; election to be held annually in June at a date determined by the Chairman at least 30 days in advance of the election.

Section 3. District Organizations.

District organization should be encouraged in every county of the state.

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ARTICLE VI

Executive Committee

Section 1:

There shall be an Executive Committee of the Board of Directors composed of the Chairman, Vice-Chairman, Secretary, Treasurer and Immediate Past Chairman.

Section 2.

The Executive Committee shall consider matters referred to it by the Board of Directors and shall report its findings and recommendations to the Board. This Committee shall be responsible for studying the needs and requirements of P-PAC and shall engage in long-range planning and shall also serve as a finance committee.

ARTICLE VII

Meetings

Section 1.

The annual meeting of the active membership of P-PAC shall be held in June, the date to be chosen at least 30 days in advance of the meeting.

Section 2. Board of Directors Meetings.

The Board of Directors shall meet periodically at the call of the Chairman on no less than five days written notice to the members of the Board.

Section 3. Executive Committee Meetings.

The Chairman, on his own initiative, shall call for a meeting of the Executive Committee at such time and places as he deems necessary.

Section 4. Special Meetings of the Board.

Special meetings of the Board can be called for by the Chairman or upon the written request of three members of the Board of Directors.

Section 5.

Ten of the directors shall constitute a quorum.

ARTICLE VIII

Committees

Section 1. Candidate Evaluation Committee.

There shall be a candidate evaluation committee of the Board of Directors composed of the Executive Committee. This function may be delegated to the Chairman.

Section 2. Standing Committee.

(a) There shall be a committee on membership whose functions shall be productive evaluation of the existing membership status of the organization, with a report to be made at each regular meeting of the Board of Directors.

(b) There shall be a committee on political education whose functions shall be to clearly outline the objectives, purposes and activities of P-PAC and promoted among the membership as well as to interested group members.

Section 3. Special Committees.

There shall be additional committees as deemed advisable by the Chairman who shall make the appointments and outline their functions subject to the approval of the Executive Committee.

ARTICLE IX

Parliamentary Authority

The deliberations of the Committee shall be governed by parliamentary usage as contained in Roberts Rules of Parliamentary Procedure, latest and revised edition, unless otherwise provided in these By-Laws or modified by two-thirds vote of the members present.

ARTICLE X

Amendment of By-Laws

The By-Laws may be altered, amended or repealed by two-thirds of the members of the Board of Directors present and voting provided that at least thirty (30) days written notice is given of the intention to alter or amend, further subject to appraisal of legal counsel and the Florida Podiatry Association, Inc.

Chairman

Secretary

82040312395



**FLORIDA
PODIATRY
ASSOCIATION**

Suite 590
Barnett Bank Building
Tallahassee, Florida 32301
Phone (904) 222-4455

William D. Owens
Executive Director

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Warren L. Simmonds, D.P.M.
President
7331 Collins Avenue
Miami Beach, Florida 33141

Frederick I. Pearl, D.P.M.
President Elect
1780 Mercy Drive
Mercy Medical Center
Orlando, Florida 32808

Erice N. Kramer, D.P.M.
First Vice President
2529 Okeechobee Boulevard
West Palm Beach, Florida 33409

Lionel Goldstein, D.P.M.
Second Vice President
801 West 49th Street
Hialeah, Florida 33012

Murray B. Goldstein, D.P.M.
Secretary
150 South Federal Highway
Royal Palm Professional Building
Boca Raton, Florida 33432

Robert H. Eder, D.P.M.
Past President
1608 West Plaza Drive
Tallahassee, Florida 32308

October 23, 1980

Mr. Murray Dubbin, Esq.
1000 Rivergate Plaza
444 Brickell Avenue
Miami, Florida 33131

Dear Mr. Dubbin:

This shall advise you of an error in posting in the ledger of the Florida Podiatry Association.

During 7/1/78 through 5/31/79 indicated on that period's financial sheet prepared by the FPA accountant, \$13,354.24 was listed as a disbursement to the Political Action Committee. Of that amount, \$734.24 (check #1760) was a disbursement for printing to Qwik Print and Bindery of Florida and was inadvertently posted to the Committee.

Recently, the FPA financial records have become computerized so, hopefully, this error will not reoccur.

Sincerely,

Lily Weldon

Lily Weldon
Secretary to the
Executive Director

/lw

cc: Warren L. Simmonds, D.P.M.

EXHIBIT 3

Cushman
American Podiatry Association

October 22, 1980

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1306

Dear Mr. Steele:

This will acknowledge receipt of your letter, dated October 10, 1980, notifying us of the filing of a complaint under the Federal Election Campaign Act of 1971.

Please be advised that the American Podiatry Association (APA) and the Florida Podiatry Association (FPA) are separate corporate entities. APA is comprised of component state associations, but has no jurisdiction or control of their internal affairs. State associations collect both national and state dues and remit national dues to APA. Some state organizations, including FPA, request APA to prepare dues statements which are based on information submitted by them.

We trust that the foregoing will be of assistance to you. Should you desire additional information in this matter, please contact our attorney or this office.

Very truly yours,

Norman Klombers
Norman Klombers, D.P.M.
Acting Executive Director

NK/B

cc: Mr. Werner Strupp

CERTIFIED MAIL - No. 271890

Attachment 2

American Podiatry Association

October 22, 1980

000124 P2:03

RECEIVED
OCT 23 1980

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1306

Dear Mr. Steele:

Please be advised that this Association is represented by
Counsel in the above matter. His name, address, and
telephone number are as follows:

Mr. Werner Strupp
Sinrod & Tash
3301 New Mexico Avenue, N.W.
Washington, D.C. 20016
202/362-9811

Our Attorney is hereby authorized to receive any notifica-
tions or other communications from the Commission.

Very truly yours,

Norman Klombers

Norman Klombers, D.P.M.
Acting Executive Director

NK/B

cc: Mr. Werner Strupp

CERTIFIED MAIL - No. 271890



Podiatry Political Action Committee 3113 : 04

20 Chevy Chase Circle, N.W.

Washington, D.C. 20015 (202)537-4900

In accordance with the FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1976, P.L. 94-403--"A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C."

October 23, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1306

Dear Mr. Steele:

This will acknowledge receipt of your letter, dated October 10, 1980, notifying us of the filing of a complaint under the Federal Election Campaign Act of 1971.

Please be advised that the Podiatry Political Action Committee (FED Identification Number is 0000 8839) is not connected with or related to any other political committee. The Florida Podiatry Political Action Committee is a separate and independent organization.

We trust that the foregoing will be of assistance to you. Should you desire additional information in this matter, please contact our attorney or this office.

Very truly yours,

Irvin O. Kanat, DPM

Irvin O. Kanat, DPM
Secretary-Treasurer, PPAC

IOK/ssw

cc Mr. Werner Strupp

PPAC Board of Directors:

Earl G. Kaplan, D.P.M., Chairman
14608 Gratiot Avenue
Detroit, Michigan 48205

John M. Connolly, D.P.M.
48 Park Plaza Drive
Daly City, California 94015

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Theodore H. Clarke, D.P.M., Vice Chairman
320 East Taylor Street
Kokomo, Indiana 46901

Herbert Rothfeld, D.P.M.
1905 Queens Chapel Road
Avondale, Maryland 20018

Attachment 3

Irvin O. Kanat, D.P.M., Secretary-Treasurer
29055 Ford Road
Garden City, Michigan 48135

Lawrence G. Lefler, D.P.M.
1835 East Military Avenue
Fremont, Nebraska 68025



Podiatry Political Action Committee

20 Chevy Chase Circle, N.W.

Washington, D.C. 20015 (202)537-4900

In accordance with the FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974 P.L. 93-443--"A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C."

October 23, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1306

Dear Mr. Steele:

Please be advised that this Committee is represented by Counsel in the above matter. His name, address, and telephone number are as follows:

Mr. Werner Strupp
Sinrod & Tash
3301 New Mexico Avenue, N.W.
Washington, D.C. 20016
202-362-9811

Our Attorney is hereby authorized to receive any notifications or other communications from the Commission.

Very truly yours,

Irvin O. Kanat, DPM

Irvin O. Kanat, DPM
Secretary-Treasurer, PPAC

IOK/ssw

cc Mr. Werner Strupp

PPAC Board of Directors:

Earl G. Kaplan, D.P.M., Chairman
14608 Gratiot Avenue
Detroit, Michigan 48205

John M. Connolly, D.P.M.
48 Park Plaza Drive
Daly City, California 94015

Theodore H. Clarke, D.P.M., Vice Chairman
320 East Taylor Street
Kokomo, Indiana 46901

Herbert Rothfeld, D.P.M.
1905 Queens Chapel Road
Averdale, Maryland 20013

Irvin O. Kanat, D.P.M., Secretary-Treasurer
29055 Ford Road
Garden City, Michigan 48135

Lawrence G. Lefler, D.P.M.
1835 East Military Avenue
Fremont, Nebraska 68025



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Werner Strupp, Esq.
Sinrod & Tash
3301 New Mexico Avenue, N.W.
Washington, D.C. 20016

Re: MUR 1306

Dear Mr. Strupp:

On October 10, 1980, the Commission notified the American Podiatry Association ("the APA") and the Podiatry Political Action Committee ("PPAC") of a complaint alleging that the APA had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1981, determined that on the basis of the information in the complaint and information provided by the respondents there is no reason to believe that a violation of any statute within its jurisdiction has been committed by PPAC or the APA. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Attachment 4



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Andrew H. Moriber, Esq.
Dubbin, Schiff, Berkman
and Lubbin
444 Brickell Avenue
Miami, Florida 33131

Re: MUR 1306

Dear Mr. Moriber:

The Federal Election Commission notified the Florida Podiatry Association ("the FPA") and the Florida Podiatry Political Action Committee ("the Committee") on October 10, 1980, of a complaint which alleges that your clients had violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaint were forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission has found reason to believe that the Committee has violated 2 U.S.C. §§ 433a, 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv), and that both the Committee and the FPA have violated 2 U.S.C. § 441b(b)(3)(b) and (C) and 11 C.F.R. § 114.5 (a)(2)-(5) since June 30, 1980.

The Commission found no reason to believe that the FPA and the Committee violated 2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R. § 114.5(a)(2)-(5) prior to June 30, 1980. The Commission also found no reason to believe that the FPA and the Committee have violated 2 U.S.C. § 441b(a) in connection with the joint collection of dues and contributions and the disbursement by the FPA of contribution receipts to the Committee.

By contributing to the senatorial campaign of Richard Stone, the Committee became a separate segregated fund and a political committee within the meaning of the Act. See 2 U.S.C. §§ 441b(b) and 431(4)(B). Pursuant to 2 U.S.C. § 433(a) a separate segregated fund established pursuant to 2 U.S.C. § 441b(b) must file a statement of organization "no later than 10 days after establishment." The Committee has never filed such a statement of organization.

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In an election year, 2 U.S.C. § 434(a)(4)(A)(i) requires all political committees other than authorized candidate committees to file quarterly reports no later than the 15th day after the end of each calendar quarter except for the last quarter when the report must be filed no later than January 31 of the following year. Under 2 U.S.C. § 434(a)(4)(A)(iii) such committees are required to file a post-general election report no later than the 30th day after the general election, complete as of the 20th day after the election. In a non election year, 2 U.S.C. § 434(a)(4)(A)(iv) requires all political committees other than authorized candidate committees to file, no later than July 31, a report covering the period from January 1 through June 30. Thus, the Committee was required to file quarterly reports due July 15, 1980, October 15, 1980, and January 31, 1980, a post-general election report due December 4, 1980, and a mid-year report due July 31, 1981. The Committee has not filed any of these required reports.

As a separate segregated fund pursuant to the Act, solicitation of contributions to the Committee are governed by the Act and the Commission's regulations. Section 441b(b)(3)(b) of Title 2, United States Code, and 11 C.F.R. § 114.5(a)(3) provide that any person soliciting for a contribution to a separate segregated fund must inform the member solicited at the time of the solicitation of the political purposes of the fund. Section 441b(b)(3)(C) of Title 2, United States Code, and 11 C.F.R. § 114.5(a)(4) provide that any person soliciting for a contribution to a separate segregated fund must inform the member solicited at the time of the solicitation of his right to refuse to contribute without any reprisal. 11 C.F.R. § 114.5(a)(2) provides that if guidelines for contributions to a separate segregated fund are suggested that the person being solicited be informed that the guidelines are merely suggestions, that more or less may be contributed, and that no one will be favored or disadvantaged because of the amount contributed or a decision not to contribute. 11 C.F.R. § 114.5(a)(5) provides that any written solicitation for a contribution to a separate segregated fund must contain statements which comply with the requirements of 11 C.F.R. §§ 114.5(a)(3) and (4), and, if a guideline is suggested, with the requirements of 11 C.F.R. § 114.5(a)(2) also. 11 C.F.R. § 114.7(g) specifically makes these provisions applicable to the separate segregated fund of a membership organization or a corporation without capital stock. Your response and the solicitation materials attached to the complaint do not indicate that solicitations by the FFA and the Committee comply with the requirements

Letter to: Andrew H. Moriber, Esq.

Page 3

of 2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R.
§ 114.5(a)(2)-(5).

You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please file any such response within ten days of your receipt of this notification. Please also submit within ten days of receipt of this letter, copies of all solicitations since June 30, 1980, the proceeds of which included contributions to the Committee. This should include but not be limited to all invoices, cover letters, contribution envelopes and promotional materials. It should also include any follow-up letters and included materials.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Anne Cauman, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

Enclosures
Procedures

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Florida Podiatry Association, et al.)

MUR 1306

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on August 25, 1981, do hereby certify that the Commission decided by a vote of 6-0 to return to the General Counsel the August 17, 1981 report on MUR 1306 in order that the recommendations might be revised.

Attest:

8/28/81
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

82040312405



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwe*
FROM: MARJORIE W. EMMONS/JODY CUSTER *ja*
DATE: AUGUST 18, 1981
SUBJECT: OBJECTION - MUR 1306 First General Counsel's
Report dated 8-17-81; Received in OCS, 8-17-81,
4:42

The above-named document was circulated on a 48
hour vote basis at 11:00, August 18, 1981.

Commissioner Harris submitted an objection at 3:27,
August 18, 1981.

This matter will be placed on the Executive Session
Agenda for Tuesday, August 25, 1981.

Harris

82049712405



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwe*
FROM: MARJORIE W. EMMONS / JODY CUSTER *JC*
DATE: AUGUST 18, 1981
SUBJECT: COMMENTS REGARDING MUR 1306 - First General
Counsel's Report dated 8-17-81

Attached is a copy of Commissioner Aikens'
vote sheet with comments regarding the recommendation
in MUR 1306.

ATTACHMENT:
Copy of Vote Sheet

82040312407

August 17, 1981

MEMORANDUM TO: Marjorie W. Emmons
FROM: Phyllis A. Kayson
SUBJECT: MUR 1306

Please have the attached First General Counsel's Report distributed to the Commission on a 48 hour tally basis.

Thank you.

Attachment

cc: Cauman

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FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RECEIVED
OFFICE OF THE
COMMISSIONER

81 AUG 17 P 4: 42

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 8-17-81

MUR # 1306
DATE COMPLAINT RECEIVED
BY OGC October 7, 1981
DATE OF NOTIFICATION TO
RESPONDENT Oct. 10, 1981
STAFF MEMBER
Anne Cauman

COMPLAINANT'S NAME: Robert A. Kostka

RESPONDENT'S NAME: Florida Podiatry Association, Florida Podiatry Political
Action Committee, American Podiatry Association and
Podiatry Political Action Committee

RELEVANT STATUTE: 2 U.S.C. §§ 433(a), 434(a)(4)(A)(i), (iii), and (iv), and
441b(a)
11 C.F.R. §§ 114.5(a)(2)-(5)

INTERNAL REPORTS CHECKED: Indexes of political committees for 1972-1980,
Reports of the Podiatry Political Action Committee
Reports of the Senator Richard (Dick) Stone Committee

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

The complainant, Robert A. Kostka, alleges that the Florida Podiatry Association (FPA) and the American Podiatry Association (APA) have, from 1974 through 1979, violated his right of political expression by 1) the inclusion of mandatory contributions to the Florida Podiatry Political Action Committee (Committee) in FPA and APA dues invoices, and 2) the commingling of funds of the FPA and the Committee. The complainant makes no reference to specific statutes or regulations. However, his first allegation may be considered as alleging a violation of 11 C.F.R. §§ 114.5(a)(2)-(5), and the second allegation may be considered as alleging a violation of 2 U.S.C. § 441b(a).

II. FACTUAL BASIS AND LEGAL ANALYSIS

A. Facts as documented by complainant

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The complainant's allegation that contributions to the Committee were mandatory from 1974 through 1979 is documented by a newsletter from the FPA dated November, 1973, and membership invoices for 1977 and 1978. (Complaint, pp. 2 and 3). The newsletter indicates that in 1972 and 1973 FPA dues had been lowered \$50 and members were each asked to make a voluntary contribution to the Committee. The newsletter further indicates that as that system had not been successful, FPA dues were being returned to the previous figure and a contribution to the Committee would be made automatically in each individual's name when dues were paid in full; separate receipts from the FPA and the Committee would be sent in acknowledgement. (Id., p. 2). The invoices from the APA have categories for national association and state association dues; there is no reference whatsoever to the Committee on the invoices. (Id., p. 3).

The complainant's allegation that funds of the Committee and the FPA have been commingled is documented by a page from the FPA statement of receipts and disbursements for the period from July 1, 1978, through May 31, 1979. A disbursement of \$13,554.24 to the Political Action Committee is listed. (Id., p. 4).

B. Reply of respondents FPA and the Committee

The Office of General Counsel has received responses from the APA, the Podiatry Political Action Committee (PPAC),

the FPA and the Committee. (Attachments 1, 2 and 3).

It is stated in the response filed on behalf of the FPA and the Committee that the Committee is a separate PAC maintained by the FPA which is organized under the laws of Florida and which has made only one contribution relating to a federal election in the amount of \$500 to the 1980 primary election campaign of Senator Richard Stone. (Attachment 1, pp. 1 and 2). The FPA and the Committee take the position that the Act is not applicable to them in this instance as the Committee is not engaged in activities subject to the Act other than the single contribution to Senator Stone. 1/

With regard to the solicitation of contributions to the Committee, it is stated that the the APA acts merely as a billing agent for the FPA and that the FPA has instructed the APA to include a contribution to the Committee in the amount billed for FPA dues. The response alleges that the amount of the Committee contribution "has been" disclosed to the membership by the FPA, but refers only obliquely to the 1973 newsletter attached to the complaint in support of this claim.

The FPA and the Committee contend that their solicitation practice is distinguishable from "negative check-off" cases

1/ It is possible that the contribution to Senator Stone's campaign included corporate funds as Florida law allows corporate contributions by state PACs, see Florida Election Code § 106.011, and the Committee appears to view itself as a state PAC only. however, there is no direct evidence of the acceptance of corporate contributions by the Committee.

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decided under the Act because payment of dues "is made by an affirmative act of the member." (Id., p. 2). They also contend that 2 U.S.C. §§ 441b(b)(4)(C) and (D) and 11 C.F.R. §§ 114.7(f) and 114.8(e)(3) allow them total latitude in their solicitation practices. They further contend that if the Act is applicable to them in this instance it is unconstitutional. The response also states that while the Committee contribution is billed as part of the lump sum of FPA dues, any FPA member is free to remit only FPA dues and still retain membership in good standing in the FPA.

The FPA and Committee response further states that the funds for the Committee are "segregated from the general funds of the FPA upon receipt by the FPA." (Id., p. 2). While this response does not state explicitly whether or not the FPA is a corporation, the response filed on behalf of the APA states that both the APA and the FPA are separate corporations. (Attachment 2). 2/

C. Commission records

A search of the Commission's records indicates that the Committee has never registered as a political committee pursuant to the Act and, also, that it has apparently made only the single \$500 contribution to Senator Stone's campaign which was referred

2/ A telephone call to the Florida Secretary of State's Office verified that the Florida Podiatry Association, Inc. is listed as a non-profit corporation.

to in the Committee's response. PPAC reports do not indicate any financial activity between PPAC and either the Committee or the FPA.

D. Relevant law and its application to the facts

Pursuant to 2 U.S.C. § 441b(b)(3)(A) the separate segregated fund of a corporation is prohibited from making contributions or expenditures by utilizing money secured by force, job discrimination, financial reprisals, or threats, or by dues, fees, or other moneys required as a condition of employment. Pursuant to 2 U.S.C. §§ 441b(b)(3)(B) and (C) any person soliciting an employee for a contribution to such a fund is required to inform the employee at the time of the solicitation of the political purposes of the fund and the employee's right to refuse to contribute to the fund without any reprisal. The Commission's regulations clarify that these restrictions govern the separate segregated funds of incorporated membership organizations and corporations without capital stock. 11 C.F.R. § 114.7(g) specifically provides that the general provisions governing separate segregated funds pursuant to 11 C.F.R. § 114.5(a) are applicable to the separate segregated fund of a membership organization or a corporation without capital stock. 11 C.F.R. § 114.5(a)(3) provides that any person soliciting a contribution to a separate segregated fund must inform the member solicited at the time of the solicitation of the political purposes of the

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fund. 11 C.F.R. § 114.5(a)(4) provides that any person soliciting a contribution to a separate segregated fund must inform the member solicited at the time of the solicitation of his right to refuse to contribute without any reprisal. 11 C.F.R. § 114.5(a)(2) provides that if guidelines for contributions to a separate segregated fund are suggested, the person being solicited be informed that the guidelines are merely suggestions, that more or less may be contributed, and that no one will be favored or disadvantaged because of the amount contributed or a decision not to contribute. 11 C.F.R. § 114.5(a)(5) provides that any written solicitation for a contribution to a separate segregated fund must contain statements which comply with the requirements of 11 C.F.R. §§ 114.5(a)(3) and (4), and, if a guideline is suggested, with the requirements of 11 C.F.R. § 114.5(a)(2) also.

The concept of separate segregated funds emanates from 2 U.S.C. § 441b which concerns corporate and union activity in connection with federal elections. Therefore, in the opinion of the General Counsel the restrictions on separate segregated funds set forth in 11 C.F.R. § 114.5(a) do not apply to a separate segregated fund which is not involved in federal elections.

The Committee engaged in no federal election activity prior to June 30, 1980. On that date it made a \$500 contribution to the primary campaign of Senator Richard Stone. Therefore, there is no reason to believe the Committee violated

11 C.F.R. §§ 114.5(a)(2)-(5) in connection with any of its solicitation activities prior to June 30, 1980.

While the complainant's allegations only concern solicitation violations for the years 1974 through 1979, there is no indication that the solicitation practices of the FPA and the Committee have changed over the years. In the documents submitted by the complainant, there is no reference whatsoever, to the contribution to the Committee on the invoices and no indication in the newsletter that the \$50 contribution is merely a guideline or that a member has a right to refuse to contribute without fear of reprisal. (See complaint, pp. 2 and 3). The response on behalf of the FPA and the Committee speaks in the present tense as though their current dues billing practice is the same as in the past, including contributions to the Committee in the amount of dues payable to the FPA. (See Attachment 1, p. 2). Therefore, the General Counsel recommends that the Commission find reason to believe that the FPA and the Committee have violated 11 C.F.R. §§ 114.5a(2)-(5) in solicitations made since June 30, 1980, the date the Committee engaged in federal election activity and therefore became subject to the provisions of the Act and the regulations. As, according to the responses, the APA merely acts as a billing service for state associations and prepares dues statements based on information submitted by the state associations (see Attachment 1, p. 2 and Attachment 2), the General Counsel recommends that the Commission find no

reason to believe that the APA has violated 11 C.F.R.

§§ 114.5a(2)-(5). 3/

Also inherent in this matter are apparent violations by the Committee of the registration and reporting requirements of the Act. Registration of political committees is governed by 2 U.S.C. § 433. Political committees include any separate segregated fund established pursuant to 2 U.S.C. § 441b(b). Pursuant to 2 U.S.C. § 433(a) such a separate segregated fund is required to file a statement of organization "no later than 10 days after establishment." As soon as the Committee acted in a manner to become a separate segregated fund within the meaning of the Act, it had an obligation to file a statement of organization within 10 days. In this instance the Committee had an obligation to file by July 10, 1980. To date, the Committee has not filed a statement of organization. Therefore, the General Counsel recommends that the Commission find reason to believe that the Committee has violated 2 U.S.C. § 433(a).

Political committees are required to file reports of receipts and disbursements pursuant to 2 U.S.C. § 434(a). Specifically, in an election year, 2 U.S.C. § 434(a)(4)(A)(i) requires all political committees other than authorized candidate committees to file quarterly reports no later than the 15th day after the end of each calendar quarter except for the last quarter

3/ There is no indication of involvement by PPAC in the solicitations of the APA, the FPA and the Committee.

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when the report must be filed no later than January 31 of the following year. Section 434(a)(4)(A)(iii) requires these committees to file a post-general election report no later than the 30th day after the general election, complete as of the 20th day after the election. 4/

In a non election year, 2 U.S.C. § 434(a)(4)(A)(iv) requires all political committees other than authorized candidate committees to file no later than July 31, a report covering the period from January 1 through June 30. Thus, the Committee which is not an authorized committee and has filed no reports to date, was required to file quarterly reports due July 15, 1980, October 15, 1980, and January 31, 1981, a post-general election report due December 4, 1980, and a mid-year report due July 31, 1981. Therefore, the General Counsel recommends that the Commission find reason to believe that the Committee has violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv).

Pursuant to 2 U.S.C. § 441b(a) corporations are prohibited from contributing to political committees; thus, the commingling of corporate and political action committee funds is prohibited. The complaint alleges such commingling based on the Disbursement Budget for 1979. (See Complaint pp. 1 and 4). However the response on behalf of the Committee and the FPA indicates

4/ Alternatively, 2 U.S.C. § 434(a)(4)(E) calls for monthly reports from political committees other than authorized candidates committees. The less burdensome requirement of 2 U.S.C. § 434(a)(4)(A) was chosen for analysis, however.

that this disbursement item covers the individual contributions to the Committee and that this sum is "segregated from the general funds of the FPA upon receipt by the FPA." (Attachment 1, p. 2). 5/ Therefore, the General Counsel recommends that the Commission find no reason to believe that the FPA and the Committee have violated 2 U.S.C. § 441b(a).

RECOMMENDATIONS

1. Find no reason to believe that the FPA, and the Committee violated 11 C.F.R. §§ 114.5(a)(2)-(5) from 1974 through 1979.
2. Find reason to believe that since the Committee contributed to a federal election, the FPA and the Committee have violated 11 C.F.R. §§ 114.5(a)(2)-(5).
3. Find no reason to believe that the APA and PPAC have violated 11 C.F.R. §§ 114.5(a)(2)-(5).
4. Find reason to believe that the Committee has violated 2 U.S.C. § 433(a) by failing to file a statement of organization.
5. Find reason to believe that the Committee has violated 2 U.S.C. § 434(a)(4)(A)(i) by failure to file quarterly reports due on July 15, 1980, October 15, 1980, and January 31, 1981.
6. Find reason to believe that the Committee has violated 2 U.S.C. § 434(a)(4)(A)(iii) by failure to file a 30 day post-general election report due on December 4, 1981.
7. Find reason to believe that the Committee has violated 2 U.S.C. § 434(a)(4)(A)(iv) by failure to file a mid-year report due on July 31, 1981.

5/ This response indicates that the FPA and the Committee appear to be in compliance with 2 U.S.C. § 432(b)(2) and 11 C.F.R. §§ 103.3(b) and 102.6(b).

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8. Find no reason to believe that the Committee and the FPA have violated 2 U.S.C. § 441b(a).

9. The attached letters be sent.

Charles N. Steele
General Counsel

Aug 17, 1981
Date

BY:

Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Attachments

1. Response from the FPA and the Committee
2. Response from the APA
3. Response from the PPAC
4. Proposed letters - 2

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LAW OFFICES
DUBBIN, SCHIFF, BERKMAN & DUBBIN
444 BRICKELL AVENUE
MIAMI, FLORIDA 33131

1000 RIVERGATE PLAZA

TELEPHONE (305) 373-3606

October 31, 1980

Ms. Anne Cauman
Federal Elections Commission
1325 K Street N.W.
Washington, D.C. 20463

Dear Ms. Cauman:

Re: MUR 1306

We represent the Florida Podiatry Association (FPA) and the Florida Podiatry Political Action Committee. We submit this response to the General Counsel's letter of October 10, 1980, reference the above complaint. Inasmuch as the complaint letter is rather informal and the acknowledgment thereon appears almost solely as a matter of form, we have not caused this response to be signed by our clients and notarized. If the Commission requires a more formal response, we will provide same upon request. In response to the complaint, please be advised:

1. The FPA is a voluntary organization similar in purpose to the American Medical Association or the American Bar Association in that its major mission is to assist the podiatric practitioner in maintaining and improving his skills through the dissemination of professional literature, committees, etc., and to provide the practicing podiatrist with various services, such as malpractice insurance, and other items which can be more economically obtained on a group basis. Membership in the FPA is not legally required in order to practice podiatry in the State of Florida. See Florida Statutes, Chapter 461 (copy attached as Exhibit 1)

2. The FPA maintains a separate Political Action Committee (PAC) which is duly organized under the laws of the State of Florida and complies with all State laws. Attached hereto as Exhibit 2 is a copy of the By-laws of the PAC.

3. The relation of the American Podiatry Association to the FPA as it concerns this case is simply one of a billing service for the dues of the State Association. The APA remits

Attachment 1

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FEDERAL ELECTIONS COMMISSION
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Ms. Anne Cauman
Federal Elections Commission
Page Two
October 31, 1980

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dues to the FPA. The FPA is free to set its dues at whatever level it wishes, and disposes of its dues in such manner as it sees fit. Likewise, except to the extent that members of the FPA may have a limited voice in the governance of the National Association, the American Podiatry Association is free to set its dues as it sees fit, without supervision of the FPA. The FPA has instructed the APA to bill State dues at a sum which includes the contribution to the PAC. As is apparent from the complaint, the amount of the contribution and its inclusion in the dues statement has been disclosed to the membership by the FPA.

4. The FPA, upon receipt of dues collected, remits a clearly set sum to its PAC, which sum is clearly set forth in the FPA's literature, and which is segregated from the general funds of the FPA upon receipt by the FPA. The disbursement item contained on the report attached to the complaint reflects this remittance to the PAC and a posting error which is explained by the letter attached hereto as Exhibit 3.

5. Although billed in a lump sum, any FPA member who does not wish to contribute to the PAC, may send in only the FPA dues and remain a member in good standing. In fact, in the past, several members who remain in good standing have done just that. Since payment of dues is made by affirmative act of the member, the FPA's actions are distinguishable from the "negative check-off" cases which have been decided under the Statute.

6. In any event, 2 U.S.C. 441b(b)(4)(C)&(D) expressly exempts from the solicitations provision of the Act membership organizations or trade associations such as the FPA. As you are aware the regulations (11 CFR 114.7(F) and 114.8(e)(3)) recognize the broad latitude which groups enjoy under the law by providing that there is no limitation on the method of solicitation or method of facilitating the making of contributions which may be used.

7. Further, the FPA's PAC is not engaged in activities subject to the Act since its only contribution relating to a Federal election was in the sum of \$500 to Richard Stone in connection with his primary campaign for the U.S. Senate. It is the position of the FPA and its PAC that a construction of the Act as being applicable to the subject circumstances is erroneous, or in the alternative, that the Statute is constitutionally defective, both on its face and as applied.

Ms. Anne Cauman
Federal Elections Commission
Page Three
October 31, 1980

8. Notwithstanding the position of the FPA and its PAC that the Act is either not applicable or unconstitutional, it is their position that there has been substantial compliance with the Act, particularly, in view of the writing of this letter which discloses its sole activity in connection with a Federal election. The FPA and its PAC submit that as a matter of administrative discretion, the Federal Elections Commission should close this file and not spend tax dollars on a complaint which the Association believes was brought solely as harassment by a dissident podiatrist who is not even a member of the Association. (For the record, the Commission should be advised that the complainant resigned from his County Podiatry Association. Since membership in the County Association is a pre-requisite for membership in the State Association, he was automatically dropped from the State Association for that reason).

We trust that you will conclude that no further action is merited on this matter.

Very truly yours,

DUBBIN, SCHIFF, BERKMAN & DUBBIN

By:



ANDREW H. MORIBER

AHM/mcs
Enclosures

CHAPTER 461

PODIATRY

- 461.001 Legislative findings; intent; scope.
- 461.002 Exceptions.
- 461.003 Definitions.
- 461.004 Board of Podiatry; membership; appointment; terms.
- 461.005 Authority to make rules.
- 461.006 Licensure by examination.
- 461.007 Renewal of license.
- 461.008 Inactive status.
- 461.009 Itemized patient billing.
- 461.012 Violations and penalties.
- 461.013 Grounds for disciplinary action; action by the board.
- 461.015 Saving clauses.

461.001 Legislative findings; intent; scope.—The Legislature finds that the practice of podiatry by unskilled and incompetent practitioners presents a danger to the public health and safety. The Legislature finds further that it is difficult for the public to make an informed choice about podiatrists and that the consequences of a wrong choice could seriously endanger their health and safety. The sole legislative purpose for enacting this chapter is to ensure that every podiatrist practicing in this state meet minimum requirements for safe practice. It is the legislative intent that podiatrists who fall below minimum competency or who otherwise present a danger to the public health be prohibited from practicing in this state.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.002 Exceptions.—

(1) The provisions of this chapter shall not apply to other duly licensed health care practitioners acting within their authorized scope of practice.

(2) This chapter shall not prohibit the manufacture, advertisement, or sale of proprietary foot appliances or remedies or corrective shoes.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.003 Definitions.—As used in this chapter:

(1) "Department" means the Department of Professional Regulation.

(2) "Board" means the Board of Podiatry as created in this chapter.

(3) "Practice of podiatry" means the diagnosis and medical, surgical, palliative, and mechanical treatment of ailments of the human foot and leg. The surgical treatment of ailments of the human foot and leg shall be limited anatomically to that part below the anterior tibial tubercle. The practice of podiatry shall include the amputation of the toes or other parts of the foot but shall not include the amputation of the foot or leg in its entirety. A podiatrist may prescribe drugs that relate specifically to the scope of practice authorized herein.

(4) "Podiatrist" means any person licensed to practice podiatry pursuant to this chapter.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.004 Board of Podiatry; membership; appointment; terms.—

(1) The Board of Podiatry is created within the Department of Professional Regulation and shall consist of seven members to be appointed by the Governor and confirmed by the Senate.

(2) Five members of the board shall be licensed podiatrists who are residents of the state and who have been licensed podiatrists engaged in the practice of podiatry for at least 4 years, and the remaining two members shall be residents of the state who are not and have never been licensed as podiatrists or members of any closely related profession.

(3) Within 60 days after June 30, 1979, the Governor shall appoint seven eligible and qualified persons to be members of the board as follows:

(a) Two members for terms of 2 years each.

(b) Two members for terms of 3 years each.

(c) Three members for terms of 4 years each.

(4) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed. The members of the board serving on July 1, 1979, shall continue in office until their successors are appointed.

(5) All provisions of chapter 455 relating to the board shall apply.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.005 Authority to make rules.—The Board of Podiatry is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by this chapter and as may be necessary to protect the health, safety, and welfare of the public.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.006 Licensure by examination.—

(1) Any person desiring to be licensed as a podiatrist shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies has:

(a) Completed the application form and remitted an examination fee set by the board not to exceed \$250.

(b) Submitted proof satisfactory to the department that he is not less than 18 years of age and is a recipient of a degree from a school or college of podiatry or chiropody recognized and approved by the Council on Podiatry Education. For applicants who matriculated prior to 1953, the course of study shall have been at least 3 years. For applicants who matriculated during or subsequent to 1953, the

course of study shall be at least 4 years or the total hourly equivalent of a 4-year course of study.

(2) The department shall issue a license to practice podiatry to any applicant who successfully completes the examination in accordance with this section. The department shall not issue a license to any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this act. Upon the completion of the investigation, the provisions of s. 461.013 shall apply.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.007 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and a fee set by the board not to exceed \$250.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 461.008.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.008 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed \$50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to s. 461.007 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours for all years. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension, the department shall give notice to the licensee. A suspended license may be reinstated as provided in s. 461.013.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

Note.—The words "for all years" were inserted by the editors.

461.009 Itemized patient billing.—Whenever a podiatrist licensed under this chapter renders professional services to a patient, the podiatrist is required, upon request, to submit to the patient, to the patient's insurer, or to the administrative agency for any federal or state health program under which the patient is entitled to benefits, an itemized statement of the specific services rendered and the charge for each, no later than the podiatrist's next regular billing cycle which follows the fifth day after rendering of professional services. A podiatrist may not condition the furnishing of an itemized statement upon prior payment of the bill.

History.—s. 6, ch. 79-193.

461.012 Violations and penalties.—

(1) Each of the following acts constitutes a violation of this chapter and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing or attempting to practice podiatry without an active license or with a license fraudulently obtained.

(b) Using or attempting to use a license to practice podiatry which has been suspended or revoked.

(2) Each of the following acts constitutes a violation of this chapter and is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Selling or fraudulently obtaining or furnishing any podiatry diploma, license, or record of registration or aiding or abetting in the same.

(b) Making any willfully false oath or affirmation whenever an oath or affirmation is required by this chapter.

(c) Using the name or title "Podiatrist," "Doctor of Podiatry," "Doctor of Podiatric Medicine," or any other name or title which would lead the public to believe that such person is engaging in the practice of podiatry, unless such person is licensed as a podiatrist in this state.

(d) Knowingly concealing any information relative to violations of this chapter.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.013 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license to practice podiatry by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice podiatry revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of podiatry or to the ability to practice podiatry. Any plea of nolo conten-

dere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice podiatry contrary to this chapter or to rule of the department or the board.

(h) Failing to perform any statutory or legal obligation placed upon a licensed podiatrist.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such report or records shall include only those which are signed in the capacity of a licensed podiatrist.

(j) Paying or receiving any commission, bonus, kickback, rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. This provision shall not be construed to prohibit a podiatrist from receiving consultation fees for professional services rendered.

(k) Making misleading, deceptive, untrue, or fraudulent representations in the practice of podiatry or employing a trick or scheme in the practice of podiatry when such scheme or trick fails to conform to the generally prevailing standards of treatment in the podiatric community.

(l) Soliciting patients either personally or through an agent, unless such solicitation falls into a category of solicitations approved by rule of the board.

(m) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(o) Performing professional services which have not been duly authorized by the patient or client or his legal representative except as provided in ss. 458.21, 768.13, and 768.46.

(p) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the podiatrist's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing,

or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the podiatrist's professional practice, without regard to his intent.

(q) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the podiatrist to himself except those prescribed, dispensed, or administered to the podiatrist by another practitioner authorized to prescribe, dispense, or administer them.

(r) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to chapter 893.

(s) Being unable to practice podiatry with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph the department shall, upon probable cause, have authority to compel a podiatrist to submit to a mental or physical examination by physicians designated by the department. Failure of a podiatrist to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A podiatrist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of podiatry with reasonable skill and safety to patients.

(t) Gross or repeated malpractice or the failure to practice podiatry at a level of care, skill, and treatment which is recognized by a reasonably prudent podiatrist as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 768.45 in interpreting this provision.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of podiatric practice in the community, would constitute experimentation on human subjects without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or license to perform them.

(x) Violating any provision of this chapter, any rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act which would tend to coerce, intimidate, or preclude

another licensee from lawfully advertising his services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

- (a) Refusal to certify to the department an application for licensure.
- (b) Revocation or suspension of a license.
- (c) Restriction of practice.
- (d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placing the podiatrist on probation for a period of time and subject to such conditions as the board may specify, including requiring the podiatrist to submit to treatment, to attend continuing education courses, to submit to reexamination, and to work under the supervision of another podiatrist.

(3) The department shall not reinstate the license of a podiatrist, or cause a license to be issued to a person the board has deemed unqualified, until such time as the board is satisfied that he has complied with all the terms and conditions set forth in

the final order and that such person is capable of safely engaging in the practice of podiatry.

(4) The board shall by rule establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision or probation, or conditions of probation or reissuance of a license.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

'461.015 Saving clauses.—

(1) No judicial or administrative proceeding pending on July 1, 1979, shall be abated as a result of the repeal and reenactment of this chapter.

(2) Each podiatrist who is duly licensed on June 30, 1979, shall be entitled to hold such license. Henceforth, such license shall be renewed in accordance with the provisions of this act.

History.—ss. 4-6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

§5.03 Judgments; rate of interest, generally.--

(1) All judgments and decrees bear interest at the rate of 10 6 percent a year, ~~except that judgments or decrees rendered in circuit court shall bear interest at the rate of 8 percent a year~~ unless the judgment or decree is rendered on a written contract or obligation providing for interest at a lesser rate, in which case the judgment or decree bears interest at the rate specified in such written contract or obligation.

Section 2.¹ This act shall apply to any judgment or decree entered on or after the effective date of this act.

Section 3. This act shall take effect October 1, 1980.

Approved by the Governor June 12, 1980.

Filed in Office Secretary of State June 13, 1980.

¹ Tentative assignment as §5.03(3).

PODIATRY—RESIDENCY PROGRAMS**CHAPTER 80-111****House Bill No. 310**

An act relating to podiatry; creating s. 461.014, Florida Statutes, providing for podiatric residency programs in hospitals; providing for the registration of residents and for semiannual reports; restricting the unlicensed practice of residents under such programs; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 461.014, Florida Statutes, is created to read:

461.014 Residency.--The board shall encourage and develop podiatric residency programs in hospitals in this state and shall establish such programs by the promulgation of rules, subject to the following conditions:

(1) Any residency program shall be approved by the Council of Podiatry Education of the American Podiatry Association.

(2) A residency program may be established only at a hospital where there is a duly licensed podiatrist on the hospital staff, or otherwise in a supervisory position.

(3) Every resident shall register with the board through the submission of forms provided by said board which shall, among other information required, reflect the date of commencement of residency.

(4) Every hospital having a residency program shall semiannually, on January 1 and July 1 of each year, provide the board with a list of podiatric residents and such other information as required by the board.

(5) No program in residency shall allow a resident to continue as such, unlicensed, for an aggregate of in excess of 2 years.

CODING: Words in ~~strike-through~~ type are deletions from existing law; words in underscoring type are additions.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 12, 1980.

Filed in Office Secretary of State June 13, 1980.

WEAPONS AND FIREARMS—ANTIQUES

CHAPTER 80-112

House Bill No. 497

An act relating to weapons and firearms; amending s. 790.001(6), Florida Statutes, including antique firearms within the definition of firearms under certain circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (6) of section 790.001, Florida Statutes, is amended to read:

790.001 Definitions.—The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this chapter, except where the context otherwise requires:

(6) "Firearm" means any weapon (including a starter gun) which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" shall not include an antique firearm unless the antique firearm is used in the commission of a riot, the inciting or encouraging of a riot, or the commission of a murder, armed robbery, aggravated assault, aggravated battery, burglary, aircraft piracy, kidnapping, or sexual battery.

Section 2. This act shall take effect October 1, 1980.

Approved by the Governor June 12, 1980.

Filed in Office Secretary of State June 13, 1980.

HONEY—CERTIFICATION

CHAPTER 80-113

House Bill No. 505

An act relating to the Florida Honey Certification Law; amending s. 586.09, Florida Statutes, providing for administrative fines not exceeding \$5,000; providing for suspension or revocation of any permit or certificate of inspection under certain circumstances; providing penalties for failure to pay fines within the prescribed time; amending ss. 586.14 and 586.15, Florida Statutes, increasing the maximum compensation

CODING: Words in ~~streak-through~~ type are deletions from existing law; words in underscoring type are additions.

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2. Upon a second conviction within a period of 5 years from the date of a prior conviction for a violation of the provisions of s. 316.193(1) or (3), or a combination of said subsections, the driver's license or privilege shall be revoked for not less than 6 months or more than 24 months.

3. Upon a third or subsequent conviction within a period of 5 years from the date of conviction of the first of three or more convictions for the violation of the provisions of s. 316.193(1) or (3), or a combination of said subsections, the driver's license or privilege shall be revoked for not less than 1 year or more than 5 years, as provided in s. 322.27(5).

Section 21. This act shall take effect July 1, 1980.

Approved by the Governor July 1, 1980.

Filed in Office Secretary of State July 2, 1980.

PROFESSIONS AND OCCUPATIONS—CONTINUING EDUCATION

CHAPTER 80-291

Senate Bill No. 472

An act relating to continuing education; adding subsection (5) to s. 461.007, Florida Statutes; authorizing continuing education for podiatrists; adding subsection (5) to s. 468.1715, Florida Statutes; authorizing continuing education for nursing home administrators; adding subsection (5) to s. 474.211, Florida Statutes; authorizing continuing education for veterinarians; adding subsection (5) to s. 484.008, Florida Statutes; authorizing continuing education for opticians; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (5) is added to section 461.007, Florida Statutes, to read:

461.007 Renewal of license.--

(5) The board may by rule prescribe continuing education not to exceed 30 hours biennially as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board.

Section 2. Subsection (5) is added to section 468.1715, Florida Statutes, to read:

468.1715 Renewal of license.--

(5) The board may by rule prescribe continuing education not to exceed 20 hours biennially as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board.

CODING: Words in ~~strike-through~~ type are deletions from existing law; words in underscored type are additions.

Section 3. Subsection (5) is added to section 474.211, Florida Statutes, to read:

474.211 Renewal of license.--

(5) The board may by rule prescribe continuing education not to exceed 30 hours biennially as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board.

Section 4. Subsection (5) is added to section 484.008, Florida Statutes, to read:

484.008 Renewal of license.--

(5) The board may by rule prescribe continuing education not to exceed 20 hours biennially as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board and the department. All education programs which contribute to the advancement, extension or enhancement of professional skills and knowledge, whether conducted by a nonprofit or a for-profit entity, are eligible for approval.

Section 5. This act shall take effect October 1, 1980.

Approved by the Governor July 1, 1980.

Filed in Office Secretary of State July 2, 1980.

ELECTIONS

CHAPTER 80-292

Senate Bill No. 618

An act relating to elections; amending s. 106.141(5), (6), Florida Statutes; specifying method of disposition by candidates of surplus funds; authorizing deposit of certain funds in savings account; authorizing persons who have retained certain funds to donate such funds to a charitable organization or organizations upon leaving office; amending s. 97.072, Florida Statutes, providing for the replacement of voter registration identification cards; amending ss. 97.091(1) and (2)(a) and (d), and 97.1031, Florida Statutes, relating to name and residence changes of electors; repealing s. 97.111, Florida Statutes; relating to change of party affiliation; amending s. 101.21, Florida Statutes; providing for the number of official ballots to be printed and provided for counties; amending s. 98.051(3)(a) and (c), Florida Statutes; relating to changes in the status of an elector when the registration books are closed; amending s. 98.081(1), Florida Statutes; relating to the removal of names of electors from registration books; adding a subsection to s. 98.161, Florida Statutes; providing for voter educational programs and materials; amending s. 98.211(1), Florida Statutes, authorizing the supervisor to provide certain lists; amending s. 98.031(1), Florida Statutes, and adding subsection (5) thereto, authorizing the supervisor of elections to select polling place locations; amending s.

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BY-LAWS
OF THE
FLORIDA PODIATRY POLITICAL ACTION COMMITTEE
(P-PAC)

ARTICLE I

Name and Definition

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The name of this Committee is The Florida Podiatry Political Action Committee, hereinafter referred to as the Committee or P-PAC. It is a voluntary, non-profit, unincorporated Committee of individual Practitioners of Podiatry and others and is not affiliated with any political party. The Committee is an independent, autonomous organization and not a branch or subsidiary of any national or other political action organization.

ARTICLE II

Objectives

The objectives of the Committee are:

- (1) To promote and strive for the improvement of government by encouraging and stimulating podiatrists and others to take a more active and effective part in governmental affairs.
- (2) To encourage podiatrists and others to understand the nature and actions of their government, as to important political issues, and as to the records of officeholders and candidates for elective office at all levels of government.
- (3) To assist podiatrists and others in organizing themselves for more effective political action and in carrying out their civil responsibilities.

EXHIBIT 2.

(4) To do any and all things necessary or desirable for the attainment of the objectives stated above.

ARTICLE III

Membership, Dues and Contributions

Section 1. Members.

Active membership shall be available to any podiatrist, his or her spouse, members of his or her immediate family, and other professional groups as authorized by the Board of Directors. The Board of Directors is authorized to establish additional categories of membership. Candidates for membership shall be subject to approval by the Board of Directors and to the payment of the full annual dues.

Section 2. Dues.

The annual and fiscal year of P-PAC shall be the calendar year. P-PAC annual dues shall be established by the Board of Directors for the period from January 1 through December 31 each calendar year for all classifications of membership. A member whose annual dues have not been paid by April 1 of the current year shall be considered delinquent.

Section 3. Contributions.

Contributions and membership dues to P-PAC shall be subject to the approval of the Board of Directors and such funds shall be disbursed only upon recommendation and approval of the Board of Directors and/or the Executive Committee who upon that time, will authorize either the Treasurer or the Chairman to disburse the funds. This authority may be delegated by the Board to the Chairman at their discretion.

Section 4. Established Dues.

The following are the dues for P-PAC:

\$50.00 per year per member.

ARTICLE IV

Officers

Section 1.

The officers of this Committee shall be: a Chairman, a Vice-Chairman, a Secretary, a Treasurer, the Immediate Past Chairman.

Section 2.

The officers shall be elected by the Board of Directors at the time of the annual meeting of P-PAC, for a term of one year, and shall serve from the time of their election until the annual meeting following the completion of their term of office.

Section 3.

In the event of resignation or death of an officer or district chairman, the Chairman shall exercise authority in making an appointment of an officer to serve in the interim period prior to the next election.

Section 4. Duties and Functions

(a) Chairman: The Chairman shall be the official head of P-PAC and shall preside at all meetings of the Executive Committee and the Board of Directors. He shall be an ex-officio member of all committees other than the above mentioned. The Chairman shall present an annual report to the Board of Directors. The Chairman shall appoint all committees as prescribed for in these By-Laws and perform such other duties to assure the proper functioning of the Committee.

(b) Secretary: The Secretary shall maintain correct and complete records of the activities of P-PAC which shall include minutes of the meetings of the Board and the Executive Committee.

(c) Treasurer: The Treasurer shall be custodian of the funds of P-PAC; he shall keep full and accurate accounts of the finances of P-PAC and provide an annual CPA audit to the Board of Directors. He shall perform other functions as directed by the Board of Directors.

(d) Other officers: The duties and functions of the other officers as provided for in these By-Laws shall be prescribed by the Board of Directors.

ARTICLE V

Board of Directors

Section 1. Functions.

The Board of Directors shall have general supervision and control over the affairs and funds of the Committee and shall establish and carry out all policies and activities of the Committee. Members of the Board of Directors shall serve without compensation.

Section 2. Composition.

The Board of Directors shall consist of the elected officers and podiatrists who shall be selected in the following manner: By election; election to be held annually in June at a date determined by the Chairman at least 30 days in advance of the election.

Section 3. District Organizations.

District organization should be encouraged in every county of the state.

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ARTICLE VI

Executive Committee

Section 1:

There shall be an Executive Committee of the Board of Directors composed of the Chairman, Vice-Chairman, Secretary, Treasurer and Immediate Past Chairman.

Section 2.

The Executive Committee shall consider matters referred to it by the Board of Directors and shall report its findings and recommendations to the Board. This Committee shall be responsible for studying the needs and requirements of P-PAC and shall engage in long-range planning and shall also serve as a finance committee.

ARTICLE VII

Meetings

Section 1.

The annual meeting of the active membership of P-PAC shall be held in June, the date to be chosen at least 30 days in advance of the meeting.

Section 2. Board of Directors Meetings.

The Board of Directors shall meet periodically at the call of the Chairman on no less than five days written notice to the members of the Board.

Section 3. Executive Committee Meetings.

The Chairman, on his own initiative, shall call for a meeting of the Executive Committee at such time and places as he deems necessary.

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Section 4. Special Meetings of the Board.

Special meetings of the Board can be called for by the Chairman or upon the written request of three members of the Board of Directors.

Section 5.

Ten of the directors shall constitute a quorum.

ARTICLE VIII

Committees

Section 1. Candidate Evaluation Committee.

There shall be a candidate evaluation committee of the Board of Directors composed of the Executive Committee. This function may be delegated to the Chairman.

Section 2. Standing Committee.

(a) There shall be a committee on membership whose functions shall be productive evaluation of the existing membership status of the organization, with a report to be made at each regular meeting of the Board of Directors.

(b) There shall be a committee on political education whose functions shall be to clearly outline the objectives, purposes and activities of P-PAC and promoted among the membership as well as to interested group members.

Section 3. Special Committees.

There shall be additional committees as deemed advisable by the Chairman who shall make the appointments and outline their functions subject to the approval of the Executive Committee.

ARTICLE IX

Parliamentary Authority

The deliberations of the Committee shall be governed by parliamentary usage as contained in Roberts Rules of Parliamentary Procedure, latest and revised edition, unless otherwise provided in these By-Laws or modified by two-thirds vote of the members present.

ARTICLE X

Amendment of By-Laws

The By-Laws may be altered, amended or repealed by two-thirds of the members of the Board of Directors present and voting provided that at least thirty (30) days written notice is given of the intention to alter or amend, further subject to appraisal of legal counsel and the Florida Podiatry Association, Inc.

Chairman

Secretary

82040312437



**FLORIDA
PODIATRY
ASSOCIATION**

Suite 590
Barnett Bank Building
Tallahassee, Florida 32301
Phone (904) 222-4455

William D. Owens
Executive Director

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Warren L. Simmonds, D.P.M.
President
7331 Collins Avenue
Miami Beach, Florida 33141

Frederick I. Pearl, D.P.M.
President Elect
1780 Mercy Drive
Mercy Medical Center
Orlando, Florida 32808

Bruce N. Kramer, D.P.M.
First Vice President
2529 Okeechobee Boulevard
West Palm Beach, Florida 33409

Lionel Goldstein, D.P.M.
Second Vice President
801 West 49th Street
Hialeah, Florida 33012

Murray B. Goldstein, D.P.M.
Secretary
150 South Federal Highway
Royal Palm Professional Building
Boca Raton, Florida 33432

Robert H. Eder, D.P.M.
Past President
1608 West Plaza Drive
Tallahassee, Florida 32308

October 23, 1980

Mr. Murray Dubbin, Esq.
1000 Rivergate Plaza
444 Brickell Avenue
Miami, Florida 33131

Dear Mr. Dubbin:

This shall advise you of an error in posting in the ledger of the Florida Podiatry Association.

During 7/1/78 through 5/31/79 indicated on that period's financial sheet prepared by the FPA accountant, \$13,354.24 was listed as a disbursement to the Political Action Committee. Of that amount, \$734.24 (check #1760) was a disbursement for printing to Qwik Print and Bindery of Florida and was inadvertently posted to the Committee.

Recently, the FPA financial records have become computerized so, hopefully, this error will not reoccur.

Sincerely,

Lily Weldon

Lily Weldon
Secretary to the
Executive Director

/lw

cc: Warren L. Simmonds, D.P.M.

EXHIBIT 3

Cauman
American Podiatry Association

October 22, 1980

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1306

Dear Mr. Steele:

This will acknowledge receipt of your letter, dated October 10, 1980, notifying us of the filing of a complaint under the Federal Election Campaign Act of 1971.

Please be advised that the American Podiatry Association (APA) and the Florida Podiatry Association (FPA) are separate corporate entities. APA is comprised of component state associations, but has no jurisdiction or control of their internal affairs. State associations collect both national and state dues and remit national dues to APA. Some state organizations, including FPA, request APA to prepare dues statements which are based on information submitted by them.

We trust that the foregoing will be of assistance to you. Should you desire additional information in this matter, please contact our attorney or this office.

Very truly yours,

Norman Klombers
Norman Klombers, D.P.M.
Acting Executive Director

NK/B

cc: Mr. Werner Strupp

CERTIFIED MAIL - No. 271890

Attachment 2

American Podiatry Association

October 22, 1980

000124 P2:03

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1306

Dear Mr. Steele:

Please be advised that this Association is represented by Counsel in the above matter. His name, address, and telephone number are as follows:

Mr. Werner Strupp
Sinrod & Tash
3301 New Mexico Avenue, N.W.
Washington, D.C. 20016
202/362-9811

Our Attorney is hereby authorized to receive any notifications or other communications from the Commission.

Very truly yours,

Norman Klombers
Norman Klombers, D.P.M.
Acting Executive Director

NK/B

cc: Mr. Werner Strupp

CERTIFIED MAIL - No. 271890



Podiatry Political Action Committee 11: 84

20 Chevy Chase Circle, N.W.

Washington, D.C. 20015 (202)537-4900

In accordance with the FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1976, P.L. 94-463—"A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C."

October 23, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1306

Dear Mr. Steele:

This will acknowledge receipt of your letter, dated October 10, 1980, notifying us of the filing of a complaint under the Federal Election Campaign Act of 1971.

Please be advised that the Podiatry Political Action Committee (FED Identification Number is 0000 8839) is not connected with or related to any other political committee. The Florida Podiatry Political Action Committee is a separate and independent organization.

We trust that the foregoing will be of assistance to you. Should you desire additional information in this matter, please contact our attorney or this office.

Very truly yours,

Irvin O. Kanat, DPM

Irvin O. Kanat, DPM
Secretary-Treasurer, PPAC

IOK/ssw

cc Mr. Werner Strupp

PPAC Board of Directors:

Earl G. Kaplan, D.P.M., Chairman
14608 Gratiot Avenue
Detroit, Michigan 48205

John M. Connolly, D.P.M.
48 Park Plaza Drive
Daly City, California 94015

20:01 12100

Theodore H. Clarke, D.P.M., Vice Chairman
320 East Taylor Street
Kokomo, Indiana 46901

Herbert Rothfeld, D.P.M.
1905 Queens Chapel Road
Avondale, Maryland 20018

Attachment 3

Irvin O. Kanat, D.P.M., Secretary-Treasurer
29055 Ford Road
Garden City, Michigan 48135

Lawrence G. Lefler, D.P.M.
1835 East Military Avenue
Fremont, Nebraska 68025



Podiatry Political Action Committee

20 Chevy Chase Circle, N.W.

Washington, D.C. 20015 (202)537-4900

As required by the FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1976 P.L. 93-443--"A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C."

October 23, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1306

Dear Mr. Steele:

Please be advised that this Committee is represented by Counsel in the above matter. His name, address, and telephone number are as follows:

Mr. Werner Strupp
Sinrod & Tash
3301 New Mexico Avenue, N.W.
Washington, D.C. 20016
202-362-9811

Our Attorney is hereby authorized to receive any notifications or other communications from the Commission.

Very truly yours,

Irvin O. Kanat, DPM

Irvin O. Kanat, DPM
Secretary-Treasurer, PPAC

IOK/ssw

cc Mr. Werner Strupp

PPAC Board of Directors:

Earl G. Kaplan, D.P.M., Chairman
14608 Gratiot Avenue
Detroit, Michigan 48205

John M. Connolly, D.P.M.
48 Park Plaza Drive
Davis City, California 94015

Theodore H. Clarke, D.P.M., Vice Chairman
320 East Taylor Street
Kokomo, Indiana 46901

Herbert Rothfeld, D.P.M.
1905 Queens Chapel Road
Avondale, Maryland 20018

Irvin O. Kanat, D.P.M., Secretary-Treasurer
29055 Ford Road
Garden City, Michigan 48135

Lawrence G. Lefler, D.P.M.
1835 East Military Avenue
Fremont, Nebraska 68025



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Werner Strupp, Esq.
Sinrod & Tash
3301 New Mexico Avenue, N.W.
Washington, D.C. 20016

Re: MUR 1306

Dear Mr. Strupp:

On October 10, 1980, the Commission notified the American Podiatry Association ("the APA") and the Podiatry Political Action Committee ("PPAC") of a complaint alleging that the APA had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1981, determined that on the basis of the information in the complaint and information provided by the respondents there is no reason to believe that a violation of any statute within its jurisdiction has been committed by PPAC or the APA. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Attachment 4

32010312443



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Andrew M. Moriber, Esq.
Dubbin, Schiff, Berkman
and Dubbin
444 Brickell Avenue
Miami, Florida 33131

Re: MUR 1306

Dear Mr. Moriber:

The Federal Election Commission notified the Florida Podiatry Association ("the FPA") and the Florida Podiatry Political Action Committee ("the Committee") on October 10, 1980, of a complaint which alleges that your clients had violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaint were forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission has found reason to believe that the Committee has violated 2 U.S.C. §§ 433a, 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 434(a)(4)(A)(iv), and that both the Committee and the FPA have violated 11 C.F.R. §§ 114.5 (a)(2)-(5) since June 30, 1980.

The Commission found no reason to believe that the FPA and the Committee violated 11 C.F.R. §§ 114.5(a)(2)-(5) prior to June 30, 1981. The Commission also found no reason to believe that the FPA and the Committee have violated 2 U.S.C. § 441b(a) by the commingling of funds.

By contributing to the senatorial campaign of Richard Stone, the Committee became a separate segregated fund and a political committee within the meaning of the Act. See 2 U.S.C. §§ 441b(b) and 431(4)(B). Pursuant to 2 U.S.C. § 433(a) a separate segregated fund established pursuant to 2 U.S.C. § 441b(b) must file a statement of organization "no later than 10 days after establishment." The Committee has never filed such a statement of organization.

Letter to: Andrew H. Moriber, Esq.
Page 2

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In an election year, 2 U.S.C. § 434(a)(4)(A)(i) requires all political committees other than authorized candidate committees to file quarterly reports no later than the 15th day after the end of each calendar quarter except for the last quarter when the report must be filed no later than January 31 of the following year. Under 2 U.S.C. § 434(a)(4)(A)(iii) such committees are required to file a post-general election report no later than the 30th day after the general election, complete as of the 20th day after the election. In a non election year, 2 U.S.C. § 434(a)(4)(A)(iv) requires all political committees other than authorized candidate committees to file, no later than July 31, a report covering the period from January 1 through June 30. Thus, the Committee was required to file quarterly reports due July 15, 1980, October 15, 1980, and January 31, 1981, a post-general election report due December 4, 1980, and a mid-year report due July 31, 1981. The Committee has not filed any of these required reports.

As a separate segregated fund pursuant to the Act, solicitation of contributions to the Committee are governed by the Act and the Commission's regulations. 11 C.F.R. § 114.5(a)(3) provides that any person soliciting for a contribution to a separate segregated fund must inform the member solicited at the time of the solicitation of the political purposes of the fund. 11 C.F.R. § 114.5(a)(4) provides that any person soliciting for a contribution to a separate segregated fund must inform the member solicited at the time of the solicitation of his right to refuse to contribute without any reprisal. 11 C.F.R. § 114.5(a)(2) provides that if guidelines for contributions to a separate segregated fund are suggested that the person being solicited be informed that the guidelines are merely suggestions, that more or less may be contributed, and that no one will be favored or disadvantaged because of the amount contributed or a decision not to contribute. 11 C.F.R. § 114.5(a)(5) provides that any written solicitation for a contribution to a separate segregated fund must contain statements which comply with the requirements of 11 C.F.R. §§ 114.5(a)(3) and (4), and, if a guideline is suggested, with the requirements of 11 C.F.R. § 114.5(a)(2) also. 11 C.F.R. § 114.7(g) specifically makes these provisions applicable to the separate segregated fund of a membership organization or a corporation without capital stock. Your response and the solicitation materials attached to the complaint do not indicate that solicitations by the FPA and the Committee comply with the requirements

Letter to: Andrew H. Moriber, Esq.
Page 3

of 11 C.F.R. §§ 114.5(a)(2)-(5).

You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please file any such response within ten days of your receipt of this notification. Please also submit within ten days of receipt of this letter, copies of all solicitations since June 30, 1980, the proceeds of which included contributions to the Committee. This should include but not be limited to all invoices, cover letters, contribution envelopes and promotional materials. It should also include any follow-up letters and included materials.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Anne Cauman, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

Enclosures
Procedures

820040312416



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 27, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert A. Kostka, D.P.M.
 Gulf to Bay Professional Plaza
 2260 Gulf to Bay Blvd.
 Clearwater, Florida 33515

Dear Mr. Kostka:

In accordance with your conversation of February 26, 1981,
 with Anne Cauman, enclosed is a copy of the letter sent to
 you on October 10, 1980.

Sincerely,

Charles N. Steele
 General Counsel

BY:

Scott E. Thomas
 Scott E. Thomas
 Assistant General Counsel

Enclosure

A. Cauman (MUR1306)

1. The following service is requested (check one.) *ok*

☐ Show to whom and date delivered.....

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☐ RESTRICTED DELIVERY

☐ Show to whom and date delivered.....

☐ RESTRICTED DELIVERY

☐ Show to whom, date, and address of delivery.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: *Robert A. Kostka, D.P.M.*
Gulf to Bay Professional Plaza
2260 Gulf to Bay Blvd.
Clearwater, Fla.

3. ARTICLE DESCRIPTION: *Letter to Robert A. Kostka*
 REGISTERED NO. *82840* CERTIFIED NO. *82840* INSURED NO. *82840*

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE *Robert A. Kostka* DATE OF DELIVERY *3/2/81*

4. ADDRESS (Signature, name of recipient)

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PS Form 3811, Jan. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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LAW OFFICES

DUBBIN, SCHIFF, BERKMAN & DUBBIN

444 BRICKELL AVENUE

MIAMI, FLORIDA 33131

1000 RIVERGATE PLAZA

TELEPHONE (305) 373-3606

October 31, 1980

Ms. Anne Cauman
Federal Elections Commission
1325 K Street N.W.
Washington, D.C. 20463

Dear Ms. Cauman:

Re: MUR 1306

We represent the Florida Podiatry Association (FPA) and the Florida Podiatry Political Action Committee. We submit this response to the General Counsel's letter of October 10, 1980, reference the above complaint. Inasmuch as the complaint letter is rather informal and the acknowledgment thereon appears almost solely as a matter of form, we have not caused this response to be signed by our clients and notarized. If the Commission requires a more formal response, we will provide same upon request. In response to the complaint, please be advised:

1. The FPA is a voluntary organization similar in purpose to the American Medical Association or the American Bar Association in that its major mission is to assist the podiatric practitioner in maintaining and improving his skills through the dissemination of professional literature, committees, etc., and to provide the practicing podiatrist with various services, such as malpractice insurance, and other items which can be more economically obtained on a group basis. Membership in the FPA is not legally required in order to practice podiatry in the State of Florida. See Florida Statutes, Chapter 461 (copy attached as Exhibit 1)

2. The FPA maintains a separate Political Action Committee (PAC) which is duly organized under the laws of the State of Florida and complies with all State laws. Attached hereto as Exhibit 2 is a copy of the By-laws of the PAC.

3. The relation of the American Podiatry Association to the FPA as it concerns this case is simply one of a billing service for the dues of the State Association. The APA remits

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Ms. Anne Cauman
Federal Elections Commission
Page Two
October 31, 1980

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dues to the FPA. The FPA is free to set its dues at whatever level it wishes, and disposes of its dues in such manner as it sees fit. Likewise, except to the extent that members of the FPA may have a limited voice in the governance of the National Association, the American Podiatry Association is free to set its dues as it sees fit, without supervision of the FPA. The FPA has instructed the APA to bill State dues at a sum which includes the contribution to the PAC. As is apparent from the complaint, the amount of the contribution and its inclusion in the dues statement has been disclosed to the membership by the FPA.

4. The FPA, upon receipt of dues collected, remits a clearly set sum to its PAC, which sum is clearly set forth in the FPA's literature, and which is segregated from the general funds of the FPA upon receipt by the FPA. The disbursement item contained on the report attached to the complaint reflects this remittance to the PAC and a posting error which is explained by the letter attached hereto as Exhibit 3.

5. Although billed in a lump sum, any FPA member who does not wish to contribute to the PAC, may send in only the FPA dues and remain a member in good standing. In fact, in the past, several members who remain in good standing have done just that. Since payment of dues is made by affirmative act of the member, the FPA's actions are distinguishable from the "negative check-off" cases which have been decided under the Statute.

6. In any event, 2 U.S.C. 441b(b)(4)(C)&(D) expressly exempts from the solicitations provision of the Act membership organizations or trade associations such as the FPA. As you are aware the regulations (11 CFR 114.7(F) and 114.8 (e)(3)) recognize the broad latitude which groups enjoy under the law by providing that there is no limitation on the method of solicitation or method of facilitating the making of contributions which may be used.

7. Further, the FPA's PAC is not engaged in activities subject to the Act since its only contribution relating to a Federal election was in the sum of \$500 to Richard Stone in connection with his primary campaign for the U.S. Senate. It is the position of the FPA and its PAC that a construction of the Act as being applicable to the subject circumstances is erroneous, or in the alternative, that the Statute is constitutionally defective, both on its face and as applied.

Ms. Anne Cauman
Federal Elections Commission
Page Three
October 31, 1980

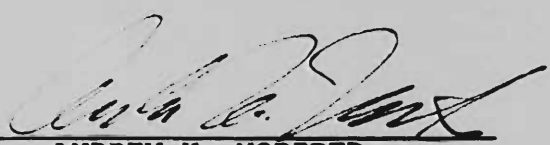
8. Notwithstanding the position of the FPA and its PAC that the Act is either not applicable or unconstitutional, it is their position that there has been substantial compliance with the Act, particularly, in view of the writing of this letter which discloses its sole activity in connection with a Federal election. The FPA and its PAC submit that as a matter of administrative discretion, the Federal Elections Commission should close this file and not spend tax dollars on a complaint which the Association believes was brought solely as harassment by a dissident podiatrist who is not even a member of the Association. (For the record, the Commission should be advised that the complainant resigned from his County Podiatry Association. Since membership in the County Association is a pre-requisite for membership in the State Association, he was automatically dropped from the State Association for that reason).

We trust that you will conclude that no further action is merited on this matter.

Very truly yours,

DUBBIN, SCHIFF, BERKMAN & DUBBIN

By:


ANDREW H. MORIBER

AHM/mcs
Enclosures

CHAPTER 461

PODIATRY

- 461.001 Legislative findings; intent; scope.
- 461.002 Exceptions.
- 461.003 Definitions.
- 461.004 Board of Podiatry; membership; appointment; terms.
- 461.005 Authority to make rules.
- 461.006 Licensure by examination.
- 461.007 Renewal of license.
- 461.008 Inactive status.
- 461.009 Itemized patient billing.
- 461.012 Violations and penalties.
- 461.013 Grounds for disciplinary action; action by the board.
- 461.015 Saving clauses.

461.001 Legislative findings; intent; scope.—The Legislature finds that the practice of podiatry by unskilled and incompetent practitioners presents a danger to the public health and safety. The Legislature finds further that it is difficult for the public to make an informed choice about podiatrists and that the consequences of a wrong choice could seriously endanger their health and safety. The sole legislative purpose for enacting this chapter is to ensure that every podiatrist practicing in this state meet minimum requirements for safe practice. It is the legislative intent that podiatrists who fall below minimum competency or who otherwise present a danger to the public health be prohibited from practicing in this state.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.002 Exceptions.—

(1) The provisions of this chapter shall not apply to other duly licensed health care practitioners acting within their authorized scope of practice.

(2) This chapter shall not prohibit the manufacture, advertisement, or sale of proprietary foot appliances or remedies or corrective shoes.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.003 Definitions.—As used in this chapter:

(1) "Department" means the Department of Professional Regulation.

(2) "Board" means the Board of Podiatry as created in this chapter.

(3) "Practice of podiatry" means the diagnosis and medical, surgical, palliative, and mechanical treatment of ailments of the human foot and leg. The surgical treatment of ailments of the human foot and leg shall be limited anatomically to that part below the anterior tibial tubercle. The practice of podiatry shall include the amputation of the toes or other parts of the foot but shall not include the amputation of the foot or leg in its entirety. A podiatrist may prescribe drugs that relate specifically to the scope of practice authorized herein.

(4) "Podiatrist" means any person licensed to practice podiatry pursuant to this chapter.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.004 Board of Podiatry; membership; appointment; terms.—

(1) The Board of Podiatry is created within the Department of Professional Regulation and shall consist of seven members to be appointed by the Governor and confirmed by the Senate.

(2) Five members of the board shall be licensed podiatrists who are residents of the state and who have been licensed podiatrists engaged in the practice of podiatry for at least 4 years, and the remaining two members shall be residents of the state who are not and have never been licensed as podiatrists or members of any closely related profession.

(3) Within 60 days after June 30, 1979, the Governor shall appoint seven eligible and qualified persons to be members of the board as follows:

- (a) Two members for terms of 2 years each.
- (b) Two members for terms of 3 years each.
- (c) Three members for terms of 4 years each.

(4) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed. The members of the board serving on July 1, 1979, shall continue in office until their successors are appointed.

(5) All provisions of chapter 455 relating to the board shall apply.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.005 Authority to make rules.—The Board of Podiatry is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by this chapter and as may be necessary to protect the health, safety, and welfare of the public.

History.—ss. 1, 6, ch. 79-229.

Note.—Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

461.006 Licensure by examination.—

(1) Any person desiring to be licensed as a podiatrist shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies has:

(a) Completed the application form and remitted an examination fee set by the board not to exceed \$250.

(b) Submitted proof satisfactory to the department that he is not less than 18 years of age and is a recipient of a degree from a school or college of podiatry or chiropody recognized and approved by the Council on Podiatry Education. For applicants who matriculated prior to 1953, the course of study shall have been at least 3 years. For applicants who matriculated during or subsequent to 1953, the

course of study shall be at least 4 years or the total hourly equivalent of a 4-year course of study.

(2) The department shall issue a license to practice podiatry to any applicant who successfully completes the examination in accordance with this section. The department shall not issue a license to any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this act. Upon the completion of the investigation, the provisions of s. 461.013 shall apply.

*History.—*ss. 1, 6, ch. 79-229.

*Note.—*Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

'461.007 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and a fee set by the board not to exceed \$250.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 461.008.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.

*History.—*ss. 1, 6, ch. 79-229.

*Note.—*Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

'461.008 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed \$50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to s. 461.007 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours² for all years. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension, the department shall give notice to the licensee. A suspended license may be reinstated as provided in s. 461.013.

*History.—*ss. 1, 6, ch. 79-229.

*Note.—*Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

*Note.—*The words "for all years" were inserted by the editors.

461.009 Itemized patient billing.—Whenever a podiatrist licensed under this chapter renders professional services to a patient, the podiatrist is required, upon request, to submit to the patient, to the patient's insurer, or to the administrative agency for any federal or state health program under which the patient is entitled to benefits, an itemized statement of the specific services rendered and the charge for each, no later than the podiatrist's next regular billing cycle which follows the fifth day after rendering of professional services. A podiatrist may not condition the furnishing of an itemized statement upon prior payment of the bill.

*History.—*a. 6, ch. 79-198.

'461.012 Violations and penalties.—

(1) Each of the following acts constitutes a violation of this chapter and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing or attempting to practice podiatry without an active license or with a license fraudulently obtained.

(b) Using or attempting to use a license to practice podiatry which has been suspended or revoked.

(2) Each of the following acts constitutes a violation of this chapter and is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Selling or fraudulently obtaining or furnishing any podiatry diploma, license, or record of registration or aiding or abetting in the same.

(b) Making any willfully false oath or affirmation whenever an oath or affirmation is required by this chapter.

(c) Using the name or title "Podiatrist," "Doctor of Podiatry," "Doctor of Podiatric Medicine," or any other name or title which would lead the public to believe that such person is engaging in the practice of podiatry, unless such person is licensed as a podiatrist in this state.

(d) Knowingly concealing any information relative to violations of this chapter.

*History.—*ss. 1, 6, ch. 79-229.

*Note.—*Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

'461.013 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license to practice podiatry by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice podiatry revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of podiatry or to the ability to practice podiatry. Any plea of nolo conten-

dere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice podiatry contrary to this chapter or to rule of the department or the board.

(h) Failing to perform any statutory or legal obligation placed upon a licensed podiatrist.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such report or records shall include only those which are signed in the capacity of a licensed podiatrist.

(j) Paying or receiving any commission, bonus, kickback, rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. This provision shall not be construed to prohibit a podiatrist from receiving consultation fees for professional services rendered.

(k) Making misleading, deceptive, untrue, or fraudulent representations in the practice of podiatry or employing a trick or scheme in the practice of podiatry when such scheme or trick fails to conform to the generally prevailing standards of treatment in the podiatric community.

(l) Soliciting patients either personally or through an agent, unless such solicitation falls into a category of solicitations approved by rule of the board.

(m) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(o) Performing professional services which have not been duly authorized by the patient or client or his legal representative except as provided in ss. 458.21, 768.13, and 768.46.

(p) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the podiatrist's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing,

or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the podiatrist's professional practice, without regard to his intent.

(q) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the podiatrist to himself except those prescribed, dispensed, or administered to the podiatrist by another practitioner authorized to prescribe, dispense, or administer them.

(r) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to chapter 893.

(s) Being unable to practice podiatry with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph the department shall, upon probable cause, have authority to compel a podiatrist to submit to a mental or physical examination by physicians designated by the department. Failure of a podiatrist to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A podiatrist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of podiatry with reasonable skill and safety to patients.

(t) Gross or repeated malpractice or the failure to practice podiatry at a level of care, skill, and treatment which is recognized by a reasonably prudent podiatrist as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 763.45 in interpreting this provision.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of podiatric practice in the community, would constitute experimentation on human subjects without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or license to perform them.

(x) Violating any provision of this chapter, any rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude

another licensee from lawfully advertising his services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placing the podiatrist on probation for a period of time and subject to such conditions as the board may specify, including requiring the podiatrist to submit to treatment, to attend continuing education courses, to submit to reexamination, and to work under the supervision of another podiatrist.

(3) The department shall not reinstate the license of a podiatrist, or cause a license to be issued to a person the board has deemed unqualified, until such time as the board is satisfied that he has complied with all the terms and conditions set forth in

the final order and that such person is capable of safely engaging in the practice of podiatry.

(4) The board shall by rule establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision or probation, or conditions of probation or reissuance of a license.

*History.—*ss. 1, 6, ch. 79-229.

*Note.—*Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

'461.015 Saving clauses.—

(1) No judicial or administrative proceeding pending on July 1, 1979, shall be abated as a result of the repeal and reenactment of this chapter.

(2) Each podiatrist who is duly licensed on June 30, 1979, shall be entitled to hold such license. Henceforth, such license shall be renewed in accordance with the provisions of this act.

*History.—*ss. 4-6, ch. 79-229.

*Note.—*Section 6, ch. 79-229, in effect provides that this section shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

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55.03 Judgments; rate of interest, generally.--

(1) All judgments and decrees bear interest at the rate of 10 6 percent a year--except--that--judgments--or--decrees--rendered--in--circuit court--shall--bear--interest--at--the--rate--of--6--percent--a--year unless the judgment or decree is rendered on a written contract or obligation providing for interest at a lesser rate, in which case the judgment or decree bears interest at the rate specified in such written contract or obligation.

Section 2.¹ This act shall apply to any judgment or decree entered on or after the effective date of this act.

Section 3. This act shall take effect October 1, 1980.

Approved by the Governor June 12, 1980.

Filed in Office Secretary of State June 13, 1980.

¹ Tentative assignment as 55.03(3).

PODIATRY--RESIDENCY PROGRAMS

CHAPTER 80-111

House Bill No. 310

An act relating to podiatry; creating s. 461.014, Florida Statutes, providing for podiatric residency programs in hospitals; providing for the registration of residents and for semiannual reports; restricting the unlicensed practice of residents under such programs; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 461.014, Florida Statutes, is created to read:

461.014 Residency.--The board shall encourage and develop podiatric residency programs in hospitals in this state and shall establish such programs by the promulgation of rules, subject to the following conditions:

(1) Any residency program shall be approved by the Council of Podiatry Education of the American Podiatry Association.

(2) A residency program may be established only at a hospital where there is a duly licensed podiatrist on the hospital staff, or otherwise in a supervisory position.

(3) Every resident shall register with the board through the submission of forms provided by said board which shall, among other information required, reflect the date of commencement of residency.

(4) Every hospital having a residency program shall semiannually, on January 1 and July 1 of each year, provide the board with a list of podiatric residents and such other information as required by the board.

(5) No program in residency shall allow a resident to continue as such, unlicensed, for an aggregate of in excess of 2 years.

CODING: Words in ~~struck-through~~ type are deletions from existing law; words in underscored type are additions.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 12, 1980.

Filed in Office Secretary of State June 13, 1980.

WEAPONS AND FIREARMS—ANTIQUES

CHAPTER 80-112

House Bill No. 497

An act relating to weapons and firearms; amending s. 790.001(6), Florida Statutes, including antique firearms within the definition of firearms under certain circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (6) of section 790.001, Florida Statutes, is amended to read:

790.001 Definitions.--The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this chapter, except where the context otherwise requires:

(6) "Firearm" means any weapon (including a starter gun) which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" shall not include an antique firearm unless the antique firearm is used in the commission of a riot, the inciting or encouraging of a riot, or the commission of a murder, armed robbery, aggravated assault, aggravated battery, burglary, aircraft piracy, kidnapping, or sexual battery.

Section 2. This act shall take effect October 1, 1980.

Approved by the Governor June 12, 1980.

Filed in Office Secretary of State June 13, 1980.

HONEY—CERTIFICATION

CHAPTER 80-113

House Bill No. 505

An act relating to the Florida Honey Certification Law; amending s. 586.09, Florida Statutes, providing for administrative fines not exceeding \$5,000; providing for suspension or revocation of any permit or certificate of inspection under certain circumstances; providing penalties for failure to pay fines within the prescribed time; amending ss. 586.14 and 586.15, Florida Statutes, increasing the maximum compensation

CODING: Words in struck-through type are deletions from existing law; words in underscoring type are additions.

2. Upon a second conviction within a period of 5 years from the date of a prior conviction for a violation of the provisions of s. 316.193(1) or (3), or a combination of said subsections, the driver's license or privilege shall be revoked for not less than 6 months or more than 24 months.

3. Upon a third or subsequent conviction within a period of 5 years from the date of conviction of the first of three or more convictions for the violation of the provisions of s. 316.193(1) or (3), or a combination of said subsections, the driver's license or privilege shall be revoked for not less than 1 year or more than 5 years, as provided in s. 322.27(5).

Section 21. This act shall take effect July 1, 1980.

Approved by the Governor July 1, 1980.

Filed in Office Secretary of State July 2, 1980.

PROFESSIONS AND OCCUPATIONS—CONTINUING EDUCATION

CHAPTER 80-291

Senate Bill No. 472

An act relating to continuing education; adding subsection (5) to s. 461.007, Florida Statutes; authorizing continuing education for podiatrists; adding subsection (5) to s. 468.1715, Florida Statutes; authorizing continuing education for nursing home administrators; adding subsection (5) to s. 474.211, Florida Statutes; authorizing continuing education for veterinarians; adding subsection (5) to s. 484.008, Florida Statutes; authorizing continuing education for opticians; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (5) is added to section 461.007, Florida Statutes, to read:

461.007 Renewal of license.--

(5) The board may by rule prescribe continuing education not to exceed 30 hours biennially as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board.

Section 2. Subsection (5) is added to section 468.1715, Florida Statutes, to read:

468.1715 Renewal of license.--

(5) The board may by rule prescribe continuing education not to exceed 20 hours biennially as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board.

CODING: Words in ~~struck-through~~ type are deletions from existing law; words in underscored type are additions.

Section 3. Subsection (5) is added to section 474.211, Florida Statutes, to read:

474.211 Renewal of license.--

(5) The board may by rule prescribe continuing education not to exceed 30 hours biennially as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board.

Section 4. Subsection (5) is added to section 484.008, Florida Statutes, to read:

484.008 Renewal of license.--

(5) The board may by rule prescribe continuing education not to exceed 20 hours biennially as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board and the department. All education programs which contribute to the advancement, extension or enhancement of professional skills and knowledge, whether conducted by a nonprofit or a for-profit entity, are eligible for approval.

Section 5. This act shall take effect October 1, 1980.

Approved by the Governor July 1, 1980.

Filed in Office Secretary of State July 2, 1980.

ELECTIONS

CHAPTER 80-292

Senate Bill No. 618

An act relating to elections; amending s. 106.141(5), (6), Florida Statutes; specifying method of disposition by candidates of surplus funds; authorizing deposit of certain funds in savings account; authorizing persons who have retained certain funds to donate such funds to a charitable organization or organizations upon leaving office; amending s. 97.072, Florida Statutes, providing for the replacement of voter registration identification cards; amending ss. 97.091(1) and (2)(a) and (d), and 97.1031, Florida Statutes, relating to name and residence changes of electors; repealing s. 97.111, Florida Statutes; relating to change of party affiliation; amending s. 101.21, Florida Statutes; providing for the number of official ballots to be printed and provided for counties; amending s. 98.051(3)(a) and (c), Florida Statutes; relating to changes in the status of an elector when the registration books are closed; amending s. 98.081(1), Florida Statutes; relating to the removal of names of electors from registration books; adding a subsection to s. 98.161, Florida Statutes; providing for voter educational programs and materials; amending s. 98.211(1), Florida Statutes, authorizing the supervisor to provide certain lists; amending s. 98.031(1), Florida Statutes, and adding subsection (5) thereto, authorizing the supervisor of elections to select polling place locations; amending s.

CODING: Words in ~~struck-through~~ type are deletions from existing law; words in underscored type are additions.

BY-LAWS
OF THE
FLORIDA PODIATRY POLITICAL ACTION COMMITTEE
(P-PAC)

ARTICLE I

Name and Definition

The name of this Committee is The Florida Podiatry Political Action Committee, hereinafter referred to as the Committee or P-PAC. It is a voluntary, non-profit, unincorporated Committee of individual Practitioners of Podiatry and others and is not affiliated with any political party. The Committee is an independent, autonomous organization and not a branch or subsidiary of any national or other political action organization.

ARTICLE II

Objectives

The objectives of the Committee are:

- (1) To promote and strive for the improvement of government by encouraging and stimulating podiatrists and others to take a more active and effective part in governmental affairs.
- (2) To encourage podiatrists and others to understand the nature and actions of their government, as to important political issues, and as to the records of officeholders and candidates for elective office at all levels of government.
- (3) To assist podiatrists and others in organizing themselves for more effective political action and in carrying out their civil responsibilities.

EXHIBIT 2.

(4) To do any and all things necessary or desirable for the attainment of the objectives stated above.

ARTICLE III

Membership, Dues and Contributions

Section 1. Members.

Active membership shall be available to any podiatrist, his or her spouse, members of his or her immediate family, and other professional groups as authorized by the Board of Directors. The Board of Directors is authorized to establish additional categories of membership. Candidates for membership shall be subject to approval by the Board of Directors and to the payment of the full annual dues.

Section 2. Dues.

The annual and fiscal year of P-PAC shall be the calendar year. P-PAC annual dues shall be established by the Board of Directors for the period from January 1 through December 31 each calendar year for all classifications of membership. A member whose annual dues have not been paid by April 1 of the current year shall be considered delinquent.

Section 3. Contributions.

Contributions and membership dues to P-PAC shall be subject to the approval of the Board of Directors and such funds shall be disbursed only upon recommendation and approval of the Board of Directors and/or the Executive Committee who upon that time, will authorize either the Treasurer or the Chairman to disburse the funds. This authority may be delegated by the Board to the Chairman at their discretion.

Section 4. Established Dues.

The following are the dues for P-PAC:

\$50.00 per year per member.

ARTICLE IV

Officers

Section 1.

The officers of this Committee shall be: a Chairman, a Vice-Chairman, a Secretary, a Treasurer, the Immediate Past Chairman.

Section 2.

The officers shall be elected by the Board of Directors at the time of the annual meeting of P-PAC, for a term of one year, and shall serve from the time of their election until the annual meeting following the completion of their term of office.

Section 3.

In the event of resignation or death of an officer or district chairman, the Chairman shall exercise authority in making an appointment of an officer to serve in the interim period prior to the next election.

Section 4. Duties and Functions

(a) Chairman: The Chairman shall be the official head of P-PAC and shall preside at all meetings of the Executive Committee and the Board of Directors. He shall be an ex-officio member of all committees other than the above mentioned. The Chairman shall present an annual report to the Board of Directors. The Chairman shall appoint all committees as prescribed for in these By-Laws and perform such other duties to assure the proper functioning of the Committee.

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(b) Secretary: The Secretary shall maintain correct and complete records of the activities of P-PAC which shall include minutes of the meetings of the Board and the Executive Committee.

(c) Treasurer: The Treasurer shall be custodian of the funds of P-PAC; he shall keep full and accurate accounts of the finances of P-PAC and provide an annual CPA audit to the Board of Directors. He shall perform other functions as directed by the Board of Directors.

(d) Other officers: The duties and functions of the other officers as provided for in these By-Laws shall be prescribed by the Board of Directors.

ARTICLE V

Board of Directors

Section 1. Functions.

The Board of Directors shall have general supervision and control over the affairs and funds of the Committee and shall establish and carry out all policies and activities of the Committee. Members of the Board of Directors shall serve without compensation.

Section 2. Composition.

The Board of Directors shall consist of the elected officers and podiatrists who shall be selected in the following manner: By election; election to be held annually in June at a date determined by the Chairman at least 30 days in advance of the election.

Section 3. District Organizations.

District organization should be encouraged in every county of the state.

ARTICLE VI

Executive Committee

Section 1.

There shall be an Executive Committee of the Board of Directors composed of the Chairman, Vice-Chairman, Secretary, Treasurer and Immediate Past Chairman.

Section 2.

The Executive Committee shall consider matters referred to it by the Board of Directors and shall report its findings and recommendations to the Board. This Committee shall be responsible for studying the needs and requirements of P-PAC and shall engage in long-range planning and shall also serve as a finance committee.

ARTICLE VII

Meetings

Section 1.

The annual meeting of the active membership of P-PAC shall be held in June, the date to be chosen at least 30 days in advance of the meeting.

Section 2. Board of Directors Meetings.

The Board of Directors shall meet periodically at the call of the Chairman on no less than five days written notice to the members of the Board.

Section 3. Executive Committee Meetings.

The Chairman, on his own initiative, shall call for a meeting of the Executive Committee at such time and places as he deems necessary.

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Section 4. Special Meetings of the Board.

Special meetings of the Board can be called for by the Chairman or upon the written request of three members of the Board of Directors.

Section 5.

Ten of the directors shall constitute a quorum.

ARTICLE VIII

Committees

Section 1. Candidate Evaluation Committee.

There shall be a candidate evaluation committee of the Board of Directors composed of the Executive Committee. This function may be delegated to the Chairman.

Section 2. Standing Committee.

(a) There shall be a committee on membership whose functions shall be productive evaluation of the existing membership status of the organization, with a report to be made at each regular meeting of the Board of Directors.

(b) There shall be a committee on political education whose functions shall be to clearly outline the objectives, purposes and activities of P-PAC and promoted among the membership as well as to interested group members.

Section 3. Special Committees.

There shall be additional committees as deemed advisable by the Chairman who shall make the appointments and outline their functions subject to the approval of the Executive Committee.

ARTICLE IX

Parliamentary Authority

The deliberations of the Committee shall be governed by parliamentary usage as contained in Roberts Rules of Parliamentary Procedure, latest and revised edition, unless otherwise provided in these By-Laws or modified by two-thirds vote of the members present.

ARTICLE X

Amendment of By-Laws

The By-Laws may be altered, amended or repealed by two-thirds of the members of the Board of Directors present and voting provided that at least thirty (30) days written notice is given of the intention to alter or amend, further subject to appraisal of legal counsel and the Florida Podiatry Association, Inc.

Chairman

Secretary

820012455

William D. Owens
Executive Director

October 23, 1980

Mr. Murray Dubbin, Esq.
1000 Rivergate Plaza
444 Brickell Avenue
Miami, Florida 33131

Dear Mr. Dubbin:

This shall advise you of an error in posting in the ledger of the Florida Podiatry Association.

During 7/1/78 through 5/31/79 indicated on that period's financial sheet prepared by the FPA accountant, \$13,354.24 was listed as a disbursement to the Political Action Committee. Of that amount, \$734.24 (check #1760) was a disbursement for printing to Qwik Print and Bindery of Florida and was inadvertently posted to the Committee.

Recently, the FPA financial records have become computerized so, hopefully, this error will not reoccur.

Sincerely,

Lily Wilson

Lily Weldon
Secretary to the
Executive Director

/1w

cc: Warren L. Simmonds, D.P.M.

Warren L. Simmonds, D.P.M.
President
7331 Collins Avenue
Miami Beach, Florida 33141

Frederick I. Pearl, D.P.M.
President Elect
1780 Mercy Drive
Mercy Medical Center
Orlando, Florida 32808

Bruce N. Kramer, D.P.M.
First Vice President
2529 Okeechobee Boulevard
West Palm Beach, Florida 33409

Lionel Goldstein, D.P.M.
Second Vice President
801 West 49th Street
Hialeah, Florida 33012

Murray B. Goldstein, D.P.M.
Secretary
150 South Federal Highway
Royal Palm Professional Building
Boca Raton, Florida 33432

Robert H. Eder, D.F.M.
Past President
1608 West Plaza Drive
Tallahassee, Florida 32308

02040312467

21:56

AMM

LAW OFFICES

DUBBIN, SCHIFF, BERKMAN & DUBBIN
1000 RIVERGATE PLAZA
444 BRICKELL AVENUE
MIAMI, FLORIDA 33131

TO:

Ms. Anne Cauman
Federal Elections Commission
1325 K Street N.W.
Washington, D.C. 20463

William D. Owens
Executive Director

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Warren L. Simmonds, D.P.M.
President
7331 Collins Avenue
Miami Beach, Florida 33141

Frederick I. Pearl, D.P.M.
President Elect
1780 Mercy Drive
Mercy Medical Center
Orlando, Florida 32808

Bruce N. Kramer, D.P.M.
First Vice President
2529 Oxechobee Boulevard
West Palm Beach, Florida 33409

Lionel Goldstein, D.P.M.
Second Vice President
801 West 49th Street
Miami, Florida 33012

Murray B. Goldstein, D.P.M.
Secretary
150 South Federal Highway
Royal Palm Professional Building
Boca Raton, Florida 33432

Robert H. Eder, D.P.M.
Past President
1608 West Plaza Drive
Tallahassee, Florida 32308

October 27, 1980

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Attention: Anne Cauman

Dear Ms. Cauman:

RE: MUR 1306

Please be advised that the Florida Podiatry Association has designated the Law Firm of Dubbin, Schiff, Berkman & Dubbin, 1000 Rivergate Plaza, 444 Brickell Avenue, Miami, Florida, 33131, Telephone, Area Code 305/373-3606, as its counsel with respect to the above subject matter. I am advised by the Firm that Murray H. Dubbin and Andrew H. Moriber will be the attorneys having primary responsibility for this matter.

I hereby authorize them to receive any notifications and other communications from the Commission.

Very truly yours,

Arceon S. Owens

William D. Owens
Executive Director

WDO/lw

cc: Mr. Murray H. Dubbin, Esq.
Mr. Andrew H. Moriber, Esq.
Executive Committee

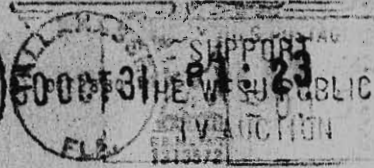
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**FLORIDA
PODIATRY
ASSOCIATION**

Suite 590
Barnett Bank Building
Tallahassee, Florida 32301

Ms. Anne Cauman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463



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LAW OFFICES

DUBBIN, SCHIFF, BERKMAN & DUBBIN

444 BRICKELL AVENUE

MIAMI, FLORIDA 33131

1000 RIVERGATE PLAZA

TELEPHONE (305) 373-3606

October 28, 1980

Ms. Anne Cauman
Federal Elections Commission
1325 K Street N.W.
Washington, D.C. 20463

Dear Ms. Cauman:

Re: MUR 1306

This firm represents the Florida Podiatry Association and the Florida Podiatry Political Action Committee. We have requested both our clients to provide you with the representation letters required under the regulations of the Federal Elections Commission. However, since our offices are in Miami and the Florida Podiatry Association maintains its offices in the State Capital, Tallahassee, which is over 500 miles from Miami, all communications are necessarily time consuming.

We therefore request your understanding with respect to the delay in receipt of representation letters from our clients, and on behalf of our clients, request an extension of the time up to and including November 7, 1980, in which to file our clients response to the subject complaint. Your cooperation will be greatly appreciated.

Very truly yours,



Andrew H. Moriber

AHM/mcs

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AHM

LAW OFFICES

DUBBIN, SCHIFF, BERKMAN & DUBBIN

1000 RIVERGATE PLAZA

444 BRICKELL AVENUE

MIAMI, FLORIDA 33131

Ms. Anne Cauman
Federal Elections Commission
1325 K Street N.W.
Washington, D.C. 20463



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Florida Podiatry Political Action Committee

Dr. Michael Rush
Chairman

Dr. Sheldon Willens
Co-Chairman

October 24, 1980

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Att: Anne Cauman

Re: MUR 1306

Dear Ms. Cauman:

Please be advised that the Florida Podiatry Political Action Committee has designated the Law Firm of Dubbin, Schiff, Berkman & Dubbin, 1000 Rivergate Plaza, 444 Brickell Avenue, Miami, Florida 33131, Telephone, Area Code 305-373-3606, as its counsel with respect to the above subject matter. I am advised by the Firm that Murray H. Dubbin and Andrew H. Moriber will be the attorneys having primary responsibility for this matter.

I hereby authorize them to receive any notifications and other communications from the Commission.

Very truly yours,

Sheldon Willens, D.P.M., Chairman
FLORIDA PODIATRY POLITICAL ACTION COMMITTEE

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3829 Hollywood Blvd., Hollywood, Florida 33021
Phone: (305) 962-5801





**FLORIDA PODIATRY
POLITICAL ACTION COMMITTEE**

3889 Hollywood Blvd.
Hollywood, Florida 33021



Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ATTENTION: Anne Cauman



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Podiatry Political Action Committee 11:04

20 Chevy Chase Circle, N.W.

Washington, D.C. 20015 (202)537-4900

In accordance with the FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1976, P.L. 94-463—"A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C."

October 23, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1306

Dear Mr. Steele:

This will acknowledge receipt of your letter, dated October 10, 1980, notifying us of the filing of a complaint under the Federal Election Campaign Act of 1971.

Please be advised that the Podiatry Political Action Committee (FED Identification Number is 0000 8839) is not connected with or related to any other political committee. The Florida Podiatry Political Action Committee is a separate and independent organization.

We trust that the foregoing will be of assistance to you. Should you desire additional information in this matter, please contact our attorney or this office.

Very truly yours,

Irvin O. Kanat, DPM

Irvin O. Kanat, DPM
Secretary-Treasurer, PPAC

IOK/ssw

cc Mr. Werner Strupp

PPAC Board of Directors:

Earl G. Kaplan, D.P.M., Chairman
14608 Gratiot Avenue
Detroit, Michigan 48205

John M. Connolly, D.P.M.
48 Park Plaza Drive
Daly City, California 94015

Theodore H. Clarke, D.P.M., Vice Chairman
320 East Taylor Street
Kokomo, Indiana 46901

Herbert Rothfeld, D.P.M.
1905 Queens Chapel Road
Avondale, Maryland 20018

Irvin O. Kanat, D.P.M., Secretary-Treasurer
29055 Ford Road
Garden City, Michigan 48135

Lawrence G. Lefler, D.P.M.
1835 East Military Avenue
Fremont, Nebraska 68025



Podiatry Political Action Committee

20 Chevy Chase Circle, N.W.

Washington, D.C. 20015 (202)537-4900

In accordance with the FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1976, P.L. 94-463—"A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C."

October 23, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1306

Dear Mr. Steele:

Please be advised that this Committee is represented by Counsel in the above matter. His name, address, and telephone number are as follows:

Mr. Werner Strupp
Sinrod & Tash
3301 New Mexico Avenue, N.W.
Washington, D.C. 20016
202-362-9811

Our Attorney is hereby authorized to receive any notifications or other communications from the Commission.

Very truly yours,

Irvin O. Kanat, DPM

Irvin O. Kanat, DPM
Secretary-Treasurer, PPAC

IOK/ssw

cc Mr. Werner Strupp

PPAC Board of Directors:

Earl G. Kaplan, D.P.M., Chairman
14608 Gratiot Avenue
Detroit, Michigan 48205

John M. Connolly, D.P.M.
48 Park Plaza Drive
Daly City, California 94015

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320 East Taylor Street
Kokomo, Indiana 46901

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1905 Queens Chapel Road
Avondale, Maryland 20018

Irvin O. Kanat, D.P.M., Secretary-Treasurer
29055 Ford Road
Garden City, Michigan 48135

Lawrence G. Lefler, D.P.M.
1835 East Military Avenue
Fremont, Nebraska 68025

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PODIATRY POLITICAL ACTION COMMITTEE

20 Chevy Chase Circle, N.W.

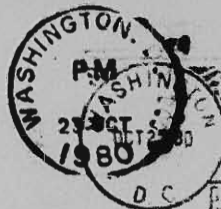
Washington, D. C. 20015

CERTIFIED

PI7 3795210

MAIL

Mr. Charles Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463



ALWAYS USE

ZIP CODE

00 OCT 25 A11:04

3094

910888

80 OCT 24 P 1:42

American Podiatry Association

October 22, 1980

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1306

Dear Mr. Steele:

This will acknowledge receipt of your letter, dated October 10, 1980, notifying us of the filing of a complaint under the Federal Election Campaign Act of 1971.

Please be advised that the American Podiatry Association (APA) and the Florida Podiatry Association (FPA) are separate corporate entities. APA is comprised of component state associations, but has no jurisdiction or control of their internal affairs. State associations collect both national and state dues and remit national dues to APA. Some state organizations, including FPA, request APA to prepare dues statements which are based on information submitted by them.

We trust that the foregoing will be of assistance to you. Should you desire additional information in this matter, please contact our attorney or this office.

Very truly yours,

Norman Klombers
Norman Klombers, D.P.M.
Acting Executive Director

NK/B

cc: Mr. Werner Strupp

CERTIFIED MAIL - No. 271890

American Podiatry Association

October 22, 1980

10 00124 P2:03

Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1306

Dear Mr. Steele:

Please be advised that this Association is represented by
Counsel in the above matter. His name, address, and
telephone number are as follows:

Mr. Werner Strupp
Sinrod & Tash
3301 New Mexico Avenue, N.W.
Washington, D.C. 20016
202/362-9811

Our Attorney is hereby authorized to receive any notifica-
tions or other communications from the Commission.

Very truly yours,

Norman Klombers
Norman Klombers, D.P.M.
Acting Executive Director

NK/B

cc: Mr. Werner Strupp

CERTIFIED MAIL - No. 271890

82040310479

American Podiatry Association

20 CHEVY CHASE CIRCLE, N. W.
WASHINGTON, D. C. 20015

CERTIFIED

No. 271890

MAIL

SUPPORT
PODIATRY
RESEARCH EDUCATION



Mr. Charles N. Steele, General Counsel
Federal Election Commission
Washington, D. C. 20463



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 10, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Irwin O. Kanat, D.P.M.
Treasurer
Podiatry Political Action Committee
20 Chevy Chase Circle
Washington, D.C. 20015

Re: MUR 1306

Dear Dr. Kanat:

This letter is to notify you that on October 7, 1980, the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1306. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

Letter to: Irvin O. Kanat, D.P.M.
Page Two

If you have any questions, please contact Anne Cauman, the attorney assigned to this matter at (202) 523-4529. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

1. The following service is requested (check one):

☐ Show to whom and date delivered.....

☐ Show to whom, date, and address of delivery.....

☐ **RESTRICTED DELIVERY**
Show to whom and date delivered.....

☐ **RESTRICTED DELIVERY**
Show to whom, date, and address of delivery.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Irwin O. Kasat

3. ARTICLE DESCRIPTION:

REGISTERED NO. *2* CERTIFIED NO. *659966* INSURED NO. _____

(Always obtain change of address or return)

I have received the article described above:

SIGNATURE ☐ Addressee ☒ Authorized agent

K Green

4. DATE OF DELIVERY *10-15-80* **POSTMARK**

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

1306 *Cauman* ☆ SPOT 1-870-870-3811



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 10, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Norman Klombers
Executive Director
American Podiatry Association
20 Chevy Chase Circle, N.W.
Washington, D.C. 20015

Re: MUR 1306

Dear Dr. Klombers:

This letter is to notify you that on October 7, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1306. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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Letter to: Dr. Norman Klombers
Page Two

If you have any questions, please contact Anne Cauman, the attorney assigned to this matter at (202) 523-4529. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

8 2 0 1 0 3 1 2 4 3 3

REGISTERED MAIL, POSTAGE GUARANTEED, INSURED AND CERTIFIED MAIL

1. The following service is requested (check one).
☐ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY.
Show to whom and date delivered.
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Norman Klombers

3. ARTICLE DESCRIPTION:
REGISTERED NO. *01299AB* CERTIFIED NO. INSURED NO.

4. (Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☒ Authorized agent
[Signature]

5. DATE OF DELIVERY:
10/14/80

6. ADDRESS (Complete only if requested)

7. UNABLE TO DELIVER BECAUSE:

1306 *Cauman* *10/14/80* *114* *1980* *POST OFFICE* *WASHINGTON, D.C.* *20540*

U.S. GPO: 1979-272-102



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 10, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James V. Stelnicki, Treasurer
Florida Podiatry Political Action
Committee
Barnett Bank Building
Suite 600
Tallahassee, Florida 32301

Re: MUR 1306

Dear Mr. Stelnicki:

This letter is to notify you that on October 7, 1980, the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1306. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

Letter to: James V. Stelnicki
Page Two

If you have any questions, please contact Anne Cauman, the attorney assigned to this matter at (202) 523-4529. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

1. SERVICE: Complete items 1, 2, and 3. Add post office to which the item is to be sent.		
1. The following service is requested (check one): ☐ Show to whom and date delivered. ☐ Show to whom, date, and address of delivery. ☐ RESTRICTED DELIVERY Show to whom and date delivered. ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery. (CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: <i>James V. Stelnicki</i>		
3. ARTICLE DESCRIPTION: REGISTERED NO. CERTIFIED NO. INSURED NO. <i>946830</i>		
1. (Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent <i>X L. W. L. W. L.</i>		
4. DATE OF DELIVERY <i>10-15-80</i>		
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		

OCT 15 1980
 U.S. MAIL
 NEW YORK, N.Y.

☆ GPO 1979-270-302



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 10, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William Owens
Executive Director
Florida Podiatry Association
Barnett Bank Building
Suite 600
Tallahassee, Florida 32301

Re: MUR 1306

Dear Mr. Owens:

This letter is to notify you that on October 7, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1306. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

Letter to: William Owens
Page Two

If you have any questions, please contact Anne Cauman, the attorney assigned to this matter at (202) 523-4529. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

8 2 0 1 0 3 1 2 4 3 7

U.S. MAIL, 1st CLASS

1. The following service is requested (check one):

☐ Show to whom and date delivered.....

☐ Show to whom, date, and address of delivery.....

☐ RESTRICTED DELIVERY

Show to whom and date delivered.....

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

William Owens

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

658910

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

L. Weldon

4. DATE OF DELIVERY

10-14-80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

1306 Cauman

U.S. MAIL, 1st CLASS

POSTMARK

1980

CLERK'S INITIALS

U.S. MAIL, 1st CLASS

POSTMARK

1980

CLERK'S INITIALS

U.S. MAIL, 1st CLASS

POSTMARK

1980

CLERK'S INITIALS

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

PS Form 3811, Aug. 1978

● **SENDER:** Complete Items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
☐ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☒ **RESTRICTED DELIVERY**
 Show to whom and date delivered.
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery.
 (CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**
Robert A. Yotka

3. **ARTICLE DESCRIPTION:**
 REGISTERED NO. *SC891B* CERTIFIED NO. INSURED NO.

4. (Always obtain signature of addressee or agent)
 I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
Bette Koster

5. **DATE OF DELIVERY**
10/14/80

6. **ADDRESS** (Complete only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

8. **CLERK'S INITIALS**

1306 *Cauman* ☆ GPO: 1970-72-283

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

8201011433



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 10, 1980

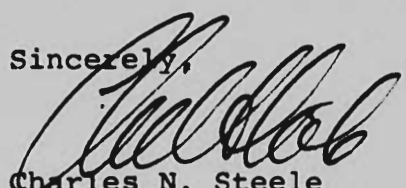
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert A. Kostka, D.P.M.
Gulf to Bay Professional Plaza
2260 Gulf to Bay Blvd.
Clearwater, Florida 33515

Dear Dr. Kostka:

This letter is to acknowledge receipt of your complaint of September 17, 1980, against the Podiatry Political Action Committee, the American Podiatry Association, the Florida Podiatry Political Action Committee and the Florida Podiatry Association which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondents' notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,


Charles N. Steele
General Counsel

Enclosure

8204012432

June -

Re: MUR 1306

There are 4 respondents who should receive letters - the 2 PACs and their two connected associations. For associations, do we usually send letter to Executive Director's or Presidents (?)

- ① Irwin O. Kanat, DPM
Treasurer
Podiatry Political Action Committee
20 Chevy Chase Circle, N.W.
Washington, D.C. 20015
- ② Dr. Norman Klombers
Executive Director
American Podiatry Association
20 Chevy Chase Circle, N.W.
Washington, D.C. 20015
- ③ ~~El~~ James V. Stelnicki, Treasurer
Florida Podiatry Political Action Committee
Barnett Bank Building
Suite 600
Tallahassee, Florida 32301
- ④ (over)

- ④ for the Florida Podiatry Association
 I have the name of both the
 Executive Director, William Owens
 & the President, Dr. Warren Simmonds
~~the letter should be addressed to whom~~
 whichever officer we usually address.
 The address is the same as for the
 Florida PAC :

Florida Podiatry Association
 Barnett Bank Building
 Suite 600
 Tallahassee, Florida 32301

→ lets send it to the executive director

Rene Cauman
 11/9/80

RECEIVED

80 OCT 7 AM: 21

Dr. Robert A. Kostka
PODIATRIST
GULF TO BAY
PROFESSIONAL PLAZA

910452
CCC# 2895

2260 GULF TO BAY BLVD.
CLEARWATER, FLORIDA 33515

September 17, 1980

TELEPHONE 443-5870

CERTIFIED

Federal Elections Commission
1325 K Street N. W.
Washington, D. C. 20463

Attention: Mr. Hal Ponder
Assistant General Counsel

Gentlemen:

I feel there is a violation of Federal Elections Campaign Act of 1971 by the American Podiatry Association 20 Chevy Chase Circle N. W. Washington, D. C. 20015 and it's chartered component Florida Podiatry Association Suite 600 Barnett Bank Building Tallahassee, Florida 32301.

From 1974 through 1979 these associations have violated individual civil rights of political expression to lend support to Political Policies and Candidates of my choosing by denial of my right of voluntary contributions.

Documentation

- (1) Mandatory contributions to Political Action Committee.
Letter sent to membership by President, Dr. Sheldon Willens (note 2nd paragraph attached) dated November 1973.
See membership invoices attached Drs. Robert A. Kostka and Morton Goldberg.
- (2) Have not kept Political Action Funds separate from other funds evidenced by inclusion in Disbursement Budget 1979 attached.

I am not a candidate, nor filing for or on behalf of or request or suggestion of a candidate. I swear the facts stated in this letter to the best of my knowledge are true.

RAK/brk

Sincerely,

Robert A. Kostka, D.P.M.
Robert A. Kostka, D.P.M.
Gulf to Bay Professional Plaza
2260 Gulf to Bay Blvd.
Clearwater, Florida 33515

enclosures (3)

STATE OF FLORIDA
COUNTY OF PINELLAS

Before me, a Notary Public, this 3rd day of October, 1980, appeared Robert A. Kostka, D.P.M. Area Code 813 - 443-5870 to me known personally and who signed this document before me.

Arthur J. Pettengill
Notary Public
Notary Public, State of Florida at Large
My Commission Expires Oct. 3, 1983
Bonded By American Fidelity & Guaranty Company



FLORIDA PODIATRY ASSOCIATION

NEWSLETTER

Hollywood, Florida - November 1973

No. 4

Dear Colleagues:

Welcome back, you all from the tropical paradise known as Santo Domingo - land of the swaying palms and stomachs. For those of you who couldn't be with us-you missed a memorable trip. We even did a little work. The seminar was exceptionally good with a special thanks to Dr. Allen Weinstein for a well presented lecture on office assistants. It contained a lot of meat, but coming from Allen, we expect that.

In my last note to the membership I explained that we were going to pass on the APA dues increase. Rather than do that immediately, we will wait until January of 1975. However, there will be a change in dues this coming January. Two years ago the executive board voted to reduce dues by fifty dollars and asked each man to make a voluntary contribution to the Florida Podiatry Political Action Committee. We felt that each and everyone of you would vitally understand the needs. We were slightly mistaken. Therefore, as of January 1974, the dues structure will be returned to the \$400.00 figure. A contribution will be made to the FPPAC in each individuals name when your dues are paid in full. You will then receive two paid receipts, one from FPA for \$350.00 and one from FPPAC for \$50.00. We feel that this should solve the problem. In January of 1975 the dues will be raised to \$425.00 to account for the APA increase.

There has been a change in the Unlicensed Practice Committee. Dr. Sidney Lerner has been appointed to head that committee, and he has been promised help from the men in his immediate area. If anyone has complaints concerning this problem contact Sid. With the new felony law, we have clout now.

I want to thank Drs. Stan Shapiro and Fred Pearl for forming the Central Florida Podiatry Association. Through alot of hard work on their part, the Orlando-Central Florida area will now have a component group. All of you men practicing in that area who have not yet joined are urged to contact Dr. Pearl at 1780 Mercy Drive, Mercy Medical Center, Suite 13, Orlando, Florida 32808, and join immediately. A component will give you representation on the executive board, as well as a chance to have better access to scientific program on a local level.

I met with Bill Owens two weeks ago and he tells me that he is not getting the cooperation he needs from the component groups. This man is willing to extend himself fully for this association, but he needs our help. Lets give it to him.

I hope to see the board again in Orlando on February 2, 1974.

FRATERNALLY,

SHELDON WILLIENS, D.P.M., A.A.C.F.S.
President of the Florida Podiatry Association

SW:ste

82047312493

AMERICAN PODIATRY ASSOCIATION
20 CHEVY CHASE CIRCLE, N.W. WASHINGTON, D.C. 20015

NOTE: IF YOU ALREADY HAVE REMITTED
YOUR PAYMENT, PLEASE IGNORE
THIS INVOICE.

Member-No.
1-120-146
Billing Date
01/01/77

DR ROBERT A. KOSTKA
2260 GULF-TO-BAY BLVD
CLEARWATER FL 33515

MEMBER'S COPY - please retain for your records

MEMBERSHIP INVOICE

ACTIVE MEMBER	1977-1978
NATIONAL ASSOCIATION DUES	\$225.00
STATE ASSOCIATION DUES	\$250.00
BALANCE DUE	\$475.00

AMERICAN PODIATRY ASSOCIATION
20 CHEVY CHASE CIRCLE, N.W. WASHINGTON, D.C. 20015

NOTE: IF YOU ALREADY HAVE REMITTED
YOUR PAYMENT, PLEASE IGNORE
THIS INVOICE.

Member-No.
1-120-146
Billing Date
01/01/78

DR ROBERT A. KOSTKA
2260 GULF-TO-BAY BLVD
CLEARWATER FL 33515

MEMBER'S COPY - please retain for your records

MEMBERSHIP INVOICE

ACTIVE MEMBER	1978-1979
NATIONAL ASSOCIATION DUES	\$225.00
STATE ASSOCIATION DUES	\$250.00
BALANCE DUE	\$475.00

AMERICAN PODIATRY ASSOCIATION
20 CHEVY CHASE CIRCLE, N.W. WASHINGTON, D.C. 20015

NOTE: IF YOU ALREADY HAVE REMITTED
YOUR PAYMENT, PLEASE IGNORE
THIS INVOICE.

Member-No.
3-853-461
Billing Date
01/01/78

DR N. MORTON GOLDBERG
2350 SUNSET POINT RD
CLEARWATER FL 33515

MEMBER'S COPY - please retain for your records

MEMBERSHIP INVOICE

ACTIVE MEMBER	1978-1979
NATIONAL ASSOCIATION DUES	\$225.00
STATE ASSOCIATION DUES	\$250.00
BALANCE DUE	\$475.00

82040312494

FLORIDA PODIATRY ASSOCIATION
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
PREPARED WITHOUT AUDIT
For The Period Indicated

	<u>May</u> <u>1979</u>	<u>7/1/78</u> <u>through</u> <u>5/31/79</u>
<u>DISBURSEMENTS (Cont'd.)</u>		
COPE Dues	\$ --	\$ 25.00
COPE Conference	--	660.32
Advertising	--	39.99
Corporate Annual Report	--	15.00
Political Action Committee	--	13,354.24
Flowers and Gifts	88.40	88.40
Ad-Hoc Insurance Committee	367.50	1,147.47
Allied Health Council Meeting	--	45.22
APA Liason	--	303.80
Hospital Committee	--	102.40
Membership Committee	--	21.62
Public Health Committee	--	8.01
Public Relations Committee	24.01	2,094.35
Sports Medicine Committee	--	1,315.04
State Board Liason Committee	--	78.00
Long Range Planning Committee	--	507.15
Blue Shield Committee	--	111.80
Florida Assistance Committee	--	28.55
Labor Liason	--	32.20
HSA Committee	--	387.91
Total Disbursements	<u>\$28,031.50</u>	<u>\$226,015.81</u>
Excess of Disbursements Over Receipts	(20,769.35)	(18,219.32)
CASH BALANCE - Beginning of Period	93,795.11	91,245.08
CASH BALANCE - End of Period	<u>\$73,025.76</u>	<u>\$ 73,025.76</u>
 Barnett Bank - Checking		 \$ 69,215.12
Barnett Bank - Savings		3,637.14
Returned Check - Kenneth Rehon		173.50
		<u>\$ 73,025.76</u>

For Internal Use Only.

92010312495

Dr. Robert A. Kostka

PODIATRIST

2260 GULF TO BAY BLVD.
CLEARWATER, FLORIDA 33515

RETURN RECEIPT
REQUESTED

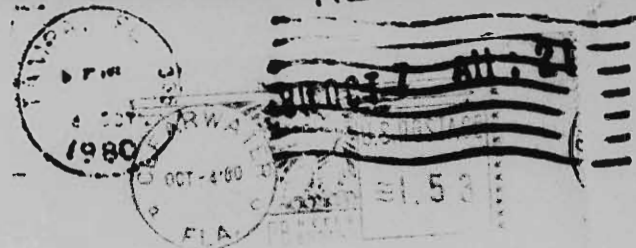
CERTIFIED

No. 0050802

MAIL

Attention: Ms. Elissa Garr

Federal Elections Commission
1325 K Street N. W.
Washington, D. C. 20463



9/25

Elissa —

I blew it on
this one — it
is not sworn

to, therefore

I would like to
demure + send
out or improper
compl. letter —
saves

✓ 4 Kue

82047312497

MUR ASSIGNMENT FORM

MUR # 1298

Date Received 9-23-80

COMPLAINANT Robert A. Kostka

RESPONDENT

TRACK ASSIGNED Track I

FINAL REVIEW BY: A.G.C. G.C.

STAFF ASSIGNED Schwarz Levin

DATE 9/23/80 Assigned 9/24/80

DUE DATE OF FIRST G.C. REPORT External rules

Kish
Signature of G.C.

9/24/80
date

Please return to Docket after assignment.

This will fall into
expedited time frame

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
☐ Show to whom and date delivered
☐ Show to whom, date, and address of delivery
☐ RESTRICTED DELIVERY
 Show to whom and date delivered
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
American Podiatry Association

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 946610
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☒ Authorized agent
R. Green

4. DATE OF DELIVERY POSTMARK
 9-29-80 WASHINGTON SEP 29 1980

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO: 1978-272-382

GCC#2733

PS Form 3811, Aug. 1978

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☐ RESTRICTED DELIVERY
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☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Florida Podiatry Association

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 946611
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☒ Authorized agent
L. Wildon

4. DATE OF DELIVERY POSTMARK
 9-30-80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO: 1978-272-382

GCC#2733

PS Form 3811, Aug. 1978

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☐ RESTRICTED DELIVERY
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☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
*Florida Podiatry Association
 Political Action Committee*

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 946612
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☒ Authorized agent
L. Wildon

4. DATE OF DELIVERY POSTMARK
 9-30-80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO: 1978-272-382

GCC#2733

PS Form 3811, Aug. 1978

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Add your address in the "RETURN TO" space on reverse.

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☐ RESTRICTED DELIVERY
 Show to whom and date delivered
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Dr. Robert A. Kostka

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 946613
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☒ Authorized agent
Robert Kostka

4. DATE OF DELIVERY POSTMARK
 9/30/80 SEP 30 1980

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO: 1978-272-382

GCC#2733

919246 2733

RECEIVED

Dr. Robert A. Kostka
PODIATRIST
GULF TO BAY
PROFESSIONAL PLAZA

80 SEP 23 P12:52

2260 GULF TO BAY BLVD.
CLEARWATER, FLORIDA 33515

September 17, 1980

TELEPHONE 443-5870

CERTIFIED

Federal Elections Commission
1325 K Street N. W.
Washington, D. C. 20463

Attention: Mr. Hal Ponder
Assistant General Counsel

Gentlemen:

I feel there is a violation of Federal Elections Campaign Act of 1971 by the American Podiatry Association 20 Chevy Chase Circle, N. W. Washington, D. C. 20015 and it's chartered component Florida Podiatry Association Suite 600 Barnett Bank Building Tallahassee, Florida 32301.

From 1974 through 1979 these associations have violated individual civil rights of political expression to lend support to Political Policies and Candidates of my choosing by denial of my right of voluntary contributions.

Documentation

- (1) Mandatory contributions to Political Action Committee. Letter sent to membership by President, Dr. Sheldon Willens (note 2nd paragraph attached) dated November 1973.
- (2) Have not kept Political Action Funds separate from other funds evidenced by inclusion in Disbursement Budget 1979 attached.

I am not a candidate, nor filing for or on behalf of or request or suggestion of a candidate.

Sincerely,

Robert A. Kostka, D.P.M.

RAK/brk
enclosures (2)

Arthur P. Pettigill
Notary Public

Robert A. Kostka, D.P.M.
Gulf to Bay Professional Plaza
2260 Gulf to Bay Blvd.
Clearwater, Florida 33515
Area Code 813 - 443-5870



FLORIDA PODIATRY ASSOCIATION

NEWSLETTER

Hollywood, Florida - November 1973

No. 4

Dear Colleagues:

Welcome back, you all from the tropical paradise known as Santo Domingo - land of the swaying palms and stomachs. For those of you who couldn't be with us-you missed a memorable trip. We even did a little work. The seminar was exceptionally good with a special thanks to Dr. Allen Weinstein for a well presented lecture on office assistants. It contained a lot of meat, but coming from Allen, we expect that.

In my last note to the membership I explained that we were going to pass on the APA dues increase. Rather than do that immediately, we will wait until January of 1975. However, there will be a change in dues this coming January. Two years ago the executive board voted to reduce dues by fifty dollars and asked each man to make a voluntary contribution to the Florida Podiatry Political Action Committee. We felt that each and everyone of you would vitally understand the needs. We were slightly mistaken. Therefore, as of January 1974, the dues structure will be returned to the \$400.00 figure. A contribution will be made to the FPPAC in each individuals name when your dues are paid in full. You will then receive two paid receipts, one from FPA for \$350.00 and one from FPPAC for \$50.00. We feel that this should solve the problem. In January of 1975 the dues will be raised to \$425.00 to account for the APA increase.

There has been a change in the Unlicensed Practice Committee. Dr. Sidney Lerner has been appointed to head that committee, and he has been promised help from the men in his immediate area. If anyone has complaints concerning this problem contact Sid. With the new felony law, we have clout now.

I want to thank Drs. Stan Shapiro and Fred Pearl for forming the Central Florida Podiatry Association. Through alot of hard work on their part, the Orlando-Central Florida area will now have a component group. All of you men practicing in that area who have not yet joined are urged to contact Dr. Pearl at 1780 Mercy Drive, Mercy Medical Center, Suite 13, Orlando, Florida 32808, and join immediately. A component will give you representation on the executive board, as well as a chance to have better access to scientific program on a local level.

I met with Bill Owens two weeks ago and he tells me that he is not getting the cooperation he needs from the component groups. This man is willing to extend himself fully for this association, but he needs our help. Lets give it to him.

I hope to see the board again in Orlando on February 2, 1974.

FRATERNALLY,

SHELDON WILLIENS, D. P. M., A. A. C. F. S.
President of the Florida Podiatry Association

SW:ste

8204031250F

FLORIDA PODIATRY ASSOCIATION
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
PREPARED WITHOUT AUDIT
For The Period Indicated

	<u>May</u> <u>1979</u>	<u>7/1/78</u> <u>through</u> <u>5/31/79</u>
(2) DISBURSEMENTS (Cont'd.)		
COPE Dues	\$ --	\$ 25.00
COPE Conference	--	660.32
Advertising	--	39.99
Corporate Annual Report	--	15.00
<u>Political Action Committee</u>	--	<u>13,354.24</u>
Flowers and Gifts	88.40	88.40
Ad-Hoc Insurance Committee	367.50	1,147.47
Allied Health Council Meeting	--	45.22
APA Liason	--	303.80
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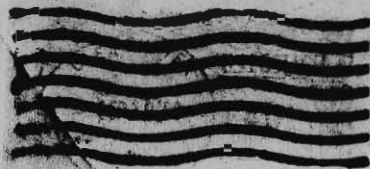
For Internal Use Only.

82040312502

Dr. Robert A. Kestha

PODIATRIST

2260 GULF TO BAY BLVD.
CLEARWATER, FLORIDA 33518



CERTIFIED

CERTIFIED

P338059533

MAIL

Federal Elections Commission
1325 K Street N. W.
Washington, D. C. 20463

Attention: Mr. Hal Ponder
Assistant General Counsel

80 SEP23 PM: 52

RECEIVED

8 2 4 0 3 1 2 5 3



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1306

Date Filmed 3/26/82 Camera No. --- 2

Cameraman BPC