

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kathy Foster

Case No.: FEC 14-253

TO: Kathy Foster
13650 Columbine Avenue
Wellington, FL 33414

Lisa Goldman
135 St. Davis Way
Wellington, FL 33414

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **May 18, 2016 at 8:30 am**, *or as soon thereafter as the parties can be heard*, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
May 3, 2016

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Suite 224
Collins Building
Tallahassee, Florida 32399-1050
(850) 922-4539

March 1, 2016

Kathy Foster
13650 Columbine Avenue
Wellington, FL 33414

RE: Case No.: FEC 14-253; Respondent: Kathy Foster

Dear Ms Foster:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for May 18-19, 2016 in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com.

Sincerely,

/s/Amy McKeever Toman
Executive Director

AMT/dam
cc: Lisa Goldman, Complainant

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Kathy Foster

Case No.: FEC 14-253

TO: Kathy Foster
13650 Columbine Avenue
Wellington, FL 33414

Lisa Goldman
135 St. Davis Way
Wellington, FL 33414

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **February 17, 2016 at 10:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Florida State Conference Center, 555 West Pensacola Street, Room #108, Tallahassee, Florida 32306.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

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If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 2, 2016

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If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

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Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Suite 224

Collins Building

Tallahassee, Florida 32399-1050

(850) 922-4539

September 9, 2015

Kathy Foster
13650 Columbine Avenue
Wellington, FL 33414

RE: Case No.: FEC 14-253; Respondent: Kathy Foster

Dear Ms. Foster:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for November 17-18, 2015 in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com

Sincerely,

/s/Amy McKeever Toman

Executive Director

AMT/dam

cc: Lisa Goldman, Complainant

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **Kathy Foster**

Case No.: **FEC 14-253**

TO: Kathy Foster
13650 Columbine Avenue
Wellington, FL 33414

Lisa Goldman
135 St. Davie Way
Wellington, FL 33414

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on **August 26, 2015, at 8:30 am**, or as soon thereafter as the parties can be heard, at the following location: **Senate Office Building, Room 110-S, 404 South Monroe Street, Tallahassee, FL 32399.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106 25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

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The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
August 11, 2015



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Suite 224

Collins Building

Tallahassee, Florida 32399-1050

(850) 922-4539

May 29, 2015

Kathy Foster
13650 Columbine Avenue
Wellington, FL 33414

RE: Case No.: FEC 14-253; Respondent: Kathy Foster

Dear Ms. Foster:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for August 18-19, 2015 in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com.

Sincerely,

/s/Amy McKeever Toman

Executive Director

AMT/dam

cc: Lisa Goldman, Complainant

DM

RECEIVED

2015 APR 15 A 8:53

April 9, 2015

Donna Ann Malphurs
Commission Clerk
Florida Elections Commission
107 W. Gaines St.
Suite 224
Tallahassee, FL 32399-1050
RE: Case No.: 14-253

Dear Ms. Malphurs:

In response to the Commission's Order of Probable Cause dated March 20, 2015, please accept this written request for an informal hearing.

We are not disputing any material fact in the case, but request the Commission consider and determine willfulness at the hearing.

As I previously stated in my sworn affidavit to the Commission dated October 16, 2014 and in my previous letter to the Commission dated September 3, 2014, my actions in this matter were not willful.

To summarize, I am a former elected official with 11 years of public service experience. I was previously elected to the ACME Improvement District Board of Supervisors and as Mayor and Councilwoman for the Village of Wellington.

I have always been careful to follow the requirements of Chapter 106 Florida Statutes and have never been the subject of a previous complaint with the Florida Elections Commission.

The failure to include a disclaimer on the one invitation which is the subject of this Order was an accidental oversight, not intentional or willful.

All of my other campaign materials, invitations, brochures, direct mail pieces, including my campaign website and Facebook page had a proper disclaimer.

Attached please find several other fundraising invitations from my recent county commission campaign. All had a proper disclaimer.

Florida Statute 106.143 states: "Any person who willfully violates any provision of this section is subject to the civil penalties prescribed in s.106.265."

The Merriam-Webster dictionary defines "willful" as "done deliberately, intentional, willful disobedience."

Nothing about this accidental, inadvertent omission was deliberate, intentional or willful.

I ask the Commission find that my actions in this matter were not willful.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Kathy Foster". The signature is written in black ink and is positioned above the typed name and address.

Kathy Foster
13650 Columbine Ave.
Wellington, FL 33414
561-596-9536

HOST COMMITTEE

| | | | |
|-----------------------|-------------------|------------------|----------------|
| Veronica Bauer | Daryl Glenney | Trudy McConnell | Lisa Tropepe |
| Deborah Bigeleisen | Michelle Gonzalez | Jill Merrell | Gigi Tylander |
| Michelle Damone | Marie Horenburger | Carey O'Donnell | Karen Webster |
| Michelle Diffenderfer | Sandra Kaplan | Evelyn Parkes | Martha Webster |
| Sandie Foland | Gail Kleinert | Edith Pecan | |
| Barbara Fretwell | Linda L. Long | Loverly Sheridan | |
| Lenne Gapstur | Jeanne Matullo | Ellen Smith | |

Professional Women and Women Business Owners

invite you to a campaign fundraiser

for

Kathy Foster for County Commission

District 6

on

Wednesday, November 6, 2013

5:30 - 7:00 p.m.

at

E.R Bradley's Saloon

104 S. Clematis Street

Suggested contribution: \$50, \$100 or \$250

(Maximum allowable contribution: \$1,000 per individual or corporation)

Please RSVP to 561-651-1499

If you cannot attend the event, but would like to make a contribution, please send your check, payable to the "Kathy Foster Campaign Account," to Campaign of Kathy Foster, 13650 Columbine Avenue, Wellington, FL 33414.

"Our Hometown Candidate"

Kathy is a member of the Executive Women of the Palm Beaches and the Women's Chamber of Commerce of Palm Beach County.



Please join
Melissa & Marc Ganzi
Gaye & Joe Scarpà
Amy & Scott Swerdlin
at a
campaign fundraiser and polo match

for

Kathy Foster for County Commission

District 6

on

Friday, May 23, 2014

5:00 - 7:00 p.m.

Polo match starts at 5:00 p.m.

at

Grand Champions Polo Fields

13444 Southfields Road • Wellington

Suggested contribution: \$250

Maximum allowable contribution: \$1,000 per individual or corporation

Please RSVP to 561-651-1499

If you cannot attend the event, but would like to make a contribution, please send your check, payable to the "Kathy Foster Campaign Account," to Campaign of Kathy Foster, 13650 Columbine Avenue, Wellington, FL 33414

HOST COMMITTEE

Bobby & B.J. Ewing
John & Linda Herring
John & Angela Lacy
Hon. Carmine & Marie Priore
Dennis & Maureen Witkowski

Please join us

at a campaign fundrasier

for

Kathy Foster for County Commission

District 6

on

Thursday, November 21, 2013

5:30 - 7:00 p.m.

at the

Aero Club

15675 Take Off Place • Wellington

(Clubhouse)

Suggested contribution: \$100 or \$250

(Maximum allowable contribution: \$1000 per individual or corporation)

Please RSVP to 561-651-1499

If you cannot attend the event, but would like to make a contribution, please send your check, payable to the "Kathy Foster Campaign Account," to Campaign of Kathy Foster, 13650 Columbine Avenue, Wellington, FL 33414.



Kathy Foster for County Commission

PLEASE JOIN BOB SANDERS AND TOM DERITA
AT A CAMPAIGN RECEPTION FOR

KATHY FOSTER

FOR PALM BEACH COUNTY COMMISSION, DISTRICT 6

WEDNESDAY, MARCH 5, 2014

3:30 — 5:30 P.M.

AT THE LAW OFFICES OF

GREENBERG TRAURIG

777 S. FLAGLER DRIVE

SUITE 300 EAST

WEST PALM BEACH, FLORIDA 33401

SPECIAL GUEST

JOHN WALSH

HOST OF

AMERICA'S MOST WANTED



SUGGESTED CONTRIBUTION

\$250, \$500 OR \$1,000

MAXIMUM ALLOWABLE CONTRIBUTION \$1,000
(PER INDIVIDUAL OR CORPORATION)

PLEASE RSVP TO 561-651-1499

IF YOU CANNOT ATTEND THE EVENT, BUT WOULD LIKE TO MAKE A CONTRIBUTION,
PLEASE SEND YOUR CHECK, PAYABLE TO "KATHY FOSTER CAMPAIGN ACCOUNT" TO

CAMPAIGN OF KATHY FOSTER

13650 COLUMBINE AVENUE, WELLINGTON, FL 33414

POLITICAL CONTRIBUTIONS ARE NOT TAX DEDUCTIBLE FOR FEDERAL INCOME TAX PURPOSES

POLITICAL ADVERTISEMENT PAID FOR AND APPROVED BY KATHY FOSTER, DEMOCRAT FOR PALM BEACH COUNTY COMMISSION DISTRICT 6.

HOST COMMITTEE

Ann & Tommy Holt Rick & Jeanie Roth
Paul Allen
Eric Hopkins
Bill Kennedy
Paul Orsenigo
David Self
Stewart Stein

.....|
Please join us
at a campaign luncheon and fundraiser
for
Kathy Foster for County Commission

District 6

on

Thursday, May 8, 2014

Noon - 1:30 p.m.

at the

Western Palm Beach Farm Bureau
3019 State Road 15
Belle Glade

Suggested contribution: \$250, \$500 or \$1,000

Maximum allowable contribution: \$1,000 per individual or corporation

Please RSVP to Rhonda at 561-996-0343

If you cannot attend the event, but would like to make a contribution,
please send your check, payable to the "Kathy Foster Campaign Account," to
Campaign of Kathy Foster, 13650 Columbine Avenue, Wellington, FL 33414
or you can make a secure online contribution on the campaign website.

www.kathyfoster2014.com



Kathy Foster for County Commission

FILED

15 MAR 20 AM 3:56

STATE OF FLORIDA
ELECTIONS COMMISSION

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

Florida Elections Commission,
Petitioner,

Case No.: FEC 14-253

v.

Kathy Foster,
Respondent.

ORDER OF PROBABLE CAUSE

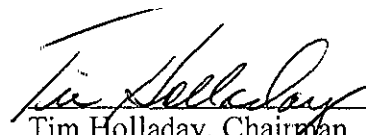
THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on February 25, 2015, in Tallahassee, Florida

Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

Count 1:

On or about July 22, 2014, Kathy Foster violated Section 106 143(1)(a), Florida Statutes, when she paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer.

DONE AND ORDERED by the Florida Elections Commission on February 25, 2015.



Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, Assistant General Counsel
Kathy Foster, Respondent
Lisa Goldman, Complainant

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violation(s) and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

Third, you may request a formal hearing held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff Recommendation. You have 30 days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann Malphurs. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **Kathy Foster**

Case No.: **FEC 14-253**

TO: Kathy Foster
13650 Columbine Avenue
Wellington, FL 33414

Lisa Goldman
135 St Davis Way
Wellington, FL 33414

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on **February 25, 2015, at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, Room 110-S, 404 South Monroe Street, Tallahassee, FL 32399.**

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See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 9, 2015

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If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Kathy Foster /

Case No.: FEC 14-253

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the sworn complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.143(1)(a), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on November 10, 2014, the following facts and law support this staff recommendation:

1. On August 18, 2014, the Florida Elections Commission ("Commission") received a sworn complaint from Lisa Goldman ("Complainant"), alleging that Kathy Foster ("Respondent") violated Chapter 106, Florida Statutes.

2. Respondent was a 2014 candidate for Palm Beach County Commission, District 6. Respondent's Statement of Candidate form ("DS-DE 84") was filed on June 3, 2013. (ROI Exhibit 11)¹

3. By letter dated September 16, 2014, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.143(1)(a), Florida Statutes: As alleged in the complaint, Respondent, a 2014 candidate for Palm Beach County Commission, District 6, paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer.

4. Complainant alleged that Respondent violated Florida's election laws by failing to include a proper disclaimer on three campaign fundraiser invitations which were sent by Respondent via e-mail, posted on Respondent's Facebook page, and posted on the Palm Beach County Democratic Party's website.

Alleged Violation: E-mail Invitation.

5. On July 22, 2014, Respondent sent a campaign fundraiser invitation via e-mail which stated in part, "Please join us at a campaign fundraiser for Kathy Foster for County Commission District 6 . . ." The e-mail invitation did not contain a political disclaimer (ROI Exhibit 2)

¹ The Report of Investigation is referred to herein as "ROI."

6. Respondent stated that the failure to include a disclaimer on the e-mail invitation was an accidental oversight, and was not intentional or willful. (ROI Exhibit 4, page 3) Respondent stated that the e-mail invitation was reviewed by her prior to being sent and that it was only sent to a list of her supporters. (ROI Exhibit 4, page 2) Respondent admitted that the e-mail invitation did not contain a proper disclaimer. (ROI Exhibit 4, page 3)

7. Section 106 025(1)(c), Florida Statutes, states that, "Any tickets or advertising for a campaign fund raiser must comply with the requirements of s. 106.143." Respondent's e-mail invitation failed to comply with Section 106 143(1)(a), Florida Statutes, as it was void of a disclaimer.

Alleged Violation: Facebook Invitation.

8. Respondent's Facebook page contained an invitation to a campaign fundraiser. The invitation included the exact same language found in the e-mail invitation and did not contain a disclaimer. (ROI Exhibit 5)

9. Respondent stated that her Facebook page on which the invitation was posted contained a proper disclaimer. (ROI Exhibit 3, page 1) Respondent provided a print out of her Facebook page showing that the banner at the top of her webpage includes the language, "Political advertisement paid for and approved by Kathy Foster, Democrat for Palm Beach County Commission, District 6." (ROI Exhibit 6)

10. It appears that when viewing Respondent's invitation posted on her Facebook page, the disclaimer would appear on the same webpage as the invitation, and therefore does not appear to be a violation of Section 106.143(1)(a), Florida Statutes.

Alleged Violation: Palm Beach County Democratic Party Invitation.

11. The Palm Beach County Democratic Party's website contained an invitation to Respondent's campaign fundraiser. The invitation was in a different form than the e-mail and Facebook invitations. The invitation contained the following deficient disclaimer: "Paid for by Kathy Foster for County Commission" (ROI Exhibit 7)

12. Respondent stated that she did not post nor have any control over the invitation that was posted on the Palm Beach County Democratic Party's website. (ROI Exhibit 3, page 2) She stated that she sent her e-mail invitation to a list of supporters, including several local Democratic Party officials, but did not send a copy to the Palm Beach County Democratic Party. (ROI Exhibit 4, page 3)

13. Commission staff contacted multiple representatives of the Palm Beach County Democratic Party regarding the invitation on their website but was unable to obtain information regarding who posted the invitation. Commission staff also attempted to make a posting on the website, in order to determine if a member of the general public could have posted the invitation, but was prompted to first make a payment prior to posting.

14. It appears that Respondent did not post nor have any control over the invitation that was posted on the Palm Beach County Democratic Party's website and therefore does not appear to be a violation of Section 106.143(1)(a), Florida Statutes.

15. "Probable Cause" is defined as reasonable grounds of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v State*, 590 So. 2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Department of Highway Safety and Motor Vehicles v Favino*, 667 So. 2d 305, 309 (Fla. 1st DCA 1995).


16. The facts set forth above show that Respondent was a 2014 candidate for Palm Beach County Commission, District 6. Respondent reviewed and emailed an invitation to a campaign fundraiser to a list of supporters but failed to include a proper disclaimer. However, it appears that Respondent's Facebook page invitation includes a proper disclaimer as the banner of her webpage includes the correct verbiage, and that Respondent did not post nor have any control over the invitation that was posted on the Palm Beach County Democratic Party's website.

Based upon these facts and circumstances, I recommend that the Commission find probable cause to charge Respondent with violating the following:

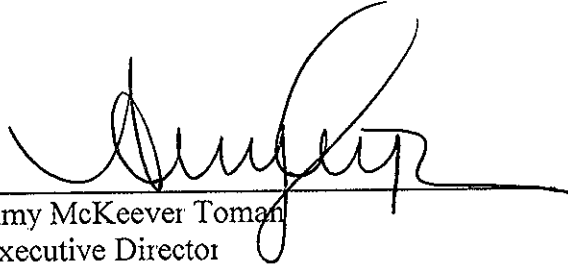
Count 1:

On or about July 22, 2014, Kathy Foster violated Section 106.143(1)(a), Florida Statutes, when she paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer.

Respectfully submitted on December 19, 2014.


Stephanie J. Cunningham
Assistant General Counsel

I reviewed this Staff Recommendation this 19th day of December 2014.



Amy McKeever Toman
Executive Director

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 14-253

Respondent: Kathy Foster

Complainant: Lisa Goldman

On August 18, 2014, the Florida Elections Commission received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. The Commission staff investigated whether Respondent violated the following statute:

Section 106.143(1)(a), Florida Statutes, failure of a candidate who made an expenditure for and published a political advertisement before the election to prominently mark the advertisement with the required disclaimer.

I. Preliminary Information:

1. Respondent was a candidate for the Palm Beach County Commission, District 6; she was defeated in the primary election held on August 26, 2014. In 1996, Respondent was elected to the Wellington Village Council and was later appointed as Wellington's first mayor, serving for two years

2. On June 3, 2013, Respondent's "APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES" form (DS-DE 9) was filed with the Palm Beach County Supervisor of Elections' office. Respondent appointed herself as campaign treasurer. To review the DS-DE 9 form, refer to Exhibit 1.

3. Complainant is a resident of Wellington, Florida. According to campaign records, she provided an in-kind contribution to the campaign of Melissa McKinlay, Respondent's opponent, in the primary election.

II. Alleged Violation of Section 106.143(1)(a), Florida Statutes:

4. I investigated whether Respondent violated this section of the election laws by publishing a political advertisement without prominently marking the advertisement with the required disclaimer.

5. Complainant offered with her complaint a copy of an e-mail invitation to a fundraiser event held on July 29, 2014; it appears that invitation was e-mailed on July 22, 2014. According to Complainant, the e-mail contained both a "jpeg" and "pdf" version of the

invitation. Complainant noted that the e-mail invitation was void of a political disclaimer¹

6. In addition, Complainant also noted that the same invitation announcement appeared on Respondent's campaign Facebook page and on the website of the Palm Beach County Democratic Party; the invitation on the website included a disclaimer that read, "Paid for by Kathy Foster for County Commission."

7. The e-mail invitation, the invitation on Respondent's Facebook page and the invitation appearing on the Palm Beach County Democratic Party website will each be addressed in the following paragraphs.

E-mail invitation

8. The e-mail invitation, in part, reads: "Please join us at a campaign fundraiser for Kathy Foster for County Commission District 6 and help Kathy reach her fundraising goal." The invitation includes information relative to the date, time and location of the fundraiser and ends with the website address for Respondent's campaign as well as an indication that she has a campaign Facebook page. The e-mail invitation is void of a political disclaimer. To review the e-mail invitation, refer to Exhibit 2.

9. In her response to the complaint, Respondent stipulates that the invitation did not contain a political disclaimer and stated, "The failure to include the disclaimer on the invitation was an accidental oversight, not intentional or willful." Respondent added, "Nothing about this accidental, inadvertent omission was deliberate, intentional or willful." To review Respondent's response to the complaint, refer to Exhibit 3.

10. Respondent attested in a questionnaire-affidavit that the invitation was distributed solely via e-mail and it was not distributed via mail or as a hand-out. In addition, Respondent attested that the invitation was e-mailed solely to a list of her supporters and she personally reviewed the invitation prior to the e-mail being sent. To review Respondent's response to the questionnaire-affidavit, refer to Exhibit 4.

Invitation on Respondent's Facebook page

11. Respondent's Facebook page shows the exact same invitation as that of the e-mail invitation. To review the invitation as it appeared on Respondent's Facebook page, refer to Exhibit 5.

12. In her response to the complaint, Respondent stated, "The Facebook page on which the invitation was posted had a proper disclaimer." With her response, Respondent offered a page from her Facebook page. Located at the top of the page is a banner that reads, "Kathy Foster For County Commission District 6" and concludes with a political disclaimer that reads, "Political advertisement paid for and approved by Kathy Foster, Democrat for Palm Beach County Commission, District 6." To review Respondent's Facebook page with the banner

¹ I attempted to contact Complainant on a number of occasions to inquire of her as to how she secured a copy of the e-mail invitation. I was unable to establish telephone contact with Complainant. In addition, I attempted to contact her via correspondence; she never responded.

including a political disclaimer, refer to Exhibit 6.

Invitation on the Palm Beach County Democratic Party website

13. The website of the Democratic Party does not disclose the exact same invitation as the e-mail invitation but it does contain the same verbiage. Located at the bottom of the invitation is a political disclaimer that reads, "Paid for by Kathy Foster for County Commission." To review the invitation on the website of the Palm Beach County Democratic Party, refer to Exhibit 7.

14. As part of her response to the complaint, Respondent stated, "I did not post or have any control over the copy of the invitation that was reposted on the Democratic Party website." It is noted that the invitation appearing on the website reads, "Posted by Guest." To review Respondent's response to the complaint, refer to Exhibit 3.

15. In a questionnaire-affidavit, Respondent had been asked about the invitation appearing on the website and to her knowledge, how the local party obtained a copy of the invitation. Respondent stated, "While anyone may have forwarded the invitation to the local Democratic Party, my e-mail list of supporters includes the 'personal' e-mail addresses of several local Democratic Party officials." Respondent further stated, "I did not e-mail the invitation to the Palm Beach County Democratic Party. Whoever posted the invitation on their website took it upon themselves to add the aforementioned political disclaimer." To review Respondent's response to the questionnaire-affidavit, refer to Exhibit 4.

16. I tried unsuccessfully to contact a representative with the Palm Beach Democratic Party to inquire about Respondent's invitation appearing on their website².

17. I reviewed the party's website and participated in an exercise to determine whether I would be able to add an event to the "Find Events" page. It appears that a person posting an event would not be allowed to randomly post an invitation to the website but would first have to make a payment prior to having an event posted on the website.

18. With her response to the complaint, Respondent offered a sample of other advertisements for campaign fundraisers which included the correct political disclaimer. Each of the invitations includes the political disclaimer: "Political advertisement paid for and approved by Kathy Foster, Democrat for Palm Beach County Commission, District 6." To review a sample of campaign advertisements provided by Respondent, refer to Exhibit 8.

19. Respondent's advertisements also alluded to her campaign website. Respondent's website, <http://kathyfoster2014.com>, includes the same political disclaimer as the political disclaimer as shown on her other campaign advertisements and her Facebook page. To review a page from Respondent's website, refer to Exhibit 9.

² I attempted to speak with someone affiliated with the Palm Beach Democratic Party; however, this individual was unable to assist me and suggested that I contact the chairwoman of the Party. I e-mailed the chairwoman and asked that she call me in response to my e-mail; however, as of the date of this report, she has not called or responded to my e-mail.

20. Respondent added that throughout her numerous years as an elected official, "I have always been careful to follow the requirements of Chapter 106 Florida Statutes and have never been the subject of a previous complaint with the Division of Elections." To review Respondent's response to the questionnaire-affidavit, refer to Exhibit 4.

21. No record was found to indicate that Respondent has previously violated this section of the election laws.

III. FEC History:

22. Respondent has no prior history with the Florida Elections Commission.

Conclusion:

23. On November 10, 2014, I interviewed Respondent for the purpose of providing her with a brief overview of the case and to afford her an opportunity for questions or comments. When asked, Respondent said that she had nothing to add to the case.

24. In an affidavit, Palm Beach County Supervisor of Elections' Susan Bucher attested that Respondent has sought elective office previously when she was a candidate for mayor in the Village of Wellington in 1996. In addition, Ms. Bucher attested that candidates for office in which she is the filing officer are advised to download copies of Chapter 106, Florida Statutes as well as the *Candidate and Campaign Treasurer Handbook* from their website or the Division of Elections' website. To review the affidavit of Susan Bucher, refer to Exhibit 10.

25. In an affidavit, Respondent attested that she has previously been a candidate for elective office and that she has read Chapter 106, Florida Statutes. Respondent reported that she does not possess nor has she read the *Candidate and Campaign Treasurer Handbook*. When asked what action had she taken to determine her responsibilities under Florida's election laws, she stated, "I am familiar with Florida's election laws and hired a professional consulting firm to assist me with my campaign." To review Respondent's response to the questionnaire-affidavit, refer to Exhibit 4.

26. Respondent executed a Statement of Candidate form indicating that she has been provided with access to read and understand the requirements of Chapter 106, Florida Statutes; the form is dated as having been signed on June 3, 2013. To review the signed Statement of Candidate form, refer to Exhibit 11.

27. Pursuant to Rule 2B-1.003, Florida Administrative Code, this case was originally categorized as a minor violation and a consent order with a fine of \$250 was available; Respondent rejected the minor violation and consent order. The case was assigned to me for investigation that required approximately 18 hours to complete.

Respectfully submitted on November 10, 2014.



Keith Smith
Investigation Specialist

Current address of Respondent

Kathy Foster
13650 Columbine Avenue
Wellington, Florida 33414

Current address of Complainant

Lisa Goldman
135 St. David's Way
Wellington, Florida 33414

Name and Address of Filing Officer:

The Honorable Susan Bucher
Palm Beach County Supervisor of Elections
240 South Military Trail
West Palm Beach, Florida 33415

Copy furnished to: David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Kathy Foster -- FEC 14-253

| LIST OF EXHIBITS | |
|-------------------------|--|
| Exhibits #s | Description of Exhibits |
| Exhibit 1 | DS-DE 9 form |
| Exhibit 2 | E-mail invitation |
| Exhibit 3 | Response to the complaint |
| Exhibit 4 | Response to Q/A |
| Exhibit 5 | Invitation on Respondent's Facebook page |
| Exhibit 6 | Respondent's Facebook page re: banner |
| Exhibit 7 | Invitation on Palm Beach Co Democratic Party website |
| Exhibit 8 | Sample of advertisements provided by Respondent |
| Exhibit 9 | Page from Respondent's campaign website |
| Exhibit 10 | Affidavit of Susan Bucher |
| Exhibit 11 | Statement of Candidate form |

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F S)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)

Kathy Foster

3. Address (include post office box or street, city, state, zip code)

13650 Columbine Avenue
Wellington, FL 33414

4. Telephone

(561) 596-9536

5. E-mail address

kfosterfl@aol.com

6. Office sought (include district, circuit, group number)

Palm Beach County Commission, District 6

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation Democrat Party candidate

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

Kathy Foster

11. Mailing Address

13650 Columbine Avenue

12. Telephone

(561) 596-9536

13. City

Wellington

14. County

Palm Beach

15. State

FL

16. Zip Code

33414

17. E-mail address

kfosterfl@aol.com

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank

PNC Bank

20. Address

12850 Forest Hill Boulevard

21. City

Wellington

22. County

Palm Beach

23. State

FL

24. Zip Code

33414

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

06/03/13

26. Signature of Candidate

X *Kathy Foster*

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Kathy Foster, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

06/03/13

Date

X *Kathy Foster*
Signature of Campaign Treasurer or Deputy Treasurer

Date: July 22, 2014 at 1:03:17 PM EDT
To: kathyfoster2014@aci.com
Subject: Campaign of Kathy Foster

Please join us next Tuesday, July 29. The campaign is in the home stretch and doing great! We still need your help to make our fundraising goal. Thank you!

000003

EXHIBIT

2

Please join us
at a
campaign fundraiser
for
Kathy Foster for County Commission
District 6
and help Kathy reach her fundraising goal
on
Tuesday, July 29, 2014
6:30 - 7:00 pm
at
Casa Tequila
12726 W. Forest Hill Boulevard • Wellington
Suggested contribution: \$100, \$250 or \$500
Maximum allowed for individuals: \$1,000 per individual or corporation
Please RSVP to 561-651-1499
If you cannot attend the event, but would like to make a contribution,
please send your check payable to the Kathy Foster Campaign Account, c/o
Campaign of Kathy Foster
13650 Columbine Avenue, Wellington, FL 33414
You can also make a secure online contribution on our website at:
www.kathyfoster2014.com

Kathy Foster for County Commission

ER

RECEIVED
2014 SEP -9 A 9:40
ELE

September 3, 2014

Erin Riley
Deputy Agency Clerk
Florida Elections Commission
107 W. Gaines St.
Suite 224
Tallahassee, FL 32399-1050
RE: Case No.: FEC 14-253

Dear Ms. Riley:

Please accept this response to your letter of August 19, 2014 regarding **Case No.: FEC 14-253** (see attached).

Until just recently, I was a candidate for the Palm Beach County Commission, District 6.

I am a former elected official with 11 years of public service experience. I was previously elected to the ACME Improvement District Board of Supervisors and as Mayor and Councilwoman for the Village of Wellington.

I have always been careful to follow the requirements of Chapter 106 Florida Statutes and have never been the subject of a previous complaint with the Division of Elections.

Regarding the invitation which is the subject of this complaint, the invitation did not contain a disclaimer.

The failure to include the disclaimer on the invitation was an accidental oversight, not intentional or willful.

Attached please find several other fundraising invitations from my recent county commission campaign. All had a proper disclaimer.

All of my other campaign materials, brochures, direct mail pieces, including my campaign website had a proper disclaimer.

The Facebook page on which the invitation was posted had a proper disclaimer (see screen print attached).

EXHIBIT 3 (pg 1 of 2)

The invitation included both, my campaign website address and Facebook address.

I did not post or have any control over the copy of the invitation that was reposted on the Democratic Party website.

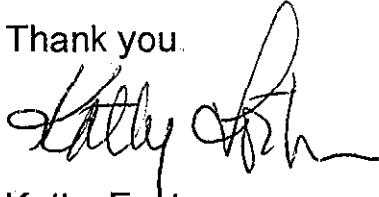
Florida Statute 106.143 states: "Any person who willfully violates any provision of this section is subject to the civil penalties prescribed in s.106.265."

The Merriam-Webster dictionary defines "willful" as "done deliberately, intentional, willful disobedience" (see attached).

Nothing about this accidental, inadvertent omission was deliberate, intentional or willful.

I ask that the commission make a finding of no probable cause in this matter.

Thank you.



Kathy Foster
13650 Columbine Ave.
Wellington, FL 33414
561-596-9536

EXHIBIT

3

(pg. 2 of 2)

AFFIDAVIT OF BACKGROUND INFORMATION

Case Number: FEC 14-253

STATE OF FLORIDA

County of Palm Beach

Kathy Foster, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matter herein. I am currently employed by: K. Foster Designs, LLC, Interior Design Studio, Owner, 1983-present
3. Prior to your 2014 campaign for the Palm Beach County Commission, had you ever run for public office? If so, please name the offices(s) you ran for and the date(s) of the elections(s) you ran in.

Acme Improvement District, Board of Supervisors, 11/1989, 11/1993
Village of Wellington, 3/1996, 3/2000

4. Have you ever been appointed to act as a campaign treasurer for a candidate? If so, please name the candidate(s) you served as treasurer, the office(s) the candidate ran for, and the dates of the election(s).

I have always served as either my own treasurer or deputy treasurer.

5. Have you ever held the office of chairperson or treasurer for a political committee? If so, please list the names and addresses of the committees and dates when you held the position.

No.

6. What action have you taken to determine your responsibilities under Florida's election laws?

I am familiar with Florida's election laws and hired a professional consulting firm to assist me with my campaign.

EXHIBIT 4 (pg 1 of 4)

7. Do you possess a copy of Chapter 106, Florida Statutes?

No.

8. If so, when did you first obtain it?

N/A

9. Have you read Chapter 106, Florida Statutes?

Yes.

10. Do you possess a copy of the *Candidate and Campaign Treasurer Handbook*?

No.

11. If so, when did you first obtain it?

N/A

12. Have you read the *Candidate and Campaign Treasurer Handbook*?

No.

13. It is my understanding from our September 30, 2014 telephone conversation that the invitation at issue (the subject of the complaint) was distributed solely via e-mail. Is this correct? If no, please explain otherwise.

Yes

14. It is my understanding from our telephone conversation that the invitation was e-mailed solely to a list of your supporters. Is this correct?

Yes

15. Did you personally review the e-mail invitation prior to it being distributed?

Yes.

EXHIBIT 4 (pg 2 of 4)

16. As part of your response to the complaint, you offered other political advertisements published by your campaign which include a full and complete political disclaimer. What process or procedures, if any, did you have in place when reviewing your political advertisements to ensure your advertisements contained a political disclaimer prior to the advertisements being distributed.

Both I and my campaign consultants reviewed and approved every political advertisement prior to its distribution.

17. According to the complaint, the e-mail invitation also appeared on the website belonging to the local Democratic Party with a political disclaimer that read, "Paid for by Kathy Foster for County Commission." According to your written response to the complaint, you stated: "I did not post or have any control over the copy of the invitation that was reposted on the Democratic Party website." To your knowledge, how did the local Democratic Party obtain a copy of your invitation to display on their website?

While anyone may have forwarded the invitation to the local Democratic Party, my e-mail list of supporters includes the "personal" e-mail addresses of several local Democratic Party officials.

I did not e-mail the invitation to the Palm Beach County Democratic Party. Whoever posted the invitation on their website took it upon themselves to add the aforementioned political disclaimer.

18. Did you previously provide the Palm Beach County Democratic Party with a copy of the invitation?

No.

Please be reminded, I am well aware that the invitation which is the subject of this complaint did not contain a proper disclaimer.

Throughout my numerous years as an elected official, I have always been careful to follow the requirements of Chapter 106 Florida Statutes and have never been the subject of a previous complaint with the Division of Elections.

The failure to include the disclaimer on the aforementioned invitation was an accidental oversight, not intentional or willful.

EXHIBIT 4 (pg 3 of 4)

All of my other campaign materials, invitations, brochures, direct mail pieces, including my campaign website had a proper disclaimer.

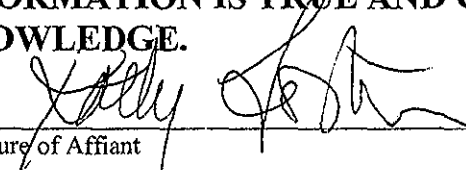
Florida Statute 106.143 states: "Any person who willfully violates any provision of this section is subject to the civil penalties prescribed in s.106.265."

The Merriam-Webster dictionary defines "willful" as "done deliberately, intentional, willful disobedience."

Nothing about this accidental, inadvertent omission was deliberate, intentional or willful.

Thank you for your consideration.

I HEARBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Signature of Affiant

Sworn to (or affirmed) and subscribed before me this

16th day of October, 2014

Donna Crusco

Signature of Notary Public - State of Florida
Print, Type or Stamp Commissioned Name of Notary Public



Personally Known or Produced Identification

Type of Identification Produced: _____

EXHIBIT 4 (pg. 4 of 4)

EXHIBIT

5

Please join us
at a
campaign fundraiser
for

Kathy Foster for County Commission
District 6
and help Kathy reach her fundraising goal
on
Tuesday, July 29, 2014
5:30 - 7:00 p.m.
at
Casa Tequila
12795 W. Forest Hill Boulevard • Wellington
Suggested contribution: \$100, \$250 or \$500
Maximum allowable contribution: \$1,000 per individual or corporation
Please RSVP to: 561-651-1499
If you cannot attend the event, but would like to make a contribution, please send your check, payable to the Kathy Foster Campaign Account, to:
Campaign of Kathy Foster
13630 Columbine Avenue, Wellington, FL 33414
You can also make a secure online contribution on our website at:
www.kathyfoster2014.com

Kathy Foster for County Commission



Kathy Foster for County Commission
19 hrs

Please join us at the fundraiser on Tuesday, July 29!

Like · Comment · Share

2 people like this.



Al Paglia I urge all local Western Communities to Support Kathy, regardless of your political affiliation. She has demonstrated her spirit of serving. In her capacity as an Acme Improvement Supervisor and Elected official (Mayor) of Wellington, She has a great... See More
Like · Reply · 1 · 15 hrs

Write a comment...

Sponsored

Create Advert



Desk.com
desk.com
Help Your Small Business Resolve Cases 34% Faster with Desk.com.



Timeline About Photos Likes More ▾

PEOPLE

583 likes



Promote Your Page
Connect with more of the people who matter to you

Promote Page

Invite your friends to like Kathy Foster for County Com



Cheryl David

Invite



Nicole C Morris

Invite

See All Friends

ABOUT

Political advertisement paid for and approved by Kathy Foster Democrat for Palm Beach County Commission District 6

Add your website

PHOTOS

Status Photo / Video Offer, Event +



What have you been up to?



Kathy Foster for County Commission
Posted by Francine Nelson August 25

Tomorrow is Election Day. Thank you to our supporters for their incredible encouragement and support. Now we need one more very important thing. Please remember to vote for Kathy Foster and ask 5 of your friends to vote for Kathy Foster tomorrow as well! Thank you!

Like Comment Share

1 Share

John Flynn, John O'Connor, Martha Webster and 7 others like this



Write a comment
Press Enter to post



Dennis Bannon Best of luck
Unlike Reply 1 August 25 at 5:05pm

222 people reached

Boost Post



Kathy Foster for County Commission shared a link
Posted by Francine Nelson August 23

Today the Palm Beach Post published our op-eds on the Minto Project and growth in the western communities. This is such an important issue. Here's what I had to say.

EXHIBIT 6



DEMOCRATIC PARTY

HOME YOUR PARTY GET INVOLVED VOTING MEDIA FIND EVENTS CONTACT TKJ SPONSORS

Campaign Fundraiser for Kathy Foster for County Commission District 6

Invite

From Jul 29 2014 5:30 pm until Jul 29 2014 7:00 pm Save to calendar

At Casa Tequila, 12795 W. Forest Hill Boulevard, Wellington, FL 33414

Posted by Guest

Categories: Events , Elected Officials & Candidates

Rate:

Like Share Tweet 0 3+ 0

Campaign Fundraiser for Kathy Foster for County Commission District 6

on

Tuesday, July 29, 2014

5:30 - 7:00 p.m.

at

Casa Tequila

12795 W. Forest Hill Boulevard • Wellington, FL 33414

Suggested contribution: \$100, \$250 or \$500

Maximum allowable contribution: \$1,000 per individual or corporation

Please RSVP to 561-651-1499

If you cannot attend the event, but would like to make a contribution, please send your check, payable to the "Kathy Foster Campaign Account," to:

Campaign of Kathy Foster

13650 Columbine Avenue, Wellington, FL 33414

You can also make a secure online contribution on our website at:

www.kathyfoster2014.com

Paid for by Kathy Foster for County Commission

Add Your Event

Does your Club or Organization have an Event you would like to add to our Calendar?

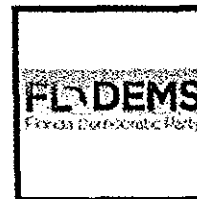
Let your event be seen by thousands of Palm Beach County Democrats that visit our site on a monthly basis. Share your events with other Democrats and increase attendance and awareness of your functions.

Add Events

Calendar

July 2014

| Mo | Tu | We | Th |
|----|----|----|----|
| 30 | 1 | 2 | 3 |
| 7 | 8 | 9 | 10 |
| 14 | 15 | 16 | 17 |
| 21 | 22 | 23 | 24 |
| 28 | 29 | 30 | 31 |



EXHIBIT

7

0000

HOST COMMITTEE

| | | | |
|-----------------------|-------------------|------------------|----------------|
| Veronica Bauer | Daryl Glenney | Trudy McConnell | Lisa Tropepe |
| Deborah Bigeleisen | Michelle Gonzalez | Jill Merrell | Gigi Tylander |
| Michelle Damone | Marie Horenburger | Carey O'Donnell | Karen Webster |
| Michelle Diffenderfer | Sandra Kaplan | Evelyn Parkes | Martha Webster |
| Sandie Foland | Gail Kleinert | Edith Pecan | |
| Barbara Fretwell | Linda L. Long | Loverly Sheridan | |
| Lenne Gapstur | Jeanne Matullo | Ellen Smith | |

Professional Women and Women Business Owners

invite you to a campaign fundraiser

for

Kathy Foster for County Commission District 6

on

Wednesday, November 6, 2013

5:30 - 7:00 p.m.

at

E.R Bradley's Saloon
104 S. Clematis Street

Suggested contribution: \$50, \$100 or \$250

(Maximum allowable contribution: \$1,000 per individual or corporation)

Please RSVP to 561-651-1499

If you cannot attend the event, but would like to make a contribution, please send your check, payable to the "Kathy Foster Campaign Account," to Campaign of Kathy Foster, 13650 Columbine Avenue, Wellington, FL 33414.

"Our Hometown Candidate"

Kathy is a member of the Executive Women of the Palm Beaches and the Women's Chamber of Commerce of Palm Beach County.

Political advertisement paid for and approved by Kathy Foster, Democrat for Palm Beach County Commission, District 6

EXHIBIT

8

(pg 1 of 5)

HOST COMMITTEE

Bobby & B.J. Ewing
John & Linda Herring
John & Susan Lacy
Hon. Carmine & Marie Priore
Dennis & Maureen Witkowski

Please join us

at a campaign fundraiser

for

Kathy Foster for County Commission

District 6

on

Thursday, November 21, 2013

5:30 - 7:00 p.m.

at the

Aero Club

15675 Take Off Place • Wellington

(Clubhouse)

Suggested contribution: \$100 or \$250

(Maximum allowable contribution: \$1000 per individual or corporation)

Please RSVP to 561-651-1499

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payable to the "Kathy Foster Campaign Account," to Campaign of Kathy Foster,
13650 Columbine Avenue, Wellington, FL 33414.

EXHIBIT

8 (pg 2 of 5)

PLEASE JOIN BOB SANDERS AND TOM DERITA
AT A CAMPAIGN RECEPTION FOR

KATHY FOSTER

FOR PALM BEACH COUNTY COMMISSION, DISTRICT 6

WEDNESDAY, MARCH 5, 2014

3:30 – 5:30 P.M.

AT THE LAW OFFICES OF

GREENBERG TRAURIG

777 S. FLAGLER DRIVE

SUITE 300 EAST

WEST PALM BEACH, FLORIDA 33401

SPECIAL GUEST

JOHN WALSH

HOST OF

AMERICA'S MOST WANTED



SUGGESTED CONTRIBUTION

\$250, \$500 OR \$1,000

MAXIMUM ALLOWABLE CONTRIBUTION \$1,000
(PER INDIVIDUAL OR CORPORATION)

PLEASE RSVP TO 561-651-1499

IF YOU CANNOT ATTEND THE EVENT, BUT WOULD LIKE TO MAKE A CONTRIBUTION,
PLEASE SEND YOUR CHECK PAYABLE TO "KATHY FOSTER CAMPAIGN ACCOUNT" TO

CAMPAIGN OF KATHY FOSTER

13650 COLUMBINE AVENUE, WELLINGTON, FL 33414

POLITICAL CONTRIBUTIONS ARE NOT TAX DEDUCTIBLE FOR FEDERAL INCOME TAX PURPOSES

EXHIBIT

8 (pg 3 of 5)

POLITICAL ADVERTISEMENT PAID FOR AND APPROVED BY KATHY FOSTER, DEMOCRAT FOR PALM BEACH COUNTY COMMISSION, DISTRICT 6



Please join
Melissa & Marc Ganzi
Gaye & Joe Scarpà
Amy & Scott Swerdlin
 at a
campaign fundraiser and polo match

for
Kathy Foster for County Commission
 District 6

on
Friday, May 23, 2014
5:00 - 7:00 p.m.

Polo match starts at 5:00 p.m.

at
Grand Champions Polo Fields
 13444 Southfields Road • Wellington

Suggested contribution: \$250
 Maximum allowable contribution: \$1,000 per individual or corporation

Please RSVP to 561-651-1499

If you cannot attend the event, but would like to make a contribution, please send your check, payable to the "Kathy Foster Campaign Account," to Campaign of Kathy Foster, 13650 Columbine Avenue, Wellington, FL 33414

EXHIBIT 8 (pg. 4 of 5)

Please join
Charlie Sisca & Sisca Construction
at a campaign fundraiser
for
**Kathy Foster for County Commission
District 6**

on
Wednesday, July 23, 2014
4:30 - 6:30 p.m.

at
Sisca Construction
5589 Okeechobee Boulevard
Suite 201
West Palm Beach

Suggested contribution: \$250

Light hors d'oeuvres and beverages will be served
(Maximum allowable contribution: \$1,000 per individual or corporation)

Please RSVP to 561-651-1499

If you cannot attend the event, but would like to make a contribution,
please send your check, payable to the "Kathy Foster Campaign Account," to:

Campaign of Kathy Foster
13650 Columbine Avenue, Wellington, FL 33414

You can also make a secure online contribution on our website at:

www.kathyfoster2014.com

 **Kathy Foster for County Commission**

EXHIBIT

8 (pg 5 of 5)





CONTRIBUTE SIGN THE PETITION ABSENTEE BALLOT JOIN THE TEAM ENDORSEMENTS



Kathy Foster is OUR Hometown Candidate!



WELCOME ABOUT KATHY ON THE ISSUES IN THE NEWS ENDORSEMENTS GET INVOLVED CONTRIBUTE CONTACT US

DEAR FRIENDS



"I LOOK FORWARD TO MEETING YOU AND HEARING YOUR SUGGESTIONS ON HOW WE CAN WORK TOGETHER TO MAKE OUR WESTERN COMMUNITIES EVEN BETTER."

First, I'd like to thank everyone who supported my campaign and who voted for me. While we fell short of our goal, I am truly humbled by your generosity and support. I know we all share the same unwavering commitment to our community and to preserving our unique quality of life.

I also want to express my appreciation for all of the many well wishes I have received in recent days regarding my husband Mike. His surgery went well. He is home from the hospital and on the road to a full recovery.

Because many of you have asked, I want to also share with you my thoughts about the recent race.

First, I was deeply disappointed by the number and viciousness of the mail pieces and TV ads that attacked me with lies and innuendo in the final days of the campaign.

Even more disturbing, the mailers were funded by political committees (PACs) associated with Democratic State Senators Joseph Abruzzo and Jeff Clemens. The mere fact that a Democratic elected official would use their committee to attack another Democrat in a Democratic primary election other than their own is unheard of and unconscionable.

EXHIBIT 9 (pg 1 of 2)

Senator Abruzzo formed his PAC on August 1, 2014 then solicited a \$20,000.00 contribution from a gambling group looking to build casinos in Miami-Dade County (Senator Abruzzo sits on the Gaming committee in Tallahassee) Senator Abruzzo used this money to create mailers full of lies and outrageous statements designed to smear my name and reputation in the western communities

I also wonder if the CEOs of the leading businesses in Palm Beach County who contributed to the Economic Council's PAC to promote strong business candidates know that their contributions were then given to Senator Clemens' PAC and used for hate mail full of lies and misinformation

Senator Clemens represents the eastern areas of our county and doesn't represent any of the voters in District 6

Both Senator Abruzzo and Senator Clemens represent everything we have all come to hate about politics and I ask you to remember their behavior at the next election!

While I have not yet made any decision to endorse any other candidate for the county commission seat one thing is clear I will not be endorsing Melissa McKinlay My opinion of Ms. McKinlay has not changed She is not qualified to be our county commissioner

Thank you again for your love and support

Kathy



Kathy Foster 'OUR Hometown Candidate' for County Commission, District 6
13650 Columbine Avenue Wellington Florida 33414 (561) 596-9536

Political advertisement paid for and approved by Kathy Foster Democrat for Palm Beach County Commission District 6

© 2014 KATHY FOSTER

EXHIBIT 9 (pg. 2 of 2)

AFFIDAVIT OF SUPERVISOR OF ELECTIONS
Case Number: FEC 14-253

RECEIVED
 2014 OCT 14 9 39 AM

1. Please check each item provided to the candidate or his or her staff, and list the date that the item was provided. (If the item is published by the Division of Elections, it is unnecessary to provide a copy of the item. If your office published the item, please send a copy of the item with this affidavit.)

| Check | ITEM | DATE |
|-------|---|------|
| N/A | Chapter 106, Florida Statutes | |
| N/A | Candidate and Campaign Treasurer Handbook <u>Please indicate Year</u> _____ | |

* published by the Division of Elections

2. Relative to Chapter 106, Florida Statutes and the Candidate and Campaign Treasurer Handbook, how are these publications provided to the candidate and/or her staff?

- Publications are given directly to the candidate and/or her staff
- Publications are available in the office, candidate and/or her staff are advised to pick-up the publications for themselves
- Candidate and/or her staff are advised to download copies of the publications from our website or the Division of Elections' website
- Other, please explain _____

3. Did your office offer any candidate workshops or training seminars prior to the August 2014 primary election? () No (✓) Yes. If yes, please list all workshops/training seminars that were attended by the candidate and/or her staff, along with the date of attendance. If a staff member attended for the candidate, list his/her name and position. If available, please attach a copy of any attendance sheets from the workshops/training seminars and if available, please provide a copy of the syllabus and outline for the workshops/seminars.

We held workshops (see attached), however she did not attend.

4. Prior to her 2014 campaign for Palm Beach County Commission, had Ms Foster ever sought elective office within your jurisdiction? () No (X) Yes. If yes, please list the previous office(s) she ran for, the date(s) of the election(s), and the results(s) of the election(s).

Village of Wellington Mayor 1996-1998 3/12/1996.
Results are attached.

EXHIBIT 10 (pg 1 of 2)

5. Does your office have any record of Ms. Foster having previously been appointed to serve as a campaign treasurer/deputy treasurer for a candidate within your jurisdiction? No () Yes. If yes, please list the name(s) of the candidate(s) and the date(s) of the election(s).

6. Did you or your staff have any conversations with Ms. ^{Foster} Todd concerning a provision of Chapter 106, Florida Statutes? No () Yes. If yes, please indicate whether the conversation was in person, in writing, or by telephone and the subject matter of the conversation. If applicable, please provide copies documenting the discussion.

7. Please provide copies of the following documents from the candidate's file:

- o Any/all Appointment of Campaign Treasurer forms (DS-DE 9) for the 2014 campaign.
- o Statement of Candidate for the 2014 campaign

I SWEAR OR AFFIRM THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Susan Bucher
Signature of Affiant



Sworn to (or affirmed) and subscribed before me this 30 day of September, 2014

Marion Saltenbach
Signature of Notary Public - State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known or Produced Identification

Type of Identification Produced: _____

EXHIBIT 10 (pg 2 of 2)

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)
(Please print or type)

OFFICE USE ONLY

NAME OF CANDIDATE
2013 JUN-3 09:10:14
COUNTY CLERK

I, Kathy Foster ,

candidate for the office of Palm Beach County Commission, District 6 ;

have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X

Kathy Foster
Signature of Candidate

6 3 13

Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, Florida 32399-1050
(850) 922-4539

September 16, 2014

Kathy Foster
13650 Columbine Avenue
Wellington, FL 33414

RE: Case No.: FEC 14-253: Respondent: Kathy Foster

Dear Ms. Foster:

The Florida Elections Commission has received a complaint alleging that you, the Respondent, have violated Section 106 143(1)(a), Florida Statutes, on one occasion. A copy of the complaint was previously provided to you.

Rule 2B-1.003, Florida Administrative Code, provides for resolving certain cases by a consent order before investigation commences. Under the rule, an alleged violation of Chapter 106 will be considered a minor violation if the following criteria are met:

- (1) The violation is one identified in the rule;
- (2) It is the first time the person is alleged to have committed the violation;
- (3) The person agrees to correct the conduct that resulted in the violation, if feasible; and
- (4) When a violation involves political advertising, the person must be named in the political advertisement and the complainant must not allege that the advertising was either deceptive or influenced the outcome of the election if the violation occurred less than 14 days before the election.

This case meets the criteria set forth above. Therefore, the procedures of the Commission allow you one of two options at this juncture. You may either, (1) enter into a consent order with the Commission staff and pay a small fine, rather than the potential \$1,000 per violation provided for in Section 106.265, Florida Statutes, or (2) not enter into a consent order, in which case the staff will proceed to investigate the allegations in the complaint. The consent order provides that the Respondent neither admits nor denies the allegation(s) in the complaint, and requires the Respondent immediately to correct the violation, if feasible, and to avoid future violations. The consent order does not constitute final action by the Commission until it is accepted and approved by the Commission.

If you choose to resolve this case without an investigation and possible hearing, please sign and return the enclosed consent order, together with payment of the specified fine, within 20 days of the date you receive this letter. Payment of the fine must be by either cashier's check or other certified funds. The signed consent order will then be considered by the Commission at its next available meeting. If the staff does not receive the signed consent order and the fine within 20 days, staff withdraws this offer of settlement and will proceed to investigate the allegations in the complaint

If you choose to proceed with the investigation, the Commission staff will investigate the following statutory provision:

Section 106.143(1)(a), Florida Statutes: As alleged in the complaint, Respondent, a 2014 candidate for Palm Beach County Commission, District 6, paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer.

You may respond to the violation alleged in the complaint by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegation. If you choose to file a response to the complaint, you should file the response within 20 days of the date you receive this letter. Your response will be included as an attachment to the investigator's report.

Section 106.25, Florida Statutes, provides that when the investigator completes his or her report, staff will mail you a copy of the investigator's report. Should you choose to file a response to the report, you must file your response with the Commission within 15 days of the date of this letter. If your response is timely filed, the Commission will consider it when determining probable cause.

Commission staff will review the Report of Investigation and make a written recommendation to the Commission on whether there is probable cause to charge you with violating Chapter 104 or 106, Florida Statutes. You will receive a copy of this staff recommendation and will have the opportunity to file a response. Should you choose to do so, your response must be filed with the Commission within 15 days of the date the recommendation is mailed to you. If your response is timely filed, the Commission will consider it when determining probable cause.

The Commission will hold a hearing to determine whether there is probable cause to charge you with a violation. You will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. If you attend the hearing, you will be permitted to make a brief oral statement to the Commission, but you cannot testify or call others to testify, or introduce any documentary or other evidence.

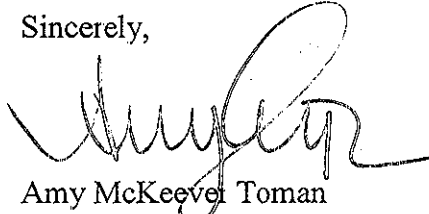
The staff recommendation and the notice of the probable cause hearing will be mailed to the same address as this letter. Therefore, if your address changes, you must notify the Commission of your new address. Otherwise, you may not receive the correspondence from the Commission staff. Failure to receive the documents will not delay the probable cause hearing.

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are **confidential** until the Commission finds probable cause or no probable

cause. A breach of confidentiality is a criminal violation of the law. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you, the Respondent, unless you waive confidentiality in writing. The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

If you have any questions, please contact **David Flagg**, at extension 111, or at the address listed above.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Toman", written in a cursive style.

Amy McKeever Toman
Executive Director

Enclosures: Consent Order
AMT/enr

ER

RECEIVED
2014 SEP -9 A 9:40
STATE OF FLORIDA
ELECTIONS

September 3, 2014

Erin Riley
Deputy Agency Clerk
Florida Elections Commission
107 W. Gaines St.
Suite 224
Tallahassee, FL 32399-1050
RE: Case No.: FEC 14-253

Dear Ms. Riley:

Please accept this response to your letter of August 19, 2014 regarding **Case No.: FEC 14-253** (see attached).

Until just recently, I was a candidate for the Palm Beach County Commission, District 6.

I am a former elected official with 11 years of public service experience. I was previously elected to the ACME Improvement District Board of Supervisors and as Mayor and Councilwoman for the Village of Wellington.

I have always been careful to follow the requirements of Chapter 106 Florida Statutes and have never been the subject of a previous complaint with the Division of Elections.

Regarding the invitation which is the subject of this complaint, the invitation did not contain a disclaimer.

The failure to include the disclaimer on the invitation was an accidental oversight, not intentional or willful.

Attached please find several other fundraising invitations from my recent county commission campaign. All had a proper disclaimer.

All of my other campaign materials, brochures, direct mail pieces, including my campaign website had a proper disclaimer.

The Facebook page on which the invitation was posted had a proper disclaimer (see screen print attached).

The invitation included both, my campaign website address and Facebook address.

I did not post or have any control over the copy of the invitation that was reposted on the Democratic Party website.

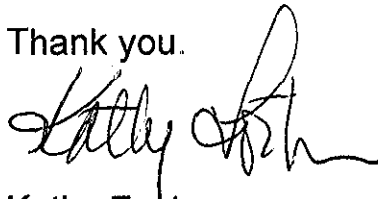
Florida Statute 106.143 states: "Any person who willfully violates any provision of this section is subject to the civil penalties prescribed in s. 106.265."

The Merriam-Webster dictionary defines "willful" as "done deliberately, intentional, willful disobedience" (see attached).

Nothing about this accidental, inadvertent omission was deliberate, intentional or willful.

I ask that the commission make a finding of no probable cause in this matter.

Thank you.

A handwritten signature in black ink, appearing to read "Kathy Foster". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kathy Foster
13650 Columbine Ave.
Wellington, FL 33414
561-596-9536

14-253

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050
Telephone Number: (850) 922-4539
www.fcc.state.fl.us

RECEIVED
2014 AUG 18 P 1:06
STATE OF FLORIDA
ELECTIONS COMMISSION

CONFIDENTIAL COMPLAINT FORM

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: Lisa Goldman Work Phone: ()
Address: 135 St. Davis Way Home Phone: (561) 793-4891
City: Wellington County: Palm Beach State: FL Zip Code: 33414

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: Kathy Foster Campaign
Address: 13650 Columbine Avenue Phone: (561) 596-9536
City: Wellington County: Palm Beach State: FL Zip Code: 33414

If individual is a candidate, list the office or position sought: County Commission, District 6

Have you filed this complaint with the State Attorney's Office? (check one) Yes No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

I am filing this complaint due to multiple violations of Statute 106.143 by the Kathy Foster campaign for Palm Beach County Commission Dist. 6. The campaign sent an email invitation on July 22, 2014 to a fundraiser event taking place on July 29, 2014. (ex A) The email contained both a jpeg and pdf version of the invite. (ex B&C). None of this material contained the disclosures required by 106.143. Additionally, an invitation to the same event was provided to and displayed on the Palm Beach County Democratic website, that version did

include a disclosure, however, the screen capture attached shows the disclosure is incorrect language, also a violation of statute. (ex D) Finally, the invitation without any disclosure was posted on the Kathy Foster campaign Facebook page on July 27 as pictured in the screen capture. (ex E)

Additional materials attached (check one)? Yes No

4. OATH

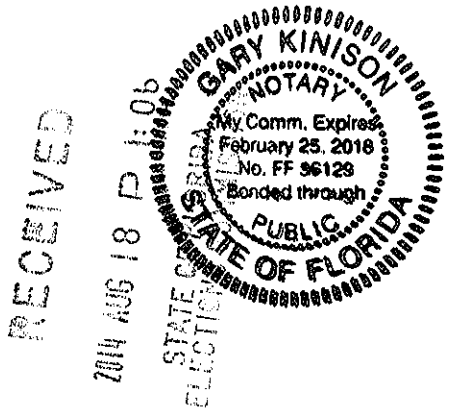
STATE OF FLORIDA
COUNTY OF Palm Beach

I swear or affirm, that the above information is true and correct to the best of my knowledge.

[Signature]
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 1 day of August, 2014

[Signature]
Signature of Officer Authorized to Administer Oaths or Notary public



Gary Kinison
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known _____ Or Produced Identification

Type of Identification Produced Florida Drivers License

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

HOST COMMITTEE

| | | | |
|-----------------------|-------------------|------------------|----------------|
| Veronica Bauer | Daryl Glenney | Trudy McConnell | Lisa Tropepe |
| Deborah Bigeleisen | Michelle Gonzalez | Jill Merrell | Gigi Tylander |
| Michelle Damone | Marie Horenburger | Carey O'Donnell | Karen Webster |
| Michelle Diffenderfer | Sandra Kaplan | Evelyn Parkes | Martha Webster |
| Sandie Foland | Gail Kleinert | Edith Pecan | |
| Barbara Fretwell | Linda L. Long | Loverly Sheridan | |
| Lenne Gapstur | Jeanne Matullo | Ellen Smith | |

Professional Women and Women Business Owners

invite you to a campaign fundraiser

for

Kathy Foster for County Commission

District 6

on

Wednesday, November 6, 2013

5:30 - 7:00 p.m.

at

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104 S. Clematis Street

Suggested contribution: \$50, \$100 or \$250

(Maximum allowable contribution: \$1,000 per individual or corporation)

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"Our Hometown Candidate"

Kathy is a member of the Executive Women of the Palm Beaches and the Women's Chamber of Commerce of Palm Beach County.

Political advertisement paid for and approved by Kathy Foster, Democrat for Palm Beach County Commission, District 6.

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Bobby & B.J. Ewing
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Dennis & Maureen Witkowski

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at a campaign fundrasier

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Thursday, November 21, 2013

5:30 - 7:00 p.m.

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Aero Club

15675 Take Off Place • Wellington

(Clubhouse)

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Political advertisement prepared and approved by Kathy Foster, Democrat for Palm Beach County Commission District 6

PLEASE JOIN BOB SANDERS AND TOM DERITA
AT A CAMPAIGN RECEPTION FOR

KATHY FOSTER

FOR PALM BEACH COUNTY COMMISSION, DISTRICT 6

WEDNESDAY, MARCH 5, 2014

3:30 — 5:30 P.M.

AT THE LAW OFFICES OF

GREENBERG TRAURIG

777 S. FLAGLER DRIVE

SUITE 300 EAST

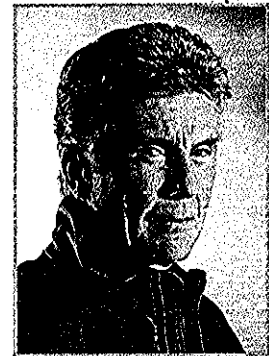
WEST PALM BEACH, FLORIDA 33401

SPECIAL GUEST

JOHN WALSH

HOST OF

AMERICA'S MOST WANTED



SUGGESTED CONTRIBUTION

\$250, \$500 OR \$1,000

MAXIMUM ALLOWABLE CONTRIBUTION \$1,000
(PER INDIVIDUAL OR CORPORATION)

PLEASE RSVP TO 561-651-1499

IF YOU CANNOT ATTEND THE EVENT, BUT WOULD LIKE TO MAKE A CONTRIBUTION
PLEASE SEND YOUR CHECK, PAYABLE TO "KATHY FOSTER CAMPAIGN ACCOUNT" TO

CAMPAIGN OF KATHY FOSTER
13650 COLUMBINE AVENUE, WELLINGTON, FL 33414

POLITICAL CONTRIBUTIONS ARE NOT TAX DEDUCTIBLE FOR FEDERAL INCOME TAX PURPOSES

POLITICAL ADVERTISEMENT PAID FOR AND APPROVED BY KATHY FOSTER, DEMOCRAT FOR PALM BEACH COUNTY COMMISSION, DISTRICT 6



Please join
Melissa & Marc Ganzi
Gaye & Joe Scarpa
Amy & Scott Swerdlin
at a
campaign fundraiser and polo match

for
Kathy Foster for County Commission
District 6

on
Friday, May 23, 2014
5:00 - 7:00 p.m.

Polo match starts at 5:00 p.m.

at
Grand Champions Polo Fields
13444 Southfields Road • Wellington

Suggested contribution: \$250

Maximum allowable contribution: \$1,000 per individual or corporation

Please RSVP to 561-651-1499

If you cannot attend the event, but would like to make a contribution, please send your check, payable to the "Kathy Foster Campaign Account," to Campaign of Kathy Foster, 13650 Columbine Avenue, Wellington, FL 33414

Please join
Charlie Sisca & Sisca Construction
at a campaign fundraiser
for
**Kathy Foster for County Commission
District 6**

on
Wednesday, July 23, 2014
4:30 - 6:30 p.m.

at
Sisca Construction
5589 Okeechobee Boulevard
Suite 201
West Palm Beach

Suggested contribution: \$250

Light hors d'oeuvres and beverages will be served
(Maximum allowable contribution: \$1,000 per individual or corporation)

Please RSVP to 561-651-1499

If you cannot attend the event, but would like to make a contribution,
please send your check, payable to the "Kathy Foster Campaign Account," to:

Campaign of Kathy Foster
13650 Columbine Avenue, Wellington, FL 33414

You can also make a secure online contribution on our website at:

www.kathyfoster2014.com



Kathy Foster for County Commission



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Connect with more of the people who matter to you

Promote Page

Invite your friends to like Kathy Foster for County Commission



Cheryl David

Invite



Nicole C. Morris

Invite

See All Friends

ABOUT

Political advertisement paid for and approved by Kathy Foster Democrat for Palm Beach County Commission District 6

Add your website

PHOTOS

Status Photo / Video Offer, Event +



What have you been up to?



Kathy Foster for County Commission

Posted by Francine Nelson August 25

Tomorrow is Election Day Thank you to our supporters for their incredible encouragement and support Now we need one more very important thing Please remember to vote for Kathy Foster and ask 5 of your friends to vote for Kathy Foster tomorrow as well! Thank you!

Like Comment Share

1 Share

John Flynn John O Connor Martha Webster and 7 others like this



Write a comment

Focus E... to post.



Dennis Bannon Best of luck

Unlike Reply 1 August 25 at 5:05pm

222 people reached

Boost Post



Kathy Foster for County Commission shared a link

Posted by Francine Nelson August 23

Today the Palm Beach Post published our op-eds on the Minto Project and growth in the western communities This is such an important issue Here's what I had to say

AN ENCYCLOPEDIA
BRITANNICA COMPANY

Quizzes & Games Word of the Day Video New Words My Favorites



m-w.com

New!
Spanish Central ▶

willful

willful

Save Popularity

Save this word to your Favorites.
If you're logged into Facebook you're ready to go

Sponsored Links

ENROLL FOR FALL

Choose from 140 FREE Kindergarten-12th courses at FLVS
flvs.net

Test Your Vocabulary
Take Our 10-Question Quiz

will·ful *adjective*

: refusing to change your ideas or opinions or to stop doing something

: done deliberately

Full Definition of WILLFUL

8+1 Like

1 : obstinately and often perversely self-willed <a stubborn and *willful* child>

2 : done deliberately : INTENTIONAL <*willful* disobedience>

— *will·ful·ly* *adverb*

— *will·ful·ness* *noun*

See *willful* defined for English-language learners »
See *willful* defined for kids »

Variants of WILLFUL

will·ful or *wil·ful*

Examples of WILLFUL

a stubborn and *willful* child

He has shown a *willful* disregard for other people's feelings.

First Known Use of WILLFUL

13th century

Related to WILLFUL

balky contrary contumacious defiant froward
incompliant insubordinate intractable obstreperous
rebel rebellious recalcitrant recusant refractory
restive ungovernable unruly untoward wayward
disobedient willful

amenable biddable compliant conformable docile
obedient ruly submissive tractable

See more

See Synonyms, Discussion at unruly



MORE QUIZZES



Name That Thing

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Test Your Knowledge »



True or False?

A quick quiz about stuff worth knowing

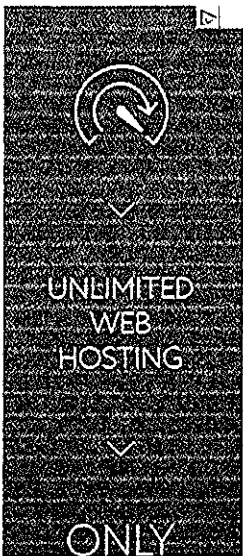
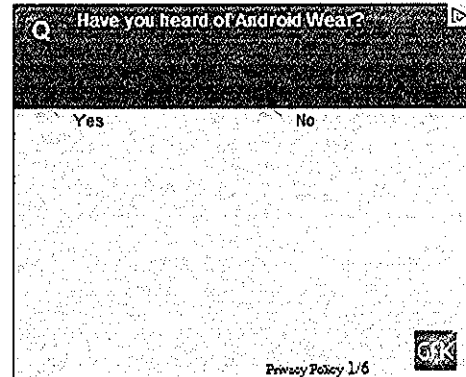
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Spell It

The commonly misspelled words quiz

Hear it, Spell it »



Karaoke, Chutzpah, Kerfuffle & More



Favorite Words From Foreign Languages



Big Words on Campus

Words that spike in lookups when students return to school

Free Book:
Incorporating

laughlinusa.com

A small business. Shows you how to save taxes and protect your assets

14-253

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

RECEIVED

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050
Telephone Number: (850) 922-4539
www.fec.state.fl.us

2014 AUG 18 P 1:06

CONFIDENTIAL COMPLAINT FORM STATE OF FLORIDA ELECTIONS COMMISSION

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: Lisa Goldman Work Phone: ()
Address: 135 St. Davis Way Home Phone: (561) 793-4891
City: Wellington County: Palm Beach State: FL Zip Code: 33414

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: Kathy Foster Campaign
Address: 13650 Columbine Avenue Phone: (561) 596-9536
City: Wellington County: Palm Beach State: FL Zip Code: 33414

If individual is a candidate, list the office or position sought: County Commission, District 6

Have you filed this complaint with the State Attorney's Office? (check one) Yes No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

I am filing this complaint due to multiple violations of Statute 106.143 by the Kathy Foster campaign for Palm Beach County Commission Dist. 6. The campaign sent an email invitation on July 22, 2014 to a fundraiser event taking place on July 29, 2014. (ex A) The email contained both a jpeg and pdf version of the invite. (ex B&C). None of this material contained the disclosures required by 106.143. Additionally, an invitation to the same event was provided to and displayed on the Palm Beach County Democratic website, that version did

include a disclosure, however, the screen capture attached shows the disclosure is incorrect language, also a violation of statute. (ex D) Finally, the invitation without any disclosure was posted on the Kathy Foster campaign Facebook page on July 27 as pictured in the screen capture. (ex E)

Additional materials attached (check one)? Yes No

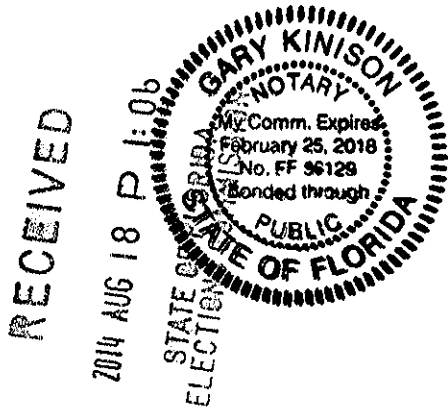
4. OATH

STATE OF FLORIDA
COUNTY OF Palm Beach

I swear or affirm, that the above information is true and correct to the best of my knowledge.

Anna Goldman
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 1 day of
August, 2014
Gary Kinison
Signature of Officer Authorized to Administer Oaths or Notary public



Gary Kinison
(Print, Type, or Stamp Commissioned Name of Notary Public)
Personally known Or Produced Identification ✓
Type of Identification Produced Florida Drivers License

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes

Date: July 22, 2014 at 11:03:17 PM EDT
To: kathyfoster2014@acl.com
Subject: Campaign of Kathy Foster

Please join us next Tuesday, July 29. The campaign is in the home stretch and doing great! We still need your help to make our fundraising goal. Thank you!

THE CLOCK IS TICKING DOWN UNTIL THE AUGUST 26 ELECTION
AND TIME IS RUNNING OUT TO MAKE ANOTHER
CONTRIBUTION TO KATHY'S CAMPAIGN

Please join us
at a
campaign fundraiser
for

**Kathy Foster for County Commission
District 6**
and help Kathy reach her fundraising goal
on
Tuesday, July 29, 2014
5:30 - 7:00 p.m.
at
Casa Tequila
12795 W. Forest Hill Boulevard • Wellington
Suggested contribution \$100, \$250 or \$500
Maximum allowable contribution: \$1,000 per individual or corporation
Please RSVP to 561-651-1499

If you cannot attend the event, but would like to make a contribution,
please send your check payable to the "Kathy Foster Campaign Account" to:

Campaign of Kathy Foster
13650 Columbine Avenue, Wellington, FL 33414
You can also make a secure online contribution on our website at:
www.kathyfoster2014.com

 Kathy Foster for County Commission

0000003

THE CLOCK IS BEATING DOWN UNTIL THE MINUTE HAND
 REACHES 12. WE'RE RUSHING OUT TO INVITE YOU TO
 CONtribute TO KATHY'S CAMPAIGN

Please join us
 at
 campaign fundraiser

Kathy Foster for County Commission
 District 6
 and help Kathy reach her fundraising goal

on
Tuesday, July 29, 2014
 6:00 - 7:00 p.m.

at
Casa Tequila
 1776 W. Tenth, 118th Street and W. Washington
 Suggested contribution \$100, \$250 or \$500
 Maximum amount \$1,000 per person

Please RSVP to 561-451-1499

Campaign of Kathy Foster
 1500 Columbia Avenue, Wellington, FL 33414
 www.kathyfoster2014.com

Kathy Foster for County Commission

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www.kathyfoster2014.com



DEMOCRATIC PARTY

HOME YOUR PARTY GET INVOLVED VOTING MEDIA FIND EVENTS CONTACT TKJ SPONSORS

Campaign Fundraiser for Kathy Foster for County Commission District 6

Invite

From Jul 29 2014 5:30 pm until Jul 29 2014 7:00 pm Save to calendar

At Casa Tequila, 12795 W. Forest Hill Boulevard, Wellington, FL 33414

Posted by Guest

Categories: Events , Elected Officials & Candidates

Rate:

Like Share Tweet 0 8+1 0

Campaign Fundraiser for Kathy Foster for County Commission District 6

on

Tuesday, July 29, 2014

5:30 - 7:00 p.m.

at

Casa Tequila

12795 W. Forest Hill Boulevard - Wellington, FL 33414

Suggested contribution: \$100, \$250 or \$500

Maximum allowable contribution: \$1,000 per individual or corporation

Please RSVP to 561-651-1499

If you cannot attend the event, but would like to make a contribution, please send your check, payable to the "Kathy Foster Campaign Account," to:

Campaign of Kathy Foster

13650 Columbine Avenue, Wellington, FL 33414

You can also make a secure online contribution on our website at:

www.kathyfoster2014.com

Paid for by Kathy Foster for County Commission

Add Your Event

Does your Club or Organization have an Event you would like to add to our Calendar?

Let your event be seen by thousands of Palm Beach County Democrats that visit our site on a monthly basis. Share your events with other Democrats and increase attendance and awareness of your functions.

Add Events

Calendar

July 2014

| Mo | Tu | We | Th |
|----|----|----|----|
| 30 | 1 | 2 | 3 |
| 7 | 8 | 9 | 10 |
| 14 | 15 | 16 | 17 |
| 21 | 22 | 23 | 24 |
| 28 | 29 | 30 | 31 |



Sunday, July 27, 2014

View as Analog

View as Digital

Open Date & Time Preferences...

THE CLOCK IS TICKING DOWN UNTIL THE AUGUST 26 ELECTION
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13650 Columbine Avenue, Wellington, FL 33414
You can also make a secure online contribution on our website at:
www.kathyfoster2014.com

Kathy Foster for County Commission



Kathy Foster for County Commission
19 hrs

Please join us at the fundraiser on Tuesday, July 29!

Like · Comment · Share

2 people like this.



Al Paglia I urge all local Western Communities to Support Kathy, regardless of your political affiliation. She has demonstrated her spirit of serving. In her capacity as an AGme Improvement Supervisor and Elected official (Mayor) of Wellington, She has a great... See More
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STATE OF FLORIDA
ELECTIONS COMMISSION

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Lisa Casman

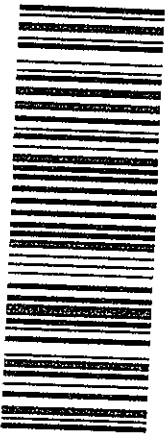
135 st Davids way

wellington FL 33414

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PLACE STICKER AT TOP OF ENVELOPE FOR THE RIGHT
TO THE RETURN ADDRESS AND STICKER AT THE BOTTOM
RIGHT FOR THE MAILING ADDRESS

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TO:

State of Florida Florida Elections Commission

107 West Gaines St, Suite 10714

Tallahassee FL 32399