STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Ralph Thomas **Case No.: FEC 16-660**

/

TO: Ralph Thomas
637 Hunters Trace
Crawfordville, FL 32327

William Anderson
2481 Surf Road
Panacea, FL 32346

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **August 16, 2017 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
August 1, 2017

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.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Ralph Thomas **Case No.: FEC 16-660**

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STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned counsel files this written recommendation for disposition of the complaint in this case recommending that there is **no 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 March 30, 2017, the following facts and law support this staff recommendation:

1. On November 3, 2016, the Florida Elections Commission ("Commission") received a sworn complaint alleging Ralph Thomas ("Respondent") violated Chapter 106, Florida Statutes.

2. Respondent was a candidate for re-election to the Wakulla County Commission, District 1. He was re-elected to office on November 8, 2016.

3. By letter dated February 23, 2017, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

> **Section 106.143(1)(a), Florida Statutes**: Respondent, a 2016 candidate for Wakulla County Commission, District 1, paid for and distributed political advertisements that contained express advocacy but did not include proper disclaimers, as alleged in the complaint.

4. Complainant alleged that two of Respondent's political advertisements published in the local newspaper were devoid of political disclaimers. Complainant submitted copies of the two political advertisements that appeared in the October 27, 2016, edition of *The Wakulla News*, a weekly newspaper. Both advertisements were devoid of disclaimers. (ROI Exhibit 2 and Exhibit 3)[1]

5. On October 13, 2015, Respondent filed a Statement of Candidate form with the Wakulla County Supervisor of Elections office as candidate for the office of County Commission, District 1, in which he acknowledged that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes. (ROI Exhibit 12)

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[1] The Report of Investigation shall be referred to herein as "ROI."

6. Henry F. Wells, Wakulla County Supervisor of Elections, attested in an affidavit dated December 27, 2016, that Chapter 106, Florida Statutes, was given directly to Respondent and/or his staff. (ROI Exhibit 11)

7. Section 106.143(1)(a), Florida Statutes, requires that any political advertisement that is paid for by a candidate and that is published, displayed, or circulated before, or on the day of, any election must prominently state the required disclaimer.

8. In response to the complaint, Respondent did not dispute that the two political advertisements that appeared in the October 27, 2016, edition of *The Wakulla News* were devoid of the required disclaimers. However, Respondent asserted that these omissions were not the result of a willful violation of Florida law on his part. (ROI Exhibit 6)

9. Regarding the first advertisement, which was titled, "Ralph Thomas for County Commissioner," Respondent pointed out that a virtually identical advertisement was included in the prior three editions of *The Wakulla News,* and it contained the required disclaimer in all three editions.[2] Respondent stated that the version of the advertisement appearing on October 27, 2016, was different in that it was larger and included some additional graphics. Respondent acknowledged that he was sent a proof of the reconfigured advertisement and that he overlooked the absence of a disclaimer. Respondent explained that since the advertisement had included the disclaimer in the three previous editions of the newspaper, his attention in reviewing the proof was focused on the new graphic additions. Respondent stated, "Unfortunately, I did not catch this mistake. I assumed that it would be there, since it was there for three weeks prior. My focus was on the content changes for this week." Respondent added that he detected the omission himself the morning that the advertisement ran and immediately contacted the newspaper and requested that they insert the disclaimer. The disclaimer was inserted into the advertisement in the next edition of the newspaper, which ran on November 3, 2016. (ROI Exhibit 6 and Exhibit 10)

10. Regarding the second advertisement, which was titled, "Commissioner Thomas Protects Public Safety!", Respondent explained that its first appearance was in the October 27, 2016, edition of the newspaper. Respondent explained that he had sent the newspaper an example of the advertisement he wanted to run. He stated that the example did not include a disclaimer because it was a screen shot of the back page of a mail piece that he had used, and the disclaimer had been on the other side of that mail piece. Respondent asserted that the newspaper never sent him a proof of the advertisement to approve. Respondent explained that, "I specifically asked for the ad to be rebuilt and my attachment was sent for layout purposes only. It never crossed my mind that the disclaimer would be missed on this ad, because I had ran [sic] ads with the Wakulla News during two campaigns and I never had a problem, nor had I ever heard of the disclaimer being left out of anyone's ad. Unfortunately, the ad that they ran was done without ever sending me a proof." Further, as with the other advertisement, Respondent indicated that he detected the omission himself the morning that the advertisement ran and immediately contacted the newspaper and requested that they insert the disclaimer. The disclaimer was inserted into the advertisement in the next edition of the newspaper, which ran on November 3, 2016. (ROI Exhibit 6 and Exhibit 10)

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[2] The prior three editions of *The Wakulla News* ran on October 6, October 13, and October 20, 2016.

11. Respondent provided copies of the first advertisement as it was presented in the three editions of the newspaper prior to October 27, 2016. The advertisement included a disclaimer in all three editions. Complainant provided copies of both advertisements as they were presented in the November 3, 2016, edition of the newspaper. Both advertisements included disclaimers. (ROI Exhibit 4 and Exhibit 5)

12. Respondent also provided a copy of an email dated October 27, 2016, from himself to the newspaper in which he requested the addition of political disclaimer to his two ads. The email was sent at 8:18 a.m. (ROI Exhibit 7)

13. Further, Respondent provided a letter signed by William Snowden, Editor/Manager of *The Wakulla News*, in which Mr. Snowden asserted regarding the advertisements at issue, "Please be aware that these were inadvertent omissions by The Wakulla News. Our graphic artists built the ads, but failed to include the required language as had been done on other ads." Mr. Snowden further stated that, while it is understood that candidates are ultimately responsible for their political advertisements, "...this mistake was largely due to an omission by The Wakulla News." (Exhibit 8)

14. Lynda Kinsey, employee of *The Wakulla News*, stated in a telephonic interview that she recalled the two advertisements at issue because she felt that it was her fault that they did not include disclaimers. She explained that, although she is aware that it is ultimately the candidate's responsibility to ensure that advertisements include disclaimers, she "proofs" every advertisement to make certain that is the case. She further stated that Respondent had run an advertisement in the newspaper for three straight weeks, and each time the advertisement included the political disclaimer. Regarding the first advertisement at issue in this case, she stated that Respondent wanted to add a couple of items to the advertisement, so it was reconfigured by their graphic designer. When the advertisement was reconfigured, it increased the size of the advertisement, and the disclaimer was omitted, but she overlooked the omission. Regarding the second advertisement at issue in this case, she stated that their graphic designer reconfigured it from something that Respondent had sent to them, and that she did not catch the fact that the advertisement was published without a disclaimer. (Attachment A)

15. Based upon the information above, it appears that Respondent paid for and distributed two political advertisements that contained express advocacy but did not include a proper disclaimer, as alleged in the complaint. However, given the facts and circumstances of this case, there does not appear to be sufficient evidence to support a finding that the omissions amounted to a willful violation of Florida Statutes.

16. "Probable Cause" is defined as a 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).

17. The above facts show that Respondent was a 2016 candidate for the Wakulla County Commission, District 1. Respondent does not dispute that two of his political advertisements contained in the October 27, 2016, edition of *The Wakulla News* were devoid of disclaimers. However, Respondent included disclaimers in his advertisements in the three prior editions of the newspaper, and Respondent contacted the newspaper the morning that the advertisements at issue were run and requested that disclaimers be inserted. Disclaimers were included in the advertisements in the next edition of the newspaper. Respondent thus demonstrated a pattern of adherence to the disclaimer requirements in the context of this newspaper, and Respondent took prompt action to rectify the situation upon detecting that the disclaimers had been omitted from one edition of the newspaper. Further, newspaper staff testified that the advertisements were reconfigured by their graphic designer, and that the absence of disclaimers in the October 27, 2016, edition was largely due to omissions on their part rather than Respondent. Taken together, the facts and circumstances in this case provide reason to believe that the absence of disclaimers in the two advertisements at issue was the result of inadvertent omission rather than willful exclusion on the part of Respondent.

Based upon these facts and circumstances, I recommend that the Commission find no probable cause to charge Respondent with violation of Section 106.143(1)(a), Florida Statutes.

Respectfully submitted on June 2, 2017,

Cole H. Kekelis
Assistant General Counsel

I reviewed this Staff Recommendation this 2nd day of JUNE 2017.

Amy McKeever Toman
Executive Director

Summary: I called Ms. Kinsey to ask her a few questions relative to her working with Respondent on his political ads. A woman answering the phone said that she was on another call at the time. I left a message with her asking that she have Ms. Kinsey return my telephone call at her earliest convenience.
Memo to File? No
Entered by: KS

5. **Date and time:** 03/28/17 @ 11:03 a.m.
Name: Lynda Kinsey – Wakulla News
Phone #: 850-926-7102
Summary: Ms. Kinsey returned my telephone call from earlier. I explained to her that Respondent had published two different political advertisements in the newspaper on October 27th and both without a political disclaimer; she said that she recalled the two ads because she felt that it was her fault.

When asked to explain, she said that she is responsible for "proofing" and that part of what she does is proof-reads every piece that goes in to the newspaper, whether it is a political advertisement or a story to be published. She further explained that since Wakulla is such a small county, the policy of the newspaper is to "look out for everyone." She explained that although she is aware that it is the candidate's ultimate responsibility to ensure that his or her advertisement has a political disclaimer, she "proofs" each and every advertisement to make sure that is the case. She said that Respondent had run an advertisement in the paper for three straight weeks and each time the advertisement included the political disclaimer. She said that Respondent wanted to add a couple of items to the advertisement and so the newspaper's graphic designer "re-configured" the advertisement and with the added information, it increased the size of the advertisement to be larger than the previous three advertisements. She said that she reviewed the advertisement prior to sending it to Respondent and she just completely over-looked the fact that the disclaimer was missing, after it had been re-configured. She added that she was attempting to leave work in order to drive to Tallahassee to cover the "Trump Rally" for the newspaper and she more or less just glanced at the advertisement not even looking to make sure it included the political disclaimer since it had been on the three previous advertisements.

She also explained when she does review a political advertisement for a candidate, she will usually make sure that the political disclaimer is on the advertisement and that it is correct.

When asked about a second advertisement, referred to as the "Firetruck/Public Safety" advertisement, she said that as far as she could recall, the graphic designer "re-configured" that advertisement from something that Respondent had sent to them. She reiterated that she again she did not catch the fact that the advertisement was published without a political disclaimer.
Memo to File? No
Entered by: KS

6. **Date and time:** 03/30/17 @ 3:22 p.m.
Name: Respondent
Phone #: 850-251-0415

ATTACHMENT A

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 16-660

Respondent: Ralph Thomas

Complainant: William Anderson

On November 3, 2016, the Florida Elections Commission ("Commission") received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. 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, Ralph Thomas, was a candidate for re-election to the Wakulla County Commission, District 1; he was re-elected to office on November 8, 2016. Respondent secured 54.80% of the vote to defeat his sole opponent, Howard Kessler; he was initially elected to office in 2012.

2. On October 13, 2016, Respondent's "APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES" form (DS-DE 9) was filed with the Wakulla County Supervisor of Elections' office. Respondent appointed Lona Matherne to serve as his campaign treasurer. To review the DS-DE 9 form, refer to Exhibit 1.

3. Complainant, William Anderson, is a resident of Wakulla County, Florida.

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 political advertisements without the required political disclaimer.

5. Complainant alleged that two of Respondent's political advertisements published in the local newspaper were void of a political disclaimer.

6. Complainant submitted copies of two political advertisements that appeared in the October 27, 2016 edition of *The Wakulla News*[1]. One advertisement, described by Complainant

[1] The newspaper is delivered by mail to subscribers every Thursday.

as "Ad 1," is headed, "Ralph Thomas for County Commissioner," and includes a photograph of Respondent. The other advertisement, described by Complainant as "Ad 2," is headed, "Commissioner Thomas Protects Public Safety!" and includes a picture of a firetruck. Each political advertisement was published without a political disclaimer. To review "Ad 1," refer to Exhibit 2. To review "Ad 2," refer to Exhibit 3.

7. Complainant also noted in his complaint that the two political advertisements were later published in the November 3, 2016 edition of the newspaper and each included the political disclaimer, "Paid for by Ralph Thomas for County Commission, District 1." To review the ads published in the November 3, 2016 edition of the newspaper, refer to Exhibit 4.

Response and additional information regarding "Ad 1."

8. In his response, Respondent addressed both advertisements submitted as part of the complaint. Relative to "Ad 1" (Exhibit 2), Respondent stated that he ran similar advertisements in the newspaper for three consecutive weeks, October 6, October 13 and October 20, all with the required political disclaimer[2]. To review the political advertisements, refer to Exhibit 5.

9. Respondent further stated that the advertisement that appeared in the October 27, 2016 edition of the newspaper was moved to a different section of the newspaper and the size of the advertisement was increased[3]. Respondent added, "When this occurred, the Wakulla News inadvertently omitted the political disclaimer."

10. According to Respondent, upon viewing the October 27, 2016 edition of the newspaper, he discovered that the disclaimer had been omitted. Respondent added that he immediately contacted the newspaper and requested that they correct the inadvertent omission in their next printing of the newspaper. Respondent further added that the newspaper corrected their omission in the next edition of the newspaper published on November 3, 2016[4]. To review Respondent's response, refer to Exhibit 6. To review the advertisement as it appeared in the November 3, 2016 edition of the newspaper, refer to Exhibit 4.

11. As part of an e-mail dated March 21, 2017, Respondent offered a copy of an e-mail exchange between him and a representative from the newspaper. Respondent's e-mail to Lynda Kinsey, the newspaper representative, was dated as October 27, 2016 at 8:18 a.m. In the e-mail, Respondent requests that a political disclaimer be added to his advertisements. To review the e-mail, refer to Exhibit 7.

12. As part of his response, Respondent included a letter from William Snowden,

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[2] Each of the political advertisements contained the political disclaimer, "Paid for by Ralph Thomas for County Commission, District 1."

[3] The October 27th advertisement included an endorsement from two entities and a sample ballot image, both of which were not included on the previous advertisements published on October 6, October 13, and October 20.

[4] The advertisement appears to be identical to one of the advertisements provided as part of the complaint as alluded to in paragraph seven. The advertisement included the political disclaimer, "Paid for by Ralph Thomas for County Commission, District 1."

Editor/Manager with *The Wakulla News*. In his letter, Mr. Snowden explained the circumstances surrounding Respondent's advertisement. Mr. Snowden stated, in part, "While it's understood under state statutes that candidates ultimately bear responsibility for their political advertisements, this mistake was largely due to an omission by The Wakulla News." To review the statement from the newspaper, refer to Exhibit 8.

13. In a telephone interview, Respondent confirmed the statements made in his response to the complaint. Respondent affirmed that "Ad #1" was similar to his political advertisements that previously appeared in the newspaper for three consecutive weeks, each of which included a political disclaimer. Respondent was asked whether or not he approved a proof of the advertisement prior to it being published in the newspaper. Respondent said that he recalled reviewing and approving a proof and that he would review his records in an effort to provide documentation. To review an affidavit memorializing the telephone interview, refer to Exhibit 9.

14. In an e-mail dated March 21, 2017, Respondent provided additional information relative to "Ad #1." Respondent reported that his focus was on changes made to the advertisement and the proof was missing the disclaimer. Respondent stated, "Unfortunately, I did not catch this mistake. I assumed that it would be there, since it was there for three weeks prior. My focus was on the content changes for this week." To review a copy of the e-mail, refer to Exhibit 10.

15. In a follow-up telephone interview, Respondent explained the circumstances relative to "Ad #1." Respondent stated that he was attending the "Trump Rally" in Tallahassee and he was about to go on-stage to lead the pledge of allegiance. He further explained that the proof came as an e-mail through his cell-phone and that he reviewed the proof to make sure it included the addition of two endorsements and a sample-ballot image, both of which were not on the three previous advertisements. Respondent said that his focus was to make sure that the advertisement included the changes and that he did not look for the political disclaimer since it had been published on the three previous advertisements, he just assumed the political disclaimer was there.

Response and additional information regarding "Ad 2."

16. In his response, Respondent stated that "Ad 2," (Exhibit 3), first appeared in the newspaper on October 27, 2016. According to Respondent, upon viewing the newspaper and discovering the omission of the political disclaimer, he immediately contacted the newspaper and requested that they correct the inadvertent omission in their next printing of the newspaper. Respondent further added that the newspaper corrected their omission in the next edition of the newspaper published on November 3, 2016.[5] To review Respondent's response, refer to Exhibit 6.

17. As per paragraph 11, Respondent offered a copy of an e-mail exchange between

[5] The advertisement appears to be identical to one of the advertisements provided as part of the complaint as alluded to in paragraph seven. The advertisement included the political disclaimer, "Paid for by Ralph Thomas for County Commission, District 1."

him and a newspaper representative relative to the political disclaimer.

18. As per paragraph 12, Respondent offered the written statement from the newspaper.

19. In his e-mail dated March 21, 2017, Respondent explained that he provided the newspaper with an example of "Ad #2" and that the example did not include the political disclaimer because it was a "screen shot" of the back page of a mail piece that he had used. Respondent further explained that the political disclaimer was on the other side of the mail piece. Respondent added that he specifically asked for the advertisement to be rebuilt and he sent the example for "layout purposes only." Respondent stated, "It never crossed my mind that the disclaimer would be missed on this ad, because I had ran ads with the Wakulla News during two campaigns and I never had a problem, nor had I ever heard of the disclaimer being left out of anyone's ad." To review the e-mail, refer to Exhibit 10.

20. In a follow-up telephone interview, Respondent affirmed a statement in his e-mail regarding a proof for the advertisement. Respondent had stated in his e-mail that the advertisement was published without him ever being sent a proof. Respondent stated in the telephone interview that he never received a proof to review via e-mail nor did he approve the final advertisement over the phone or in person.

21. As part of his response, Respondent asserted that there was no willful violation but rather it was an "inadvertent omission." Respondent questioned whether Complainant could have been misled as he suggested because he was fully aware that the "inadvertent omission" had been corrected in the next edition of the newspaper and he included copies of both advertisements as part of his complaint. Additionally, Respondent noted that records from the supervisor of elections office show that Complainant voted two days prior to the publishing of the two advertisements that were the subject of his complaint. To review Respondent's response to the complaint, refer to Exhibit 6.

22. In a telephone interview, Lynda Kinsey, a representative of *The Wakulla News*, explained the circumstances surrounding Respondent's political advertisements. Ms. Kinsey stated that although she is aware that it is the candidate's responsibility to ensure that their political advertisement has a correct political disclaimer, she felt that she was at "fault" for Respondent's advertisements at issue.

23. Ms. Kinsey explained that part of her responsibility is "proofing" everything that goes in to the newspaper for publication. She said that Respondent had run a political advertisement for three straight weeks with a political disclaimer. She said that Respondent wanted a couple of items added to the previous advertisements. She said the newspaper's graphic designer had to "re-configure" the advertisement, which caused the advertisement to be larger in size and the advertisement was relocated from its previous space in the newspaper.

24. She explained that when she got the completed advertisement from the graphic designer, she sent Respondent a proof for him to review. She said that she was running late in leaving the office as she was headed to Tallahassee to cover the "Trump Rally" for the newspaper. She said that she did not even notice that the proof was void of the political

disclaimer as she was reviewing it mainly for the changes and because the disclaimer had been on the previous three advertisements. She added that the proof without the political disclaimer was missed by the graphic designer, herself and eventually Respondent.

25. Ms. Kinsey was asked about a second advertisement that also appeared in the newspaper on October 27, 2016. She said that she could not recall exactly but believed that Respondent had sent them an example of the advertisement he wanted run in the newspaper. She said that she believed the graphic designer would have had to re-configure the advertisement as well. She said that she again missed the fact that the advertisement was published without a political disclaimer.

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

III. FEC History:

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

Conclusion:

28. On March 30, 2016, I interviewed Respondent for the purpose of providing him with a brief overview of the case and to afford him an opportunity for any questions or comments. After reviewing the case with him, Respondent said that he does not dispute that his two political advertisements were void of a political disclaimer. Respondent said that he believes that he has shown that there was no willful intent on his part as his previous advertisements all included a political disclaimer.

29. In an affidavit, Wakulla County Supervisor of Elections Henry F. Wells attested that Respondent was provided with a copy of Chapter 106, Florida Statutes and he was advised that the *Candidate and Campaign Treasurer Handbook* was available on the office's website. According to the supervisor of elections, Respondent was first elected to office in 2012. To review the affidavit of Henry Wells, refer to Exhibit 11.

30. In an affidavit, Respondent attested that his 2016 re-election campaign was his second campaign for public office. In addition, Respondent stated that he had previously served as the treasurer for the Wakulla County Republican Executive Committee. Respondent further attested that he does possess and has read Chapter 106, Florida Statutes, as well as the *Candidate and Campaign Treasurer Handbook*. To review Respondent's affidavit, refer to Exhibit 9.

31. Respondent executed a Statement of Candidate form indicating that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes; the form is dated as having been signed October 13, 2015. To review the Statement of Candidate, refer to Exhibit 12.

Respectfully submitted on March 30, 2017.

Keith Smith
Investigation Specialist

Current address of Respondent	**Current address of Complainant**
The Honorable Ralph Thomas 637 Hunters Trace Crawfordville, Florida 32327	William Anderson 2481 Surf Road Panacea, Florida 32346

Name and Address of Filing Officer:

The Honorable Henry F. Wells
Supervisor of Elections
Post Office Box 305
Crawfordville, Florida 32327

Copy furnished to: David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION

REPORT OF INVESTIGATION

Ralph Thomas -- FEC 16-660

LIST OF EXHIBITS	
Exhibits #s	**Description of Exhibits**
Exhibit 1	DS-DE 9
Exhibit 2	"Ad #1"
Exhibit 3	"Ad #2"
Exhibit 4	Ads published on 11/03/16
Exhibit 5	Ads published on 10/06; 10/13 & 10/20/16
Exhibit 6	Respondent's response
Exhibit 7	10/27/16 e-mail from R to newspaper
Exhibit 8	Written statement from newspaper
Exhibit 9	Respondent's affidavit
Exhibit 10	03/21/17 e-mail from Respondent
Exhibit 11	Affidavit from Filing Officer
Exhibit 12	Statement of Candidate

RECEIVED

2015 OCT 13 P 1:01

SUPERVISOR OF ELECTIONS
WAKULLA COUNTY, FLORIDA

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)	3. Address (include post office box or street, city, state, zip code)
Ralph C Thomas Jr.	637 Hunters Trace Crawfordville, FL 32327
4. Telephone: (850) 251-0415	5. E-mail address: Wakullaboy@gmail.com

6. Office sought (include district, circuit, group number)	7. If a candidate for a nonpartisan office, check if applicable:
County Commissioner District 1	☐ 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 ☐ N/P Party candidate.

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

10. Name of Treasurer or Deputy Treasurer: Lona Matherne

11. Mailing Address	12. Telephone
256 Magnolia Ridge	(850) 694-4055

13. City	14. County	15. State	16. Zip Code	17. E-mail address
Crawfordville	Wakulla	FL	32327	lonamatherne@juno.com

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

19. Name of Bank	20. Address
Capital City Bank	2592 Crawfordville Hwy

21. City	22. County	23. State	24. Zip Code
Crawfordville	Wakulla	FL	32327

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	26. Signature of Candidate
10/13/15	X Ralph C Thomas

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

I, Lona Matherne, do hereby accept the appointment
(Please Print or Type Name)

designated above as: ☒ Campaign Treasurer ☐ Deputy Treasurer.

10/13/15
Date

X Lona Matherne
Signature of Campaign Treasurer or Deputy Treasurer

EXHIBIT 1

DS-DE 9 (Rev. 10/10)

Rule 1S-2.0001, F.A.C.

AD 1

Boys team and Martin dominate district meet
Cross Country, Page 2B

Girls win district title
Golf, Page 2B

Sports

sports news and team views

EXHIBIT 2

AD 2

Commissioner Thomas Protects Public Safety!

Protecting Public Safety requires wise decisions and proper funding, not campaign rhetoric and misleading campaign signs. Let's take a look at who actually got the job done.

Re-Elect Commissioner Thomas!

Commissioner Thomas voted for an increase to Public Safety funding. His opponent voted against it!

On September 21, 2015, Commissioner Thomas voted to change the allocation of the One Cent Sales Tax that increased revenue for Public Safety by $195,475 annually without placing any additional tax burden on Wakulla County Citizens.

Prior to 2015, the Public Safety portion of the One Cent Sales tax was only used to purchase ambulances and Sheriff vehicles. It has never been used to purchase fire trucks. Wakulla County Firefighters need a dedicated, predictable funding source for their operational expenses and their equipment expenses. This re-allocation of the One Cent Sales tax provided additional revenue to Public Safety, which made it possible to use the One Cent Sales Tax to purchase fire trucks for the first time in Wakulla County history. Shifting this expense out of the Fire MSBU fund and into the One Cent Sales Tax fund, freed up significant revenue in the Fire MSBU fund, making it easier to fund firefighter's salaries and operational expenses from the Fire MSBU fund. **Commissioner Thomas voted for this re-allocation. His opponent voted against it.**

The Public Safety re-allocation was recommended by a citizens advisory group who serve on the One Cent Sales Tax Committee, after holding public meetings and considering the needs of Wakulla County. **Commissioner Thomas agreed with the citizens and voted for the re-allocation. His opponent voted against the citizens' recommendations.**

Learn more about this at www.forwakulla.com

Commissioner Thomas promised to not raise your taxes. He promised to make wise decisions to spend your hard earned tax dollars efficiently while working within the budget currently available, just like you do with your personal budget. Commissioner Thomas kept his promise and has never voted for a tax increase. Instead, he voted for this re-allocation which provided an additional $195,475 annually, in revenue to Public Safety, without causing an additional burden on tax payers.

Commissioner Thomas' opponent voted against this wise re-allocation and instead, voted for a tax increase for the Fire MSBU, even though the cost of replacing fire trucks was shifted out of the Fire MSBU fund and into the One Cent Sales Tax fund.

The choice is clear!

On November 8, 2016, vote for Ralph Thomas.

He will keep our County safe!

COUNTY COMMISSIONER DISTRICT 1
(VOTE FOR ONE)

- ○ Howard Kessler
- ● Ralph C. Thomas

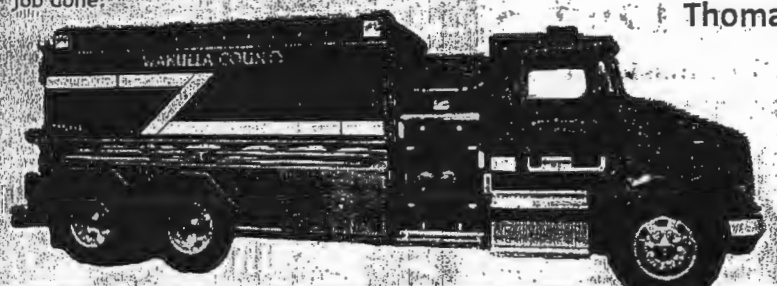
EXHIBIT 3

AD4

Commissioner Thomas Protects Public Safety!

Protecting Public Safety requires wise decisions and proper funding, not campaign rhetoric and misleading campaign signs. Let's take a look at who actually got the job done.

Re-Elect Commissioner Thomas!



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Commissioner Thomas promised to not raise your taxes. He promised to make wise decisions to spend your hard earned tax dollars efficiently while working within the budget currently available, just like you do with your personal budget. Commissioner Thomas kept his promise and has never voted for a tax increase. Instead, he voted for this re-allocation which provided an additional $195,475 annually in revenue to Public Safety, without causing an additional burden on tax payers.

Commissioner Thomas opponent voted against this wise re-allocation and instead, voted for a tax increase for the Fire MSBU even though the cost of replacing fire trucks was shifted out of the Fire MSBU fund and into the One Cent Sales Tax fund.

The choice is clear!
On November 8, 2016, vote for Ralph Thomas.
He will keep our County safe!

COUNTY COMMISSIONER
DISTRICT 1
(VOTE FOR ONE)
○ Howard Kessler
● Ralph C. Thomas

Paid for by Ralph Thomas for County Commission, District 1.

EXHIBIT 4

AD3

Ralph Thomas for County Commissioner

Proven Leadership and Value Added Service
- ☑ Veteran, Chief Petty Officer, U.S. Navy
- ☑ Commission Chairman 2016 and 2015
- ☑ Gulf Consortium ($12 million* from BP oil spill)
- ☑ Wakulla County Coalition for Youth ($2.8 million*)
- ☑ City of St. Marks ($1 million* saved from veto)
- ☑ Tourist Development Council ($962,000*)
- ☑ Shell Point boat ramp ($735,000*)
- ☑ Value Adjustment Board Chairman
- ☑ Florida Association of Counties, Board of Directors
- ☑ Florida Association of Counties Trust, Board of Trustees
- ☑ Small County Coalition, Vice Chairman
- ☑ Protects individual freedom and property rights
- ☑ Protects our environment and water
- ☑ Fights for small efficient government
- ☑ Reduced property taxes in 2016
- ☑ Only candidate for District 1 who never voted for a tax increase

Faith, Freedom and Family!

COUNTY COMMISSIONER
DISTRICT 1
(VOTE FOR ONE)
○ Howard Kessler
● Ralph C. Thomas

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Paid for by Ralph Thomas for County Commission, District 1.

Boys team, girls Martin, Langston advance to State Cross Country, Page 2B

2016 Election
Kessler, Thomas answer questions, Page 7B

Sports
sports news and team views

ANNUAL Breast Cancer AWARENESS PINK EDITION

The Wakulla News

Our 119th Year, 39th Issue
Thursday, October 6, 2016

Published Weekly, Read Daily
Serving Wakulla County For Almost 120 Years

Two Sections
75 Cents

See Page 1B

Boat ramp opens

Phase 1 of Shell Point Boat Ramp project is complete; ribbon cutting is Oct. 20


NICOLE ZEMA

The Shell Point Boat Ramp features a double launch. A ribbon-cutting ceremony will be held at the ramp at 3 p.m. on Oct. 20.

Staff Report

On Thursday, Oct. 20 at 3 p.m., Wakulla County will host a ribbon-cutting ceremony to mark the completion of the Shell Point Public Access Boat Ramp.

In 2014, county staff provided the Florida Legislature with a concept paper for the Shell Point Public Access Boat Ramp and were successful in the county receiving $730,000 ($155,000 from general revenue and $580,000 from the Florida Boating Improvement Program) for land acquisition, design and permitting, and construction of the project. Funds for the project are administered by the state Fish and Wildlife Conservation Commission through an agreement with the county.

"A team approach between county staff, Dewberry Preble-Rish the designer and project engineer, and Hydra Engineering & Construction the boat ramp construction contractor, has led to a successful completion of this project. The county is excited about adding a new accessible public boat ramp for its citizens," said County Administrator David Edwards.

The new ramp is now open 24/7 and features a double launch area; temporary tie-up floating dock; site and security lighting; landscaping with irrigation; and 21 vehicle/trailer spaces and four individual vehicle parking spaces.

It should also be noted this is the first phase, the second phase will include a ship's store, restroom and fueling station and will be constructed as funds become available.

Wakulla County Annual Park Passes are $40 for frequent users of county parks, beaches, and boat ramps, instead of paying per visit.

Read about discounts, where to purchase your pass and more at mywakulla.com.

Howard Kessler seeks District 1 seat

Priorities are lower taxes, safe water and meaningful jobs

Special to The News

Howard Kessler has been the independent voice on the Wakulla County Commission for initiating action on lower taxes, safe water and meaningful jobs, including support for our commercial fishing industry.

This year, Kessler's leadership led Wakulla County residents to urge him to run for commissioner in District 1.

"We need to keep Dr. Kessler on the board. He's the only one who fights for us," said Juanise Hoover, a retired Wakulla County small-business owner.

For 11 years, Commissioner Kessler consistently proposed alternatives to county budgets because they over-burden fixed-income residents as well as middle-class families.

Kessler believes the county's model for growth and taxation is not working; instead of spreading the tax burden more fairly and reducing taxes, growth has required millions of dollars of additional new taxes and fees, as well as existing tax increases.


Commissioner Howard Kessler

"The argument that increased population produces more revenue and lowers taxes has been proven false in Wakulla County and elsewhere," Kessler said. "Growth creates a need for more infrastructure and services, such as law enforcement and fire and rescue."

This burden has fallen more heavily on citizens than developers.

To ensure more efficient management and delivery of services, Kessler argues that Wakulla County's firefighters and rescue personnel should have a dedicated source of funding that adequately covers their needs and lowers other taxes.

"Our fire and rescue should never have to worry day-to-day if a simple majority vote of the commissioners will cut their budget and ability to serve citizens," Kessler said.

In his most recent budget battle, Kessler called for lowering skyrocketing taxes on water, electricity, television, Internet, and cellphones. Instead, commissioners slightly lowered the property tax rate, which was largely offset this year by increases in property values.

"Thirty percent of Wakulla County property owners do not live in the county," Kessler said. "Reducing property taxes helps only about 70 percent of our residents. Lowering taxes on electricity and water helps 100 percent."

Kessler has been the lone voice for insisting on spending accountability before donating county money.

"This county cannot afford to give away our tax dollars without first

Turn to Page 14A

Operation Santa application period opens this month

Staff Report

Volunteers will be taking applications for Operation Santa at the Wakulla County Public Library on the following days throughout October only:

- Tuesdays from 10 a.m. to 5:30 p.m.
- Wednesdays from 10 a.m. to 5:30 p.m.
- Thursdays 10:30 a.m. to 7 p.m.

Applications can be picked up at the Library, the Wakulla One Stop Community Center, Health Department, and some food banks.

Please bring proof of residence with you, also if you have disabilities and can't work please bring some form of documentation. We do not need to know what the disability is.

Operation Santa is an annual Christmas charity for local families experiencing temporary hardship. For more information, visit www.operationsantawakulla.org

CORRECTIONS

- Sept. 22 coverage of the Wakulla Wings and Wheels Fly-In Festival erroneously referred to Wakulla County Airport as Tarpine Airport.

We regret the errors.

OBITUARIES

Sarah Ilene Corley Barden
Marc S. Bryant
Frank Valent Burke Sr.
Janet Suzanne Gibb
Jane Marshall
William Vice Jr.

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EXHIBIT 5 (1 of 3)

The Wakulla News

Special Section: St. Marks Stone Crab Festival

Inside This Edition

Our 119th Year, 40th Issue
Thursday, October 13, 2016

Published Weekly, Read Daily
Serving Wakulla County For Almost 120 Years

Three Sections
75 Cents

A gentle roar

Sopchoppy Lions Club celebrates 65 years of service and friendship

By NICOLE ZEMA
nzema@thewakullanews.net

In 65 years the faces of Sopchoppy Lions Club members have changed, but the community-minded mission has stayed the same.

The civic organization celebrated its 65th anniversary at Sopchoppy's Mt. Beasor Baptist Church on Sept. 26. They reflected on the names and memories that have carried their signature "roar" from 1952 to 2016.

You've seen them around town – goldenrod vests embellished with shiny pins given for years of service, for officers, and specific projects. Sopchoppy Lions are our retirees, our teachers, our community leaders, our neighbors, family and our friends.

The Sopchoppy Lions Club meets the second and fourth Mondays of each month at Mt. Beasor at 6:30 p.m. Wakulla residents living south of U.S. 98 are welcome to come learn about the club's services and activities. The church is located at 29 Winthrop Ave.

Lion Warren C. Harden, president presiding, said Lions International has been serving people for 100 years – since 1917. The international mission is to empower volunteers to serve their communities, meet humanitarian needs, encourage peace and promote international understanding through Lions clubs.

"The Lion's Club International was only 35 years old when this club was formed," Harden said. "And here we are after 65 years. We've been around a long time."

Beautification and visual impairment assistance are just a few of the countless local services the club has provided over the years.

Harden said in 1925, Helen Keller challenged the Lion Club to take on sight conservation.

"Visual impairment is part of the international mission," said Lion Arlene Vause.

"I remember when I got old enough to start noticing things, it had to be the Lions who came into classrooms and would call a child out (identified) by a teacher," said Lion Jesse Quigg. "In a few days, that child would have glasses. I'm not sure there's a record anywhere of how many pairs glasses – but it has to be in the hundreds."

Vause said the Lions also collect used glasses for missionaries to take overseas, and help supply refurbished hearing aids to people in need.

Harden described the history of the organization, and then read the familiar names of the Sopchoppy Lions Club charter members. Club members recalled and discussed the vocations held by almost every man on the list.

"As far as I know all these people are gone," Harden said. "But as you go down the list, I'm sure some of you will remember."

Charter members were:

Schools Superintendent R.D. Altman; postmaster and Ford dealership owner F.B. Becton; Maurice Davis; teacher Carl H. Dowell; youngest charter member James E. Green; farmer D.W. Harrell; Sopchoppy Coach Coy Harris; Future Farmers of American instructor Ernest Harvey; two brothers – tax collector J.J. Hodge, and councilman and City Park namesake Myron B. Hodge; electrician Harold Maiwalk; the town barber Raymond P. Revell, the "Floyd" of Sopchoppy; teacher and realtor Steve R. Revell, and son of charter member S. Walter Revell, a schools superintendent; farmer and school board member S.E. Roddenberry; Methodist preacher the Rev. Francis Smelt;

Turn to Page 7A

A 2015 group photo of the Sopchoppy Lions Club, printed on the Community Birthday Calendar. Below, a Sopchoppy Lions Club birthday calendar from 1966 featuring the school band.

Charles Brow sentenced to 30 years for murder

By WILLIAM SNOWDEN
editor@thewakullanews.net

Charles Brow pleaded no contest to second degree murder and other charges last week as part of a plea deal that got him 30 years in state prison.

Brow made the plea before Wakulla Circuit Judge James Shelfer on Wednesday, Oct 12.

His charges stemmed from the murder of his girlfriend, Laura Lynn Wilkins, 44, whom he shot to death at a home on Cajer Posey Road in Crawfordville on Oct. 25, 2015. Brow had a history of domestic violence.

DOC PHOTO

Charles C. Brow

After shooting her, Brow was picked up by Santa Rosa sheriff's deputies at a Waffle House in Navarre where he was drunk and causing a disturbance. He was reported to have spontaneously confessed to a deputy, "I just killed my girlfriend in Wakulla County.

Wakulla deputies were dispatched to the Cajer Posey Road home and found Wilkins dead. There were signs of a struggle at the scene, Sheriff Charlie Creel said at the time.

Creel said the cause of death was a gunshot wound. A .357 Magnum revolver was reportedly seized in Brow's truck and is believed to be the murder weapon.

As part of a plea deal with the state, Brow, 55,

Turn to Page 11A

CORRECTIONS

• Because of incorrect information supplied to The News, a photo on the front page of the Sept. 29 with the story "You're looking at heroes" misidentified the Wakulla County deputy sheriff pictured with Gov. Rick Scott and the Cabinet, it was Deputy Steven Parfitt not Deputy Jeff Yarborough.

• The headline on last week's article about the Education Enrichment Council Quarter Auction was inaccurate. It should have said: EEC Quarter Auction raises more than $1,300 for charity partner Augie Garner *and* EEC scholarships.

We regret the errors.

OBITUARIES

Shirley Hutto
Myrtle Freeman McGilvary
Elwyn 'Jack' Moore
Marilyn Sealander

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EXHIBIT 5 (2 of 3)

The Wakulla News

Our 119th Year, 41th Issue
Thursday, October 20 , 2016

Published Weekly, Read Daily
Serving Wakulla County For Almost 120 Years

Two Sections
75 Cents

Decision 2016

Wakulla candidates featured at political forum

Howard Kessler, Ralph Thomas, John Shuff, Mike Stewart, Richard Harden and Chuck Hess

By NICOLE ZEMA
nzema@thewakullanews.net

The eight remaining political candidates answered citizen-submitted questions at the Chamber of Commerce Candidate Forum at TCC's Wakulla Environmental Institute on Oct. 13. The event was held in partnership with The Wakulla News.

Candidates drew straws to determine who would answer first. The forum was moderated by Chamber President Dustin Grubbs and member Mary Wallace.

The event opened with questions for Property Appraiser candidates Brad Harvey and Steve Remke. Commission candidates were featured after a break, including Howard Kessler and incumbent Ralph Thomas for District 1, John Shuff and Mike Stewart for District 3, and incumbent Richard Harden and Chuck Hess for District 5.

Brad Harvey and Steve Remke

PROPERTY APPRAISER

Q. What will you bring to the Property Appraiser's Office?

Remke: He brings 25 years of experience as an appraiser. "I have a BA in real estate, and I've been an appraiser my entire adult career," Remke said. "I believe I can effectively manage the property appraiser's office in Wakulla County." His appraisal experience includes DOT work, serving as chief appraiser for the Florida Division of State Lands, regional Southeastern appraiser for the General Services Administration, plus staff-management experience.

Harvey: "I bring 25 years of working in Wakulla County, and part of that is managing small businesses," Harvey said, adding that he has also managed employees. "Working in the office the last 12 years, I have background and knowledge of all the responsibilities and duties. I understand the budget process, special assessment process, and I handle the damage assessments. But the primary thing we do is customer service and helping citizens, to educate them about the process."

Q. What is the biggest challenge facing the property appraiser's office, and how do you propose to deal with it?

Harvey: "The real estate market is starting to grow, and as it grows, we are processing more deeds, and having more homes that we're having to do assessments on. With that change... in the next four years, we're going to add some additional staff. We cut several positions as the market went down, and those positions will be put back in place." Staff is keeping up with technology changes as well.

Remke: Flood zones. "In certain parts of the

Turn to Page 15A

'We have history here'

Wakulla County Historical Society celebrates 25 years

By NICOLE ZEMA
nzema@thewakullanews.net

Those committed to preserving Wakulla County's past contemplated their own history at the Historical Society's 25th anniversary banquet and meeting at Crawfordville First Baptist on Oct. 11.

About 80 members and supporters of the Wakulla County Historical Society were treated to a catered dinner, a live barbershop quartet, special presentations, awards and more, to celebrate the organization's silver anniversary.

Historical Society Associate Director Richard Harden, a county commissioner, served as the master of ceremonies.

"Twenty-five years ago, a small group within our community decided the history of our county needed to be preserved, cherished and treasured for ages," Harden said.

In-A-Chord entertains at dinner.

Board Member Brent Thurmond, Wakulla's clerk of courts, shared an invocation.

The opening formalities were followed by the vocal melodies of In-A-Chord, a barbershop quartet associated with the Capital Chordsmen of Tallahassee. Vocalists Robbie Brunger, Steve Pennington, Michael Linay, and Rodney Atherton opened with the National Anthem, and shared several charming vintage numbers as dinner was served.

Special recognition went to Outstanding Volunteer of the Year John Roberts, and to outgoing Historical Society President Cathy Gray Frank.

The Anne Quick Stewart Award for Outstanding Volunteer of the Year was presented to John Roberts by Mike and Libby Stewart. The award is given to an outstanding volunteer in honor of the late Anne Stewart's legacy of service to the organization. She was the first recipient of the award in 2012.

Cathy Frank read a

Turn to Page 14A

Schools again recommended for accreditation

By BETH O'DONNELL
Special to The News

Wakulla County public schools were visited by educational professionals from across the country October 9-12 who assessed several areas that can lead to recommendation for accreditation or not. The External Review Team stated that they "recommend to the AdvancED Accreditation Commission that the Wakulla County School District earn the distinction of accreditation by AdvancED."

Accreditation is very important to school districts so that there is evidence of quality education from pre-kindergarten through grade 12 and that high school diplomas are accepted by the military, job sites, colleges and universities. Individual Wakulla schools renewed their accreditation every five years until ten years ago. Now for the third time, the entire school district is under one district-wide accreditation to insure focused, seamless learning that builds on prior instruction from grade to grade.

An external review of the school system lets Superintendent Bobby Pearce and his staff get

Turn to Page 9A

Early voting begins on Monday, Oct. 24

Early Voting starts Monday, Oct. 24 and continues through Saturday, Nov. 5, from 8 a.m. to 6 p.m. in the Elections office for 13 days.

On Tuesday, Nov. 8, polls will open for Wakulla County voters who were registered to vote by Oct. 18. Precincts will be open from 7 a.m. to 7 p.m.

A reminder that Florida law requires voters to present a Picture ID with signature. Acceptable forms of ID are a Florida Driver's License, Florida ID Card, U.S. Passport, Military or Student ID, Public Assistance ID, Neighborhood Association identification and Debit/Credit Card, Concealed Weapons permit, DVA Veteran Health ID Card and Government Employee ID Card.

CORRECTIONS

Last week's front page story on the Sopchoppy Lions Club contained a typo. The list of meeting locations should have said "since 1952" instead of "in 1952."

We regret the error.

OBITUARIES

Jerry Donald Cash
Richard Gidden
Ronald John Pagel
Ken Weaver

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EXHIBIT 5 (3 of 3)

Ralph Thomas
637 Hunters Trace
Crawfordville, FL 32327
(850) 251-0415

Florida Elections Commission
107 W. Gaines Street
Suite 224 Collins Building
Tallahassee, FL 32399-1050

RE: Case No.: FEC 16-660; Respondent Ralph Thomas

To whom it may concern,

In accordance with Florida Statutes, Section 106.25(2), please accept this letter as my official response to the complaint filed by Mr. William Anderson. I have reviewed the entirety of the complaint filed by Mr. Anderson. Mr. Anderson alleges, two separate political advertisements appeared in the October 27, 2016 Wakulla News, without the required political disclaimers. I will address each allegation separately.

Ad #1

Prior to the ad appearing in the Wakulla News on October 27, 2016, I ran similar ads in the Wakulla News that included the required political disclaimer, for 3 weeks, on October 06, 13, and 20. Attached, you will find copies of all three prior ads. In the October 27th edition of the Wakulla News, my ad was moved to a different section of the paper and the ad size was increased. When this occurred, the Wakulla News inadvertently omitted the political disclaimer. Please see the attached letter from The Wakulla News confirming the inadvertent omission. Given the fact that I had already ran this ad for three weeks in this same publication, there was never any intent to mislead the public. I was under the expectation that the required disclaimer would continue to be printed in my ad, just as it had been printed for the three weeks prior. Upon receipt of the October 27, 2016 edition, I discovered that the disclaimer had been omitted. I immediately contacted the Wakulla News and requested that they correct the inadvertent omission in the next printing of the newspaper. The Wakulla News corrected the omission in their next edition on November 3, 2016, attached. In Mr. Anderson's own words on the summary attached to his complaint form, he acknowledges the fact that we corrected the inadvertent omission in the very next edition of the Wakulla News. This correction was made at the earliest possible opportunity and was made prior to Election Day, which was November 8, 2016.

Ad #2

This ad first appeared in the Wakulla News on October 27, 2016. Upon receipt of the October 27, 2016 edition, I discovered that the disclaimer had been omitted. I immediately contacted the Wakulla News and requested that they correct the inadvertent omission in the next printing of the newspaper. Please see the attached letter from The Wakulla News confirming the inadvertent omission. The Wakulla News corrected the omission in their next edition on November 3, 2016. In Mr. Anderson's own words on the summary attached to his complaint form, he acknowledges the fact that we corrected the inadvertent omission in the very next edition of the Wakulla News. This correction was made at the earliest possible opportunity and was made prior to Election Day, which was November 8, 2016.

EXHIBIT 6 (1 of 2)

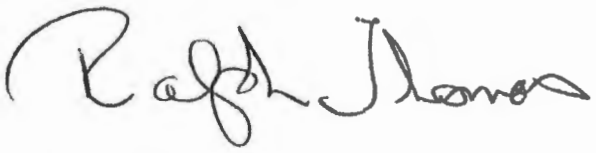
Mr. Anderson's complaint alleges that I violated Florida Statute 104.143. Florida Statute 104.143 (11) states, "Any person **who willfully** violates any provision of this section is subject to the civil penalties prescribed in s. 106.265." Please consider the following facts:

1. The Merriam-Webster dictionary defines "willful" as, "done deliberately", see attached definition.
2. This explanation and attached documents confirm that no **willful** violation occurred. Any perceived violation was nothing more than an **inadvertent omission**.
3. This explanation and attached documents confirm that I corrected the **inadvertent omission** as quickly as possible in the next edition of the Wakulla News and did so, prior to Election Day.
4. Please refer to the attached email labeled "Supervisor of Elections Request for Information" and spreadsheet labeled "Thomas Request Early Voting 2016 General". Both of these documents were received from the Wakulla County Supervisor of Elections. On the spreadsheet, line 120, you will see, Mr. Anderson voted early in the 2016 General Election. Specifically, he voted on October 25, 2016 at 15:04, two days prior to publication of the alleged ads that Mr. Anderson referred to in his complaint. Given this fact, Mr. Anderson could not have been misled by the alleged ads prior to casting his ballot.
5. Mr. Anderson's complaint, and the documents that he labeled as "AD 3" and "AD 4" attached to his complaint, confirm that he was fully aware that the **inadvertent omission** had been corrected in the next edition of the Wakulla News, prior to his submission of the complaint form. Given this fact, Mr. Anderson could not have been misled and was in fact able to determine who authorized the ads, prior to his submission of the complaint form and prior to Election Day.

Given the evidence presented, Mr. Anderson failed to prove that a **willful** violation of Florida Statutes occurred. I respectfully request that a finding of legally insufficient be determined on this complaint.

I appreciate your assistance with this matter.

Respectfully,



Ralph Thomas

EXHIBIT 6 (2 of 2)

Gmail

Ralph Thomas <wakullaboy@gmail.com>

Online ads

5 messages

Ralph Thomas <wakullaboy@gmail.com> Thu, Oct 27, 2016 at 8:18 AM
To: Lynda Kinsey <lkinsey@thewakullanews.net>, "editor@thewakullanews.net" <editor@thewakullanews.net>

Good moming,

I see my two ads for this week are also listed on the website. Would you mind adding the political disclaimer to those as quickly as possible to avoid additional complaints on those ads?

Thank you!

Ralph

Lynda Kinsey <lkinsey@thewakullanews.net> Thu, Oct 27, 2016 at 10:49 AM
To: Ralph Thomas <wakullaboy@gmail.com>

Yes! I do not have a graphic designer until 1. Let me see if Nicole can get them down until then.
[Quoted text hidden]

Lynda Kinsey
The Wakulla News
Advertising
Phone: (850) 926-7102
Fax: (850) 926-3815
lkinsey@thewakullanews.net
The Wakulla News Website

Ralph Thomas <wakullaboy@gmail.com> Thu, Oct 27, 2016 at 10:53 AM
To: Lynda Kinsey <lkinsey@thewakullanews.net>

Thank you!
[Quoted text hidden]

Lynda Kinsey <lkinsey@thewakullanews.net> Thu, Oct 27, 2016 at 11:28 AM
To: Ralph Thomas <wakullaboy@gmail.com>

Done!
[Quoted text hidden]

Ralph Thomas <wakullaboy@gmail.com> Thu, Oct 27, 2016 at 11:30 AM
To: Lynda Kinsey <lkinsey@thewakullanews.net>

Thank you!
[Quoted text hidden]

EXHIBIT 7

ER

The Wakulla News

Florida Elections Commission
107 W. Gaines St. Suite 224
Tallahassee FL 32399-4539

RE: Case No. FEC 16-660; Respondent Ralph Thomas

16 November 2016

To whom it may concern:

We are aware that a complaint against candidate Ralph Thomas has been filed for failure to include "Paid Political Advertisement" language on two political ads in the Oct. 27, 2016 issue of The Wakulla News.

Please be aware that these were inadvertent omissions by The Wakulla News. Our graphic artists built the ads, but failed to include the required language as had been done on other ads. Our proofreader failed to catch the omission. It was sent to the candidate as a proof, and the sales representative did not catch the omission. The ads were placed on pages and, again, the omission was not discovered.

When we became aware of the problem, we immediately corrected our online edition and online ads.

While it's understood under state statutes that candidates ultimately bear responsibility for their political advertisements, this mistake was largely due to an omission by The Wakulla News.

Thank you for your time and attention to this matter,

William Snowden
Editor/Manager
The Wakulla News
editor@thewakullanews.net

RECEIVED
2016 NOV 22 A 10:49
STATE OF FLORIDA
ELECTIONS COMMISSION

P.O. Box 307 • Crawfordville FL 32326
(850) 926-7102 • FAX (850) 926-3815
thewakullanews.com

EXHIBIT 8

AFFIDAVIT OF INFORMATION
Case Number: FEC 16-660

STATE OF FLORIDA
County of Wakulla

Ralph Thomas, 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 matters stated herein.

3. I have run for public office on two occasions: 2012 and 2016. Prior to my 2012 campaign, I had not run for public office. I previously served as the treasurer for the Wakulla County Republican Executive Committee serving that capacity from approximately 2010-2011.

4. I do possess and have read Chapter 106, Florida Statutes. I do possess and have read the *Candidate and Campaign Treasurer Handbook.*

5. Ad #1 (ad included a picture of myself) was published in the newspaper for three consecutive weeks, October 6, October 13 and October 20, prior to the advertisement published without a political disclaimer, the subject of the complaint.

6. Ad #2 (ad included a picture of a firetruck) was first published in the October 27th edition of the newspaper and was published without a political disclaimer, the subject of the complaint.

7. I personally discovered the omission of the political disclaimers for my two political advertisements published on October 27th and I immediately called the newspaper

8. Included with my response to the complaint is a written statement from *The Wakulla News* explaining the circumstances surrounding the omission of the political disclaimer.

9. I do recall reviewing and approving a proof of my political advertisements that appeared in the newspaper; however, I am uncertain whether I reviewed and approved a proof for each advertisement prior to its publication or whether I reviewed and approved one proof that encompassed each of my advertisements. Upon returning this affidavit, I will include copies of any and all e-mails between me and the newspaper relative to the approval process.

10. During my first campaign for public office, in ~~2010~~ 2012 RCJ, I published political advertisements in *The Wakulla News* and never encountered any problems with any of my political advertisements.

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

EXHIBIT 9 (1 of 2)

Ralph C Floss

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 21 day of March, 2017

Henry F Wells

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

HENRY F. WELLS
MY COMMISSION # FF 093468
EXPIRES: June 16, 2018
Bonded Thru Budget Notary Services

Personally Known ✓ or Produced Identification _____

Type of Identification Produced: _____

Case Investigator: KS

EXHIBIT 9 (2 of 2)

To: Ralph Thomas <wakullaboy@gmail.com>,
Cc:
Bcc:
Subject: Re: Affidavit

Mr. Thomas:

I am in receipt of both e-mails and the attachments; thank you for your cooperation.

I hope to contact you for a "final interview" by the end of this week or early next week.

Thanks again.

Keith Smith

Investigator - Florida Elections Commission
107 West Gaines Street - Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539 (phone)
(850) 921-0783 (fax)

Ralph Thomas Mr. Smith, Earlier this evening, I sent you an em... 03/21/2017 07:42:45 PM

From: Ralph Thomas <wakullaboy@gmail.com>
To: Keith Smith <Keith.Smith@myfloridalegal.com>
Date: 03/21/2017 07:42 PM
Subject: Re: Affidavit

Mr. Smith,

Earlier this evening, I sent you an email with 19 attachments. The total file size is fairly large. Please let me know if you received it.

Thank you!

Ralph Thomas

On Tue, Mar 21, 2017 at 6:44 PM, Ralph Thomas <wakullaboy@gmail.com> wrote:

> Mr. Smith,
>
> Attached you will find the signed affidavit. I made one correction to statement #10.
>
> Also attached, you will find ads that were ran on 10/6/16, 10/13/16 and 10/20/16. All three ads contained the required disclosure as well as my photo. These ads were virtually the same ad as ad #1, as referenced by the complainant that ran on 10/27/16. The difference being a larger size and inclusion of two endorsements and a sample ballot image. Attached you will find email correspondence titled "Wakulla News Correspondence Oct 1 2016. In this correspondence, you will see that I authorized all of the "ad #1" ads including the ad that ran on 10/27/16. Given the fact that these ads were authorized at the same time and ran properly for the first three weeks, this confirms the absence of the disclaimer on the fourth week was a mistake by the Wakulla News and also provides evidence of no ill-intent on my part.
>
> I sent the attached document labeled "Wakulla News Correspondence Oct 27 2016" to the Wakulla News at 8:18 am on 10/27/16, after I discovered the missing disclaimer on the ads.

EXHIBIT 10 (1 of 2)

This provides evidence of statement #7 in the attached affidavit and provides further proof of no ill-intent on my part as well as my attempt to correct the mistake. The attached correspondence labeled "Wakulla News Correspondence Nov 1 2016" confirms, Wakulla News corrected the ad in their very next issue. The attachments referenced in that email are "10-27 Ralph Thomas (3) and 10-27 Ralph Thomas Public Safety", also attached to this email.

Regarding statement #9 in the affidavit, attached you will find correspondence labeled "Proof Oct 3 2016" This is the proof for the first run on October 6 2016. That email refers to an attachment labeled "10-6 Ralph Tomas CMYK", also attached to this email. I cannot locate an email reply to the Wakulla News approving this proof. I think I approved this proof with a phone call to Lynda Kinsey. Also attached you will find correspondence labeled "Proof Oct 25 2016". Lynda Kinsey sent me a proof for the ad that ran on 10/27/16. Since the ad ran the prior three weeks, I reviewed the ad for content changes, specifically the addition of two endorsements and a sample ballot image. The proof was missing the disclaimer. Unfortunately, I did not catch this mistake. I assumed that it would be there, since it was there for the three weeks prior. My focus was on the content changes for this week. The proof without the disclaimer is attached to this email labeled "10-27 Ralph Thomas".

Attached you will find correspondence labeled "Proof Oct 21 2016" along with an ad attached to that email labeled "11-1 Ralph Thomas WN". This ad has not previously been included in this case. Also attached, you will find "Wakulla News Correspondence Oct 23 2016". In this email, I approved the proof labeled "11-1 Ralph Thomas". Also in this email I requested the "Firetruck" ad "Public Safety". You will see in this email, I sent an example of the firetruck ad that I wanted to run. The example did not include the disclaimer because it was a screen shot of the back page of a mail piece that I used. The disclaimer was on the other side of the mail piece. I specifically asked for the ad to be rebuilt and my attachment was sent for layout purposes only. It never crossed my mind that the disclaimer would be missed on this ad, because I had ran ads with the Wakulla News during two campaigns and I never had a problem, nor had I ever heard of the disclaimer being left out of anyone's ad. Unfortunately, the ad that they ran was done so without ever sending me a proof. I am certain of this as I never received a proof by email, nor did I approve the final ad over the phone or in person.

To the best of my knowledge, I have provided everything requested of me. If you need additional clarification, do not hesitate to let me know. Have a great day!

Ralph Thomas
850-251-0415

On Tue, Mar 21, 2017 at 3:28 PM, Keith Smith <Keith.Smith@myfloridalegal.com> wrote:

Mr. Thomas:

Thanks for taking the time to speak with me over the phone this afternoon. Included as an attachment is a series of statements that summarizes our discussion regarding the allegations. Please note that #5 includes the dates that the ads ran in consecutive weeks, which I got from your response.

As a reminder, please include copies of any e-mail exchanges between you and the newspaper regarding the approval process.

Thank you for your cooperation in this matter. Please let me know if you have any questions.

EXHIBIT 10 (2 of 2)

AFFIDAVIT OF FILING OFFICER

STATE OF FLORIDA
County of Wakulla

Henry F. Wells, 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 matters stated herein. I am currently employed by Wakulla County as Supervisor of Elections.

3. Please provide copies of the listed items from the following candidate's campaign file: **Ralph Thomas**.

Check	ITEM
✓	**The Statement of Candidate form.**
✓	**Appointments of Treasurers and Designation of Campaign Depository form.**
✓	**Any and all checks issued by the candidate's campaign to your office (qualifying fee, etc.)**

4. Please check each item provided to the candidate or his staff, and list the date that the item was provided.

Check	ITEM	DATE
✓	**Chapter 106, *Florida Statutes*** Also chapter 105	OCT 13, 2015
✓	***Candidate and Campaign Treasurer Handbook*** Please indicate Year. <Enter Year>	OCT 13, 2015
✓	**Other:**[1] Reporting DATES	OCT 13, 2015

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

- Publications are given directly to the candidate and/or his staff.
  Except Candidate / Treasurer Hand Book — informed it was available on the office web site

[1] Any local publications relative to the Election laws that may have been provided in lieu of the Candidate and Campaign Treasurer Handbook published by the Division of Elections. If your office published the item(s), please send a copy of the item(s) with the affidavit.

EXHIBIT 11 (1 of 3)

- ○ Publications are available in the office, candidate and/or his staff are advised to pick-up the publications for themselves.

- ● Candidate and/or his staff are advised to download copies of the publications from our website or the Division of Elections' website.

- ○ Other, please explain. _____

6. Did your office offer any candidate workshops or training seminars prior to the November 8, 2016 election? ☐ Yes or ☒ No. If yes, please list all workshops/training seminars that were attended by the candidate and/or his 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.

2012 General Election For County Commissioner Dist 1
Three candidates in Race Thomas = 7,547 (52.85%)
Brock = 4,207 (29.46%) — Jerry Brock = 2,526 (17.68%)

7. Does your office have any record of Ralph Thomas having sought elective office within your jurisdiction prior to the 2016 election? ☒ Yes or ☐ No. If yes, please list the previous office(s) he ran for, the date(s) of the election(s), and the result(s) of the election(s).

8. Did you or any member from your staff have any conversations with Ralph Thomas concerning a provision of Chapter 106, Florida Statutes, at any time during his 2016 campaign? ☒ Yes or ☐ No. 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.

Spoke on phone about Non-partison elections and Reporting Dates of campaign finance.

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

EXHIBIT 11 (2023)

H. J. WELLS

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 27 day of December, 2016

Celina L. Greene

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

CELINA L. GREENE
MY COMMISSION # GG 005499
EXPIRES: June 23, 2020
Bonded Thru Budget Notary Services

Personally Known X or Produced Identification _____

Type of Identification Produced: _____

Case investigator: KS

EXHIBIT 11 (3 of 3)

STATEMENT OF CANDIDATE

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

RECEIVED
2015 OCT 13 P 1:01
SUPERVISOR OF ELECTIONS
PASCO COUNTY, FLORIDA

I, Ralph C Thomas Jr,

candidate for the office of County Commission District 1;

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

X Ralph C Thomas
Signature of Candidate

10/13/15
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).

DS-DE 84 (05/11)

EXHIBIT 12

FLORIDA ELECTIONS COMMISSION
107 W. Gaines Street,
Suite 224 Collins Building
Tallahassee, Florida 32399-1050
Telephone: (850) 922-4539
Fax: (850) 921-0783

February 23, 2017

Ralph Thomas
637 Hunters Trace
Crawfordville, FL 32327

RE: Case No.: FEC 16-660; Respondent: Ralph Thomas

Dear Mr. Thomas:

On November 3, 2016, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more legally sufficient allegations. The Commission staff will investigate the following alleged violation:

> **Section 106.143(1)(a), Florida Statutes:** Respondent, a 2016 candidate for Wakulla County Commission, District 1, paid for and distributed political advertisements that contained express advocacy but did not include proper disclaimers, as alleged in the complaint.

You may respond to the allegation above by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegation. Your response will be included as an attachment to the investigator's report.

When we conclude the investigation, a copy of the Report of Investigation will be mailed to you at the above address. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. A copy of the Staff Recommendation will be mailed to you and you may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause.

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapters 104 or 106, Florida Statutes. You and the complainant 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. You will have the opportunity to make a brief oral

statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence.

At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement.

The Report of Investigation, Staff Recommendation, and Notice of Hearing will be mailed to the above address as this letter. Therefore, if your address changes, you must notify this office of your new address. Otherwise, you may not receive these important documents. 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. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you 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 or need additional information, please contact **Keith Smith**, the investigator assigned to this case.

Sincerely,

Amy McKeever Toman
Executive Director

AMT/dam

Re: Case No FEC 16-660
Florida Elections Commission to: Ralph Thomas 11/14/2016 11:12 AM
Sent by: Donna Malphurs

From: Florida Elections Commission/OAG
To: Ralph Thomas <wakullaboy@gmail.com>

thank you

Ralph Thomas Please accept this email as an official waiver of... 11/14/2016 10:31:30 AM

From: Ralph Thomas <wakullaboy@gmail.com>
To: Florida Elections Commission <fec@myfloridalegal.com>
Date: 11/14/2016 10:31 AM
Subject: Case No FEC 16-660

Please accept this email as an official waiver of confidentiality for this case.
Thank you!
Ralph Thomas
850-251-0415

STATE OF FLORIDA

FLORIDA ELECTIONS COMMISSION

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

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: William Anderson Work Phone: (___)_____

Address: 2481 Surf Rd Home Phone: (770) 789 2388

City: Panacea County: Wakulla State: Fl Zip Code: 32346

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: Ralph Thomas 850 251 0415

Address: 637 Hunters Trace Phone: (850)5973858

City: Crawfordville County: Wakulla State: Fl Zip Code: 32327

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

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.

See attached

Additional materials attached (check one)? ☒Yes ☐No

5 pages attached

4. OATH

STATE OF FLORIDA
COUNTY OF Leon

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

William Anderson
Original Signature of Person Bringing Complaint

JAMES MULLINS
Notary Public, State of Florida
Commission# FF 955569
My comm. expires Jan. 28, 2020

RECEIVED
2016 NOV -3 P 2:38

Sworn to and subscribed before me this 3rd day of November, 20 16

Signature of Officer Authorized to Administer Oaths or Notary public.

James Mullins
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known_______ Or Produced Identification ✓

Type of Identification Produced FLDL

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.

Two separate political advertisements appeared in the October 27, 2016 *Wakulla News*, a Florida newspaper with a circulation of 4,500. One ad appeared on page 8A of the first section of the newspaper and is attached as Ad 1, and the second appeared on page 1B of the second section of the newspaper and is attached as Ad 2. Neither ad includes any disclaimer showing who paid for and/or approved the ad. Both ads clearly are political ads calling for the re-election of Ralph Thomas as a Wakulla County commissioner, and refer readers to his campaign webpage; in addition, one ad shows his photo and his contact phone number.

Without a disclaimer, the voting public is clearly being misled as to who is behind these ads, but if candidate Thomas did not pay for or approve them he must know who is responsible for the ads and who is misleading the voting public in his behalf. Based on the detailed specific information in such ads, if candidate Thomas did not pay for or approve such ads, he probably furnished the advertising party with the information in such ads without oversight to whether such ads contained a disclaimer in violation of Florida Statute 104.091.

Both ads violate Florida Statute 106.143, including without limitation, sections 106.143 (1), (5) and (10).

In the November 3, 2016 *Wakulla News* the same two ads appear and are attached as Ad 3 and Ad 4, except in this edition both ads include the disclaimer " Paid for by Ralph Thomas for County Commission, District 1." The week earlier two separate ads omitted this or any disclaimer in violation of the Florida Statutes listed above.

AD 1

Boys team and Martin dominate district meet

Cross Country, Page 2B

Girls win district title

Golf, Page 2B

Sports

sports news and team views

AD 2

Commissioner Thomas Protects Public Safety!

Protecting Public Safety requires wise decisions and proper funding, not campaign rhetoric and misleading campaign signs. Let's take a look at who actually got the job done.

Re-Elect Commissioner Thomas!

Commissioner Thomas voted for an increase to Public Safety funding. His opponent voted against it! On September 21, 2015, Commissioner Thomas voted to change the allocation of the One Cent Sales Tax that increased revenue for Public Safety by **$195,475 annually** without placing any additional tax burden on Wakulla County Citizens.

Prior to 2015, the Public Safety portion of the One Cent Sales tax was only used to purchase ambulances and Sheriff vehicles. It has never been used to purchase fire trucks. Wakulla County Firefighters need a dedicated, predictable funding source for their operational expenses and their equipment expenses. This re-allocation of the One Cent Sales tax provided additional revenue to Public Safety, which made it possible to use the One Cent Sales Tax to purchase fire trucks for the first time in Wakulla County history. Shifting this expense out of the Fire MSBU fund and into the One Cent Sales Tax fund, freed up significant revenue in the Fire MSBU fund, making it easier to fund firefighter's salaries and operational expenses from the Fire MSBU fund. **Commissioner Thomas voted for this re-allocation. His opponent voted against it.**

The Public Safety re-allocation was recommended by a citizens advisory group who serve on the One Cent Sales Tax Committee, after holding public meetings and considering the needs of Wakulla County. **Commissioner Thomas agreed with the citizens and voted for the re-allocation. His opponent voted against the citizens' recommendations.**

Learn more about this at www.forwakulla.com

Commissioner Thomas promised to not raise your taxes. He promised to make wise decisions to spend your hard earned tax dollars efficiently while working within the budget currently available, just like you do with your personal budget. Commissioner Thomas kept his promise and has never voted for a tax increase. Instead, he voted for this re-allocation which provided an additional $195,475 annually, in revenue to Public Safety, without causing an additional burden on tax payers.

Commissioner Thomas' opponent voted against this wise re-allocation and instead, voted for a tax increase for the Fire MSBU, even though the cost of replacing fire trucks was shifted out of the Fire MSBU fund and into the One Cent Sales Tax fund.

The choice is clear!
On November 8, 2016, vote for Ralph Thomas.
He will keep our County safe!

COUNTY COMMISSIONER DISTRICT 1
(VOTE FOR ONE)

○ **Howard Kessler**
● **Ralph C. Thomas**

event in Panacea's Woolley Park was a hit with children and parents alike on Oct. 31. The evening was sponsored by Panacea

WHS Homecoming 2016

PHOTOS BY [illegible]

Wakulla High School was alive with stunts, floats, music and War Eagle spirit for the Homecoming Parade and Pep Rally on Oct. 28. The Homecoming revelry began with special events throughout the week, culminating in an action-packed dance off and parade at the football field. See many more photos on The Wakulla News

2016 Election

Contributions & Expenditures

County commissioner District 1

Howard Kessler: $16,022 total contributions; $10,267 total expenditures.

Reporting period Oct. 1 to Oct. 7: $200 in contributions; $981.96 in expenditures.

Contributions:

• Don Allen, Crawfordville, $20.

• Chris Parkinson, Sopchoppy, retired, $150.

• Carlotte Huler, Tallahassee, $30.

Expenditures:

• Staples, Tallahassee, copies, $10.45.

• U.S. Post Office, Crawfordville, postage, $94.

• Modern Mailers, Tallahassee, mail out, $877.51.

Reporting period Oct. 8 to Oct. 14: $325 in contributions; $94.68 in expenditures.

Contributions:

• Barbara Judd, Tallahassee, $100.

• Ron Saff, Tallahassee, physician, $75.

• Dorothy Skofronick, Tallahassee, $50.

• Jim Hilyer, Crawfordville, $100.

Expenditures:

• U.S. Post Office, postage, $94.68.

Ralph Thomas: $19,845 total contributions; $12,109 total expenditures.

Reporting period Sept. 17 to Sept. 30: $5,490 contributions; $470.05 in expenditures.

Contributions:

• Collins Forman, Fort Lauderdale, attorney, $500.

• Miles Forman, Davie, attorney, $500.

• Raker's Crossing LLC, Davie, $500.

• Muir Woods LLC, Davie, $500.

• Crawfordville Hwy. LLC, Fort Lauderdale, $500.

• Capital City Bank, Crawfordville $40.

• Pamela Shields, St. Marks, $100.

• Andrea Lowe, Crawfordville, $25.

• Jacqueline Lowe, Crawfordville, $25.

• Sandra Vidak, Crawfordville, $100.

• Wakulla Republican Executive Commitee, Crawfordville, $2,500.

• Rob Olin, Crawfordville, oyster farmer, $200.

Expenditures:

• Facebook, Menlo Park, Calif., advertising, $250.10.

• Walmart, Crawfordville, pet food donation to animal control, $122.95.

• U.S. Postal Service, Crawfordville, stamps, $47.

• Wakulla Senior Center, donation, $50.

Reporting period Oct. 1 to Oct. 7: $1,000 contributions; $4,362.67 in expenditures.

Contributions:

• Guy Revell, Crawfordville, retired, $1,000.

Expenditures:

• Facebook, Menlo Park, Calif., advertising, $229.46.

•Gulf Coast Lumber, Crawfordville, sign materials, $140.12.

• Ace Home Center, Crawfordville, sign materials, $9.94.

• Ace Home Center, sign materials, $3.20.

• Magic Broadcasting, Tallahassee, advertising, $1,202.

•TCB Marketing, Tallahassee, advertising, $692.95.

• The Wakulla News, Crawfordville, advertising, $2,085.

County commissioner District 3

John Shuff: $16,503.02 total contributions; $7,888.80 total expenditures.

Reporting period Sept. 17 to Sept. 30: $2,850 contributions; $100 in expenditures.

Contributions:

• Wakulla County Republican Committee, $2,500.

• Dallas Marshall, Tallahassee, $50.

• Olin and Associates LLC, Crawfordville, consultant, $200.

• Robert Roddenberry, Sopchoppy, Realtor semi-retired, $100.

Expenditures:

• Wakulla Senior Center, Crawfordville, donation, $100.

Reporting period Oct. 1 to Oct. 7: $0 contributions; $0 in expenditures.

Mike Stewart: $5,975.08 total contributions; $5,064.16 total expenditures.

Reporting period Sept. 3 to Sept. 16: $400 contributions; $0 in expenditures.

Contributions:

• Cathy Armour, Crawfordville, mechanic, $25.

Expenditures:

• Wakulla County, sign permit, $30.

• Southeastern Sign Services, Crawfordville, billboard vinyls, $200.

Reporting period Oct. 8 to Oct. 14: $0 contributions; $273.11 in expenditures.

Continued on next page

AD3

Boys team, girls Martin, Langston advance to State

Cross Country, Page 2B

2016 Election

Kessler, Thomas answer questions, Page 7B

Sports

sports news and team views

AD4

Commissioner Thomas Protects Public Safety!

Protecting Public Safety requires wise decisions and proper funding, not campaign rhetoric and misleading campaign signs. Let's take a look at who actually got the job done.

Re-Elect Commissioner Thomas!

Commissioner Thomas voted for an increase to Public Safety funding. His opponent voted against it! On September 21, 2015, Commissioner Thomas voted to change the allocation of the One Cent Sales Tax that increased revenue for Public Safety by **$195,475 annually** without placing any additional tax burden on Wakulla County Citizens.

Prior to 2015, the Public Safety portion of the One Cent Sales tax was only used to purchase ambulances and Sheriff vehicles. It has never been used to purchase fire trucks. Wakulla County Firefighters need a dedicated, predictable funding source for their operational expenses and their equipment expenses. This re-allocation of the One Cent Sales tax provided additional revenue to Public Safety, which made it possible to use the One Cent Sales Tax to purchase fire trucks for the first time in Wakulla County history. Shifting this expense out of the Fire MSBU fund and into the One Cent Sales Tax fund, freed up significant revenue in the Fire MSBU fund, making it easier to fund firefighter's salaries and operational expenses from the Fire MSBU fund. **Commissioner Thomas voted for this re-allocation. His opponent voted against it.**

The Public Safety re-allocation was recommended by a citizens advisory group who serve on the One Cent Sales Tax Committee, after holding public meetings and considering the needs of Wakulla County. **Commissioner Thomas agreed with the citizens and voted for the re-allocation. His opponent voted against the citizens' recommendations.**

Learn more about this at www.forwakulla.com

Commissioner Thomas promised to not raise your taxes. He promised to make wise decisions to spend your hard earned tax dollars efficiently while working within the budget currently available, just like you do with your personal budget. Commissioner Thomas kept his promise and has never voted for a tax increase. Instead, he voted for this re-allocation which provided an additional $195,475 annually, in revenue to Public Safety, without causing an additional burden on tax payers.

Commissioner Thomas' opponent voted against this wise re-allocation and instead, voted for a tax increase for the Fire MSBU, even though the cost of replacing fire trucks was shifted out of the Fire MSBU fund and into the One Cent Sales Tax fund.

The choice is clear!
On November 8, 2016, vote for Ralph Thomas.
He will keep our County safe!

Paid for by Ralph Thomas for County Commission, District 1.

COUNTY COMMISSIONER
DISTRICT 1
(VOTE FOR ONE)

○ **Howard Kessler**
● **Ralph C. Thomas**