

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Florida HIV AIDS PAC

Case No.: FEC 16-453

TO: Emmett Mitchell, IV, Esquire
Coates Law Firm PL
115 East Park Avenue, Ste. 1
Tallahassee, FL 32301

Division of Elections
500 S Bronough Street, Room 316
Tallahassee, FL 32399

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **February 28, 2017 at 11:00 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
February 13, 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.

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC-16-453

NAME: FLORIDA HIV AIDS PAC

DATE APPEAL RECEIVED: 8/30/16

DATE REPORT DUE: 7/22/16 (2016 P2A)

DATE OF ELECTRONIC RECEIPT: 7/21/16¹

DATE FILING OFFICER RECEIVED REPORT: 7/21/16

NUMBER OF DAYS LATE: 0

AMOUNT OF FINE: \$175.00

FINE BASED ON: () NUMBER OF DAYS () 25% OF RECEIPTS (X) 25% OF EXPENDITURES

TOTAL RECEIPTS FOR REPORTING PERIOD: \$0

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$700.00

DATE FIRST NOTIFICATION WAS SENT: 8/23/16

CANDIDATE []	STATE [X]
PC [X]	DISTRICT []
CCE []	COUNTY []
POLITICAL PARTY []	CITY []
ECO []	

SUMMARY: Florida HIV AIDS Pac is a political committee (PC) registered with the State of Florida. The PC's chair is Towson Fraser and its treasurer is Ms. Abby Dupree. Mr. Emmett Mitchell IV is representing this PC.

The PC is appealing the fine claiming that unusual circumstances existed that prevented the 2016 P2A Report to be timely filed. According to Mr. Mitchell IV, "The above entity wishes to appeal the fine of \$175 assessed by the Division of Elections on August 23, 2016, for the P2A report (weekly) due on July 22, 2016. The Committee timely filed a waiver notice on July 21, 2016, at 9:41 am, but subsequently discovered that it had made a single contribution in the amount of \$700 on July 10, 2016. Immediately upon discovery of the transaction, the Committee amended the P2A report (August 17, 2016) and was assessed a fine representing the maximum 25% of the total activity for the period".

- The 2016 P2A Report covers the time period from 7/9/16 through 7/15/16.
- The 2016 P2A Queued-Transactions Report reflects that this report was created on 7/21/16 at approximately 9:39 am, before being filed on 7/21/16 at approximately 9:40 am².
- In a 10/26/16 email with Kristi Reid-Bronson, FEC staff was informed, "The committee filed a notice of no activity (waiver) on 7-21-16. A waiver is not a report. On 8-17-16, the committee filed a report showing \$700 of activity. The fine is based on 25% of the activity.

PRIOR CASES: This PC has been involved in one prior FEC investigation. FEC 16-177; automatic default final order.

¹ Respondent initially filed a waiver that reflected no activity occurred during the 2016 P2A reporting period. Respondent later filed a 2016 P2A Report to reflect financial activity.

² The report discussed in this bullet refers to the waiver that reflected zero activity.

COATES LAW FIRM, PL
ATTORNEYS AT LAW

RICHARD E. COATES
EMMETT MITCHELL, IV
ROGER N. BEAUBIEN

115 EAST PARK AVENUE, SUITE 1
TALLAHASSEE, FLORIDA 32301
(850) 681-1029
FAX: (208) 248-9038

August 30, 2016

Amy Toman
Executive Director
Florida Elections Commission
107 West Gaines Street, Suite 224
Tallahassee, Florida 32399-0150

RE: Florida HIV AIDS PAC

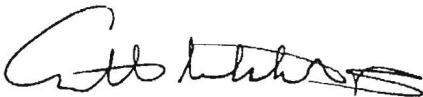
Dear Ms. Toman –

The above entity wishes to appeal the fine of \$175 assessed by the Division of Elections on August 23, 2016, for the P2A report (weekly) due on July 22, 2016. The Committee timely filed a waiver notice on July 21, 2016, at 9:41 a.m., but subsequently discovered that it had made a single contribution in the amount of \$700 on July 10, 2016.

Immediately upon discovery of the transaction, the Committee amended the P2A report (August 17, 2016) and was assessed a fine representing the maximum 25% of the total activity for the period. Attached for your information is the notice from the Division.

If you have any questions, please feel free to contact me.

Sincerely,



Emmett Mitchell, IV

cc: Division of Elections
Towson Fraser



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

August 23, 2016

Abby Dupree, Treasurer
Florida HIV AIDS PAC
2640-A Mitcham Drive
Tallahassee, FL 32308-2308

PAC 64858

Dear Ms. Dupree:

The campaign treasurer's report that was due on July 22, 2016, was filed on August 17, 2016. By law, you are automatically assessed a late fine of \$175.00.

You have 20 days from the receipt of this notice to either:

1. Pay the fine to the Florida Division of Elections (For a candidate only, a fine is not an allowable campaign expenditure and must be paid from personal funds) at:

*Florida Division of Elections
R.A. Gray Building, Room. 316
500 South Bronough Street
Tallahassee, Florida 32399-025011*

2. Appeal the fine to the Florida Elections Commission (See Rules 2B-1.005 and 2B-1.0055, Florida Administrative Code) at:

*Florida Elections Commission
107 West Gaines Street, Ste. 224
Tallahassee, Florida 32399-0150*

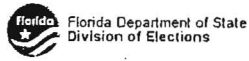
If you appeal, please send a copy also to the Florida Division of Elections so that you will not receive further notices from the Division about this matter.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

Kristi Reid Bronson, Chief
Bureau of Election Records

cc: Towson Fraser, Chairperson



Campaign Expenditures

Florida HIV AIDS PAC

This information is being provided as a convenience to the public, has been processed by the Division of Elections and should be cross referenced with the original report on file with the Division of Elections in case of questions
[About the Campaign Finance Data Base](#)

Rpt Yr	Rpt Type	Date	Amount	Expense Paid To	Address	City State Zip	Purpose	Typ	Reimb	
2016	P2A	07/10/2016	700.00	JOSE JAVIER RODRIGUEZ CAMPAIGN	P.O. BOX 350633	MIAMI, FL 33135	SENATE DISTRICT 37		CAN	
			700.00							

1 Expenditure(s) Selected

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)

**FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY**

(1) Florida HIV AIDS PAC (2) 64858
Candidate, Committee or Party Name I.D. Number

(3) 115 East Park Avenue, Suite 1 Tallahassee FL 32301
Address (number and street) City State Zip Code

Check box if address has changed since last report

(4) Check appropriate box(es):

Candidate (office sought):

Political Committee Check If PC has DISBANDED

Committee of Continuous Existence Check If CCE has DISBANDED

Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 07/09/2016 To 07/15/2016 Report Type: P2A

Original Amendment Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$0.00
Loans	\$0.00
<i>Total Monetary</i>	\$0.00
In-Kind	\$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$700.00
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$700.00

(8) Other Distributions

Certification

It is a first degree misdemeanor for any person to falsify a public record (ss.839.13, F.S.)

I certify that I have examined this report and it is true, correct and complete

Name of Treasurer Deputy Treasurer

X
Signature

I certify that I have examined this report and it is true, correct and complete

Name of Candidate Chairman (PC/PTY Only)

X
Signature

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

Name: Florida HIV AIDS PAC

Report: 2016 P2A

Period: 07/09/2016 to 07/15/2016

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Contributor	Occupation	Amount
		Type	In-Kind Description	Amend

Name: Florida HIV AIDS PAC

Report: 2016 P2A

Period: 07/09/2016 to 07/15/2016

** Records in Filed Report **

Seq #	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount
Date				Amend
1	JOSE JAVIER RODRIGUEZ CAMPAIGN, (Office: STS 037) P.O. BOX 350633 MIAMI, FL 33135	CAN	SENATE DISTRICT 37	\$700.00
07/10/2016				ADD

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED DISTRIBUTIONS

Name: Florida HIV AIDS PAC

Report: 2016 P2A

Period: 07/09/2016 to 07/15/2016

**** Records in Filed Report ****

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Recipient	Purpose	Amount
		Type	Related Expenditure	Amend

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED FUND TRANSFERS

Name: Florida HIV AIDS PAC

Report: 2016 P2A

Period: 07/09/2016 to 07/15/2016

**** Records in Filed Report ****

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Nature of Account	Amount Amend

Queued Items for 2016-P2AAccount: **64858****Florida HIV AIDS PAC**

Rpt Seq: 14

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	64858	7/21/2016 9:39:41 AM	7/21/2016 9:39:41 AM
Review Pending Report	Processing Complete	64858	7/21/2016 9:39:45 AM	7/21/2016 9:39:45 AM
File Pending Report	Processing Complete	64858	7/21/2016 9:40:14 AM	7/21/2016 9:40:14 AM
Amend Filed Report	Processing Complete	64858	8/17/2016 12:44:23 PM	8/17/2016 12:44:23 PM
Review Pending Report	Processing Complete	64858	8/17/2016 12:46:20 PM	8/17/2016 12:46:20 PM
Review Pending Report	Processing Complete	64858	8/17/2016 12:46:59 PM	8/17/2016 12:46:59 PM
Review Pending Report	Processing Complete	64858	8/17/2016 12:47:26 PM	8/17/2016 12:47:26 PM
File Pending Report	Processing Complete	64858	8/17/2016 12:47:43 PM	8/17/2016 12:47:43 PM



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Committee Name: Florida HIV AIDS PAC

Name:

Account: 64858

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
10/21/2016	G5	10/19/2016						
10/14/2016	G4	10/11/2016						
10/7/2016	G3	10/6/2016						
9/30/2016	G2A	9/30/2016						
9/23/2016	G2	9/21/2016						
9/16/2016	G1A	9/14/2016						
9/9/2016	G1	9/6/2016						
9/2/2016	P7A	8/31/2016						
8/26/2016	P7	8/26/2016						
8/19/2016	P6	8/19/2016						
8/12/2016	P5	8/11/2016						
8/5/2016	P4	8/4/2016						
7/29/2016	P3	7/29/2016						
7/22/2016	P2A	7/21/2016	APP	0	\$175.00		\$175.00	\$0.00
7/15/2016	P2	7/11/2016						
7/8/2016	P1A	7/11/2016	CLO	0	\$3.00		\$3.00	\$3.00
7/1/2016	P1	6/27/2016						
6/10/2016	M5	6/6/2016						
5/10/2016	M4	5/9/2016						
4/11/2016	M3	4/11/2016						
3/10/2016	M2	3/10/2016						
2/10/2016	M1	2/11/2016	CLO	1	\$50.00		\$50.00	\$50.00
1/11/2016	M12	1/11/2016						
12/10/2015	M11	12/4/2015						
11/10/2015	M10	11/9/2015						
10/13/2015	M9	10/13/2015						
9/10/2015	M8	9/10/2015						



**Florida Department of State
Division of Elections**

Florida HIV AIDS PAC

Campaign Finance Activity

Note: The information presented below was obtained from the Committee's/Candidate's Campaign Treasurer's Report filed with the Division of Elections. About the Campaign Finance Data Base. If all contributions for a reporting period are less than 1 dollar Then they may not be displayed.

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
<input type="radio"/>	08/01/2015 - 08/31/2015	10,000.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	09/01/2015 - 09/30/2015	0.00	0.00	0.00	500.00	0.00	0.00
<input type="radio"/>	10/01/2015 - 10/31/2015	0.00	0.00	0.00	1,000.00	0.00	0.00
<input type="radio"/>	11/01/2015 - 11/30/2015	0.00	0.00	0.00	2,000.00	0.00	0.00
<input type="radio"/>	12/01/2015 - 12/31/2015	0.00	0.00	0.00	1,500.00	0.00	0.00
<input type="radio"/>	01/01/2016 - 01/31/2016	0.00	0.00	0.00	750.00	0.00	0.00
<input type="radio"/>	02/01/2016 - 02/29/2016	0.00	0.00	0.00	500.00	0.00	0.00
W	03/01/2016 - 03/31/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	04/01/2016 - 04/30/2016	0.00	0.00	0.00	1,500.00	0.00	0.00
<input type="radio"/>	05/01/2016 - 05/31/2016	0.00	0.00	0.00	1,512.00	0.00	0.00
W	06/01/2016 - 06/24/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	06/25/2016 - 07/01/2016	0.00	0.00	0.00	12.00	0.00	0.00
W	07/02/2016 - 07/08/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	07/09/2016 - 07/15/2016	0.00	0.00	0.00	700.00	0.00	0.00
<input type="radio"/>	07/16/2016 - 07/22/2016	10,000.00	0.00	0.00	0.00	0.00	0.00
W	07/23/2016 - 07/29/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	07/30/2016 - 08/05/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	08/06/2016 - 08/12/2016	0.00	0.00	0.00	9,500.00	0.00	0.00
W	08/13/2016 - 08/25/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	08/26/2016 - 08/26/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	08/27/2016 - 09/02/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	09/03/2016 - 09/09/2016	0.00	0.00	0.00	0.00	0.00	0.00

W	09/10/2016 - 09/16/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	09/17/2016 - 09/23/2016	0.00	0.00	0.00	-1,000.00	0.00	0.00
<input type="radio"/>	09/24/2016 - 09/30/2016	0.00	0.00	0.00	1,159.25	0.00	0.00
W	10/01/2016 - 10/07/2016	0.00	0.00	0.00	0.00	0.00	0.00
W	10/08/2016 - 10/14/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input checked="" type="radio"/>	All Dates (Totals)	20,000.00	0.00	0.00	19,633.25	0.00	0.00

Note: (E) indicates that report was filed electronically

X Indicates that detail has not been released

W Indicates that a waiver was filed and **L** Indicates that a loan report was filed

Select Detail Type

Contributions

Select Sort Order

Date(Ascending)

Select Output Type

Display On Screen

[Query the Campaign Finance Data Base](#)

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RE: Acct #64858
Bronson, Kristi R.
to:
Cedric Oliver
10/26/2016 11:39 AM
Hide Details
From: "Bronson, Kristi R." <Kristi.Bronson@DOS.MyFlorida.com>
To: Cedric Oliver <Cedric.Oliver@myfloridalegal.com>

The committee filed a notice of no activity (waiver) on 7-21-16. A waiver is not a report. On 8-17-16, the committee filed a report showing \$700 of activity. The fine is based on 25% of the activity.

Regards,

*Kristi Reid Bronson, Chief
Division of Elections,
Bureau of Election Records
(850) 245-6240*

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided. Please note: Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

From: Cedric Oliver [<mailto:Cedric.Oliver@myfloridalegal.com>]
Sent: Wednesday, October 26, 2016 9:26 AM
To: Bronson, Kristi R.
Subject: Acct #64858

Kristi, Could you please explain the discrepancy for this PC's 2016 P2A Report. DOE records reflect that this report was filed on 7/21/16, which is 1 day before the report was due. This PC was fined \$175.00.

The Department of State is committed to excellence.
Please take our [Customer Satisfaction Survey](#).