

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Mildred "Millie" Lester**

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**Case No.: FEC 16-303**

**TO:** Mildred "Millie" Lester  
6945 NW 14th Place  
Margate, FL 33063

Anthony N. Caggiano  
7856 NW 1st Street  
Margate, FL 33063

**NOTICE OF HEARING (CONSENT ORDER)**

A hearing will be held in this case before the Florida Elections Commission on, **November 16, 2016 at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

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

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

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

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

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

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

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

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

**See further instructions on the reverse side.**

**Amy McKeever Toman**  
Executive Director  
Florida Elections Commission  
November 1, 2016

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

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

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

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

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

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

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

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Mildred Millie Lester**

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**Case No.: FEC 16-303  
F.O. No.: FOFEC**

**CONSENT ORDER**

Respondent, **Mildred Millie Lester**, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all pending issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order.

**FINDINGS OF FACT**

1. Respondent is a candidate for the Margate City Commission, Seat 1 for the November 8, 2016 election.

2. On August 11, 2016, the Commission received a sworn complaint alleging that Respondent violated the following section(s) of The Florida Election Code on one occasion:

**Section 106.143(1)(a), Florida Statutes** Respondent, a 2016 candidate for the Margate City Commission, Seat 1, paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer, as alleged in the complaint.

3. No other legally sufficient violation of Chapter 104 or 106, Florida Statutes, was alleged in the complaint.

4. Respondent against whom the complaint was filed has not been notified of an allegation of the same violation before the conduct about which the complaint was filed.

5. If the alleged violation occurred less than 14 days before the election in which the

Respondent is participating, the complainant did not allege that the political advertisement was either deceptive or influenced the outcome of the election.

6. Respondent used her name in the political advertisement.

### **CONCLUSIONS OF LAW**

7. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

8. The Commission considers the allegation contained in the complaint a minor violation, pursuant to Rule 2B-1.003, Florida Administrative Code.

9. Respondent neither admits nor denies that she violated Section 106.143(1)(a), Florida Statutes, on one occasion.

### **ORDER**

10. Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.

11. Respondent shall bear her own attorney fees and costs that are in anyway associated with this case.

12. Respondent understands that before the Consent Order is final agency action, it must be approved by the Commission. The Commission will consider the Consent Order at its next available meeting.

13. Respondent voluntarily waives the right to any further proceedings under Chapters 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

14. Respondent will carefully review Chapter 106, Florida Statutes, and avoid any future violation of the chapter.

15. Respondent agrees to correct immediately, if feasible, the violations alleged in the


complaint.

16. If the Commission does not receive the signed Consent Order and payment by the close of business on October 24, 2016, the staff withdraws this offer of settlement and will proceed with an investigation of the allegations in the complaint.

17. Respondent shall remit to the Commission a civil penalty in the amount of \$250. The civil penalty shall be paid by money order, cashier's check, or attorney trust account check and be valid for 120 days from the date of its issuance. The civil penalty shall be made payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050, as a condition precedent to the Commission's execution of this Consent Order.


**Respondent** hereby agrees and consents to the terms of this Consent Order on

Oct 11, 2016.

  
Mildred Millie Lester  
6945 NW 14<sup>th</sup> Place  
Margate, FL 33063

The **Commission staff** hereby agrees and consents to the terms of this Consent Order on

October 17, 2016.

  
Stephanie Cunningham, Assistant General Counsel  
Florida Elections Commission  
107 West Gaines Street  
Collins Building, Suite 224  
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting on  
November 16-17, 2016.

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M. Thomas Scott, Chairman  
Florida Elections Commission

Copies furnished to:  
Stephanie Cunningham, Assistant General Counsel  
Mildred Millie Lester, Respondent  
Anthony N. Caggiano, Complainant

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

**CHASE** 

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

Date 10/11/2016

1166118033

440

**Pay To The  
Order Of:***Florida Elections Commission*

\*\* 250.00 \*\*

**Pay:**

TWO HUNDRED FIFTY DOLLARS AND 00 CENTS

*Melissa Marie Brown*

NOT VALID FOR MORE THAN \$1000.00

Do not write outside this box

SENDER/DRAWER:

*10915 NW 14th Ave Margie LP*

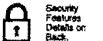
ADDRESS:

JPMorgan Chase Bank, N.A.  
Columbus, OH.

Memo:

*JEC- 16-303*

Note: For information only. Comment has no effect on bank's payment.





## FLORIDA ELECTIONS COMMISSION

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

October 4, 2016

Mildred Millie Lester  
6945 NW 14<sup>th</sup> Place  
Margate, FL 33063

**RE: Case No.: FEC 16-303: Respondent: Mildred Millie Lester**

Dear Ms. Lester:

The Florida Elections Commission has received a complaint alleging that you, the Respondent, have violated Section 106.143(1)(a), Florida Statutes, on one occasion. A copy of the complaint was previously provided to you.

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

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

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



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

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

**Section 106.143(1)(a), Florida Statutes** Respondent, a 2016 candidate for the Margate City Commission, Seat 1, paid for and distributed a political advertisement that contained express advocacy but did not include a proper disclaimer, as alleged in the complaint.

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

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

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

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

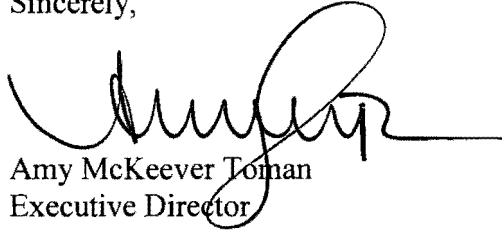
The staff recommendation and the notice of the probable cause hearing will be mailed to the same address as this letter. Therefore, if your address changes, you must notify the Commission of your new address. Otherwise, you may not receive the correspondence from the Commission staff. Failure to receive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

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

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

If you have any questions, please contact **Stephanie Cunningham**, at extension 107, or at the address listed above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy McKeever Toman', with a long horizontal flourish extending to the right.

Amy McKeever Toman  
Executive Director

Enclosures: Consent Order  
AMT/enr

16-303



Mildred "Millie" Lester

Millie Lester

to:

fec@myfloridalegal.com

08/15/2016 05:28 PM

Hide Details

From: Millie Lester &lt;simfie@hotmail.com&gt;

To: "fec@myfloridalegal.com" &lt;fec@myfloridalegal.com&gt;

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

August 15, 2016

Dear Erin Riley,

I received the Certified Mail 9214 8969 0099 9790 1609 6972 85, dated August 12, 2016

I am responding by email as I want to answer immediately.

As I ran by petition I sent out a thank you to everyone that signed my petition's .

As this is the first time running I did not realize that :

'Political Advertisement paid and Approved by Millie Lester, Candidate for Margate City Commission,  
Seat 1'  
needed to be on the bottom

I accept full responsibility to this. And accept whatever judgement the Commission finds for me.

As for the Section 106.25 Florida Statutes I am waiving my rights of confidentiality as the Respondent

Regards

Mildred "Millie" Lester

**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](http://www.fec.state.fl.us)

**CONFIDENTIAL COMPLAINT FORM**

RECEIVED

2011 AUG 11 A 9 22

STATE OF FLORIDA  
ELECTIONS COMMISSION

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

**1. PERSON BRINGING COMPLAINT:**

Name: Anthony N. Caggiano Work Phone: (754) 423-4260  
Address: 7856 NW 1st Street Home Phone: ( )  
City: Margate County: Broward State: Fl. Zip Code: 33063

**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: Mildred "Millie" Lester  
Address: 6945 NW 14th Place Phone: (954) 774-1092  
City: Margate County: Broward State: Fl. Zip Code: 33063

If individual is a candidate, list the office or position sought: Margate City Commissioner Seat 1

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

**3. ALLEGED VIOLATION(S):**

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

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

106.1439- (1) Any electioneering communication, other than a telephone call, shall prominently state: " Paid electioneering communication paid for by: (name and address of person paying for the communication.)"

(3) Any person who fails to include the disclaimer perscribed in this section in any electioneering communication that is required to contain such disclaimer commits a misdemeanor in the first degree...

The attached document that went out to all the people, that signed a petition, had no disclaimer attached.

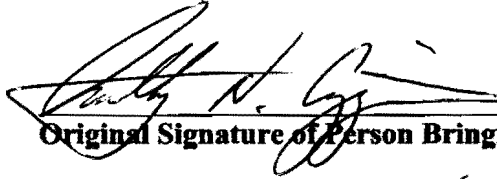
The minimum amount of petitions needed to be compiled for qualification was 323. Typically a candidate collects 30% more just to make sure there enough petitions to cover those that are tossed.

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

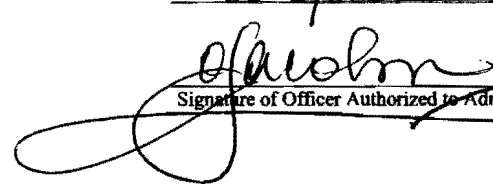
4. **OATH**

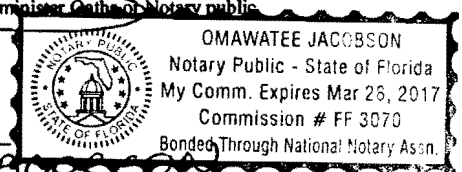
STATE OF FLORIDA  
COUNTY OF Broward

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

  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 5<sup>th</sup> day of  
August, 20 16

  
Signature of Officer Authorized to Administer Oaths of Notary public



OMAWATEE JACOBSON  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known \_\_\_\_\_ Or Produced Identification ☒

Type of Identification Produced FLORIDA DRIVER'S LIC

FDL# 

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.

***Millie Lester***  
A New Voice  
for City of Margate Commission Seat 1  
MLESTER 33063@gmail.com  
954-774-1092

Dear Constituent,

I want to thank you for the wonderful support that you have given me by signing my Petition to run for the City of Margate Commission Seat 1

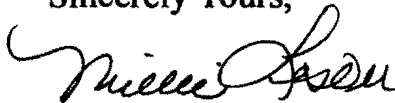
I received my letter from the Broward Supervisor of Elections stating I have been certified, that I have obtained the required number of petitions with valid signatures.

I am now eligible to qualify as a Candidate for the City of Margate Commission Seat 1

There is so much more that must be accomplished and in the months to follow you will be seeing my name and hearing from me.

I know that with your help and support, I can acquire this position and represent each and every one of you.

Sincerely Yours,

  
Millie Lester