



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050

Telephone: (850) 922-4539 · Facsimile: (850) 921-0783

FEC@myfloridalegal.com · www.fec.state.fl.us



Commission Meeting August 26, 2020 at 8:30AM via GoToWebinar and OpenVoice

In order to participate in the public portion of the August 26, 2020, Florida Elections Commission meeting, please follow the instructions below:

- A. GoToWebinar – Remote Video Conferencing
 1. Open your web browser and search GoToWebinar or enter www.gotowebinar.com
 2. Select Join A Webinar in the upper right corner of the website
 3. Enter the 9-digit Webinar ID: 602-468-659
And your email address
 4. Register your name and email address
 5. You will automatically join to the meeting as an attendee. Attendees are muted and can choose to their webcam.

- B. OpenVoice - Teleconference
 1. Call 1-866-901-6455
 2. Enter Audio Access Code 515-462-864
 3. You will automatically join the meeting as an attendee. Attendees are muted.

While this is a public meeting and advanced registration is not mandatory, we ask that if you plan to attend via Video Conference or Teleconference, that you notify our office in advance. This will give the Commission the opportunity to organize the agenda as efficiently as possible. It will be the goal of the Commission to hear cases in which parties are present, first, in order to reduce the standby time of the parties in attendance.

You can call or email our office of your intent to participate or of any questions you may have regarding this meeting. Please provide the case number(s) when contacting our office.

Thank you,

Commission Staff

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 **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: The Big Blue Tent

Case No.: FEC 19-184

TO: The Big Blue Tent
Tiffany N. Barnes, Chair
287 Revell Road
Crawfordville, FL 32327-2327

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

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission **on August 26, 2020 at 8:30 am, EST**, or as soon thereafter as the parties can be heard.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video or teleconference. Enclosed you will find additional details on joining the video conference via GoToWebinar, 9-Digit Meeting ID 602-468-659, or via teleconference by dialing (866) 901-6455 and entering the meeting access code 515-462-864, when prompted. If you wish to speak before the Commission, you will need to appear by webcam and will be sworn in remotely. Please be advised that the Commission will consider multiple cases, so you will need to wait until your case is considered. If you have any questions, please contact Commission staff at (850) 922-4539.

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 motions to dismiss 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 motions to dismiss 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. 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.

Tim Vaccaro

Executive Director
Florida Elections Commission
August 13, 2020

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: The Big Blue Tent

Case No.: FEC 19-184

TO: Tiffany N. Barnes, Chair
287 Revell Road
Crawfordville, FL 32327-2327

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

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on August 26, 2020 at 8:30 am, EST, or as soon thereafter as the parties can be heard.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video conference only. Prior to the meeting, the Commission office will send you a set of participant instructions, which will include login information for the meeting. Please be advised that the Commission will consider multiple cases that day, so you will need to wait until your case is considered. If you have questions, please contact Commission staff at (850) 922-4539.

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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 motions to dismiss or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

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

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See further instructions on the reverse side.

Tim Vaccaro
Executive Director
Florida Elections Commission
July 28, 2020

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 **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: The Big Blue Tent

Case No.: FEC 19-184

TO: Tiffany N. Barnes, Chair
287 Revell Road
Crawfordville, FL 32327-2327

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

NOTICE OF CANCELLATION OF HEARING (INFORMAL HEARING)

You are hereby notified that the previously scheduled **hearing for March 24-25, 2020 is cancelled**. It is anticipated that your case will be heard at the next regularly scheduled meeting, which is currently set for May 2020. A Notice of Hearing will be mailed approximately 14 days prior to the hearing date indicating the exact date, time, and location.

Tim Vaccaro

Executive Director
Florida Elections Commission
March 12, 2020

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: The Big Blue Tent

Case No.: FEC 19-184

TO: Tiffany N. Barnes, Chair
287 Revell Road
Crawfordville, FL 32327-2327

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

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **March 24, 2020 at 1:00 p.m., or as soon thereafter as the parties can be heard**, at the following location: **House Office Building, 404 South Monroe Street, Room 28-H, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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.

Tim Vaccaro

Executive Director
Florida Elections Commission
March 9, 2019

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.

FILED

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STATE OF FLORIDA
ELECTIONS COMMISSION

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 19-184

v.

**The Big Blue Tent,
Respondent.**

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on November 19, 2019, in Tallahassee, Florida.


On September 10, 2019, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

Count 1:

On or about January 10, 2019, The Big Blue Tent violated Section 106.07(7), Florida Statutes, when it failed to notify the filing officer in writing on the prescribed reporting date that it would not be filing its 2018 M12 Report.

The Commission finds that there is **no probable cause** to charge Respondent with violating Section 106.19(1)(c), Florida Statutes.

DONE AND ORDERED by the Florida Elections Commission on November 19, 2019.



Jori Alexis Poitier, Vice Chair
Florida Elections Commission

Copies furnished to:
Michael T. McGuckin, Assistant General Counsel
The Big Blue Tent, Respondent
Division of Elections, Complainant

NOTICE OF RIGHT TO A HEARING

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

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

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

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or

informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

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

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: The Big Blue Tent

Case No.: FEC 19-184

TO: The Big Blue Tent
Tiffany N. Barnes, Chair
287 Revell Road
Crawfordville, FL 32327-2327

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

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **November 19, 2019 at 9:00 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**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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:

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Tim Vaccaro

Executive Director
Florida Elections Commission
November 1, 2019

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

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

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: The Big Blue Tent

Case No.: FEC 19-184

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**, and that there is **no probable cause** to charge Respondent with violating **Section 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on August 19, 2019, the following facts and law support this staff recommendation:

1. On March 26, 2019, the Florida Elections Commission ("Commission") received a referral from the Department of State, Division of Elections ("Division"), alleging that The Big Blue Tent ("Respondent") violated Chapter 106, Florida Statutes.
2. Respondent is a political committee registered with the Division. (ROI Exhibit 2)¹
3. By letter dated June 5, 2019, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a political committee registered with the Division of Elections, failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the 2018 M12 reporting period.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a political committee registered with the Division of Elections, may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when it failed to file a report on the prescribed reporting date for the 2018 M12 reporting period.

4. By letter dated June 26, 2017, Kristi Reid Bronson, Chief, Bureau of Election Records, sent Respondent a letter acknowledging that the Division had received its Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees forms. (ROI Exhibit 3, page 1)

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

5. The acknowledgment letter advised Respondent that all political committees filing reports with the Division are required to use the electronic filing system (“EFS”), and provided Respondent with a user identification number and initial password to grant access to the EFS. (ROI Exhibit 3, page 1) The letter further advised Respondent that all of the Division’s publications and reporting forms were available on its website and directed Respondent to print out the *Calendar of Reporting Dates* as well as other relevant documents. (ROI Exhibit 3, page 3)

6. Respondent’s 2018 M12 Report was due to be filed by January 10, 2019; however, Respondent failed to timely file the report or notify the filing officer that no report would be filed. (ROI Exhibit 8, page 1) By letters dated January 11, 2019, January 23, 2019, and March 1, 2019, the Division notified Respondent that its 2018 M12 Report had not been received. The letters also notified Respondent that it was still required to notify the Division if the committee had no reportable financial activity. (ROI Exhibits 4 & 5) The March 1, 2019 letter was confirmed delivered. (ROI Exhibit 5, page 2)

7. A subpoena was issued to Respondent’s designated campaign depository to ascertain whether any financial activity occurred during the relevant reporting period, i.e., December 1, 2018 – December 31, 2018. The financial institution was unable to locate an account in Respondent’s name. (ROI Exhibit 6)

8. Tiffany N. Barnes, chairperson and treasurer for Respondent, stated that she did not submit a notice of no activity for the relevant reporting period as it was around the time her grandfather passed away. She also stated that all notices have now been filed with the Division. (ROI, p. 3, ¶15)

9. As it appears that Respondent had no financial activity, Respondent was required to notify the filing officer in writing that it would not be filing its 2018 M12 Report on the prescribed reporting date, but failed to do so. Therewith, it does not appear that Respondent falsely reported or deliberately failed to include information in its 2018 M12 Report as the report was waived due to a lack of reportable financial activity.

10. As of August 14, 2019, Respondent had not filed the report or submitted a notice of no activity. (ROI Exhibit 8, page 1)

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

12. The facts set forth above show that Respondent is a political committee registered with the Division. Respondent failed to timely file its 2018 M12 Report or notify the filing officer that no report would be filed. It appears that Respondent had no financial activity during

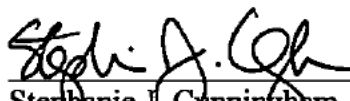
the relevant reporting period, and therefore, was required to notify the filing officer in writing that it would not be filing the committee's 2018 M12 Report on the prescribed reporting date, but failed to do so. Therewith, it does not appear that Respondent falsely reported or deliberately failed to include information in its 2018 M12 Report as the report was waived due to a lack of reportable financial activity.

Based upon these facts and circumstances, I recommend that the Commission find **no probable cause** to charge Respondent with violating **Section 106.19(1)(c), Florida Statutes**, and find **probable cause** to charge Respondent with violating the following:

Count 1:

On or about January 10, 2019, The Big Blue Tent violated Section 106.07(7), Florida Statutes, when it failed to notify the filing officer in writing on the prescribed reporting date that it would not be filing its 2018 M12 Report.

Respectfully submitted on September 10, 2019.



Stephanie J. Cunningham
Assistant General Counsel

I reviewed this Staff Recommendation this 10th day of September 2019.



Tim Vaccaro
Executive Director

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 19-184

Respondent: The Big Blue Tent

Complainant: Division of Elections

Pursuant to Section 106.25, Florida Statutes, on March 26, 2019, the Florida Elections Commission (Commission) received information from the Division of Elections (Division) alleging that Respondent violated Chapter 106, Florida Statutes. The Division's referral was mandated pursuant to Section 106.07(8)(d), Florida Statutes. Commission staff, therefore, investigated whether Respondent violated the following statutes:

Section 106.07(7), Florida Statutes, failure of a political committee that did not receive any contributions or make any expenditures during a reporting period to notify timely the filing officer, in writing, that no report is being filed; and

Section 106.19(1)(c), Florida Statutes, prohibiting a person or organization from falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes.

I. Preliminary Information:

1. Respondent, The Big Blue Tent, is a political committee currently registered with the Division. Respondent's chairperson is Tiffany N. Barnes.
2. Complainant is the Division.
3. Respondent's filing officer is Kristi Reid-Willis, Chief, Bureau of Election Records.
4. On June 9, 2017, an Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees form (DS-DE 6) was filed with the Division. Tiffany N. Barnes was appointed to serve as chairperson and treasurer for the political committee. To review the DS-DE 6 form, refer to Exhibit 1.
5. On June 23, 2017, a Statement of Organization of Political Committee form (DS-DE 5) was filed with the Division. Respondent's area, scope and jurisdiction are listed as, "Statewide political committee to support or oppose candidates for statewide, multicity, legislative, county, and municipal offices, and other activities not prohibited by Chapter 106 FS." To review the DS-DE 5 form, refer to Exhibit 2.

6. On June 26, 2017, Ms. Willis sent Ms. Barnes, in her capacity as Respondent's chairperson, a letter acknowledging Respondent had been placed on the active committee list. The letter advised Ms. Barnes that all committees filing reports with the Division are required to file by means of the Division's electronic filing system (EFS). Ms. Barnes was provided a user identification number and initial password allowing her access to the EFS.

7. The letter also advised Respondent's chairperson that all of the Division's publications and reporting forms are available on their website, including Chapter 106, Florida Statutes, the *Political Committee Handbook*, and the Calendar of Reporting Dates. The letter further advised Ms. Barnes that it was her responsibility to read, understand, and follow the requirements of Florida's election laws. To review the acknowledgement letter, refer to Exhibit 3.

8. On January 11 and January 23, 2019, the Division sent Respondent's chairperson letters stating she had not filed either a campaign report or notification that no reportable activity occurred and reminded her that the filing date was January 10, 2019. The letters were mailed to her at the address provided on the committee's DS-DE 5 form. To review a copy of the Division's letters, refer to Exhibit 4.

9. On March 1, 2019, the Division sent Respondent's chairperson a letter marked "Final Notice" stating that the committee's 2018 M12 report, or the required notification that no reportable activity occurred, had not been filed. The Final Notice was mailed to her at the address provided on the committee's DS-DE 5 form (Exhibit 2) and was delivered on March 2, 2019. To review the letter marked "Final Notice" as well as delivery confirmation, refer to Exhibit 5.

10. On March 26, 2019, the Commission received a referral from the Division alleging that Respondent failed to report campaign activity during the 2018 M12 reporting period, or in the alternative, failed to notify the filing officer that no report would be filed. The allegations will be discussed in the paragraphs that follow.

II. Alleged Violation of Section 106.07(7), Florida Statutes:

11. I investigated whether Respondent violated this section of the election laws by not notifying the filing officer, in writing, with a notification-of-no-activity that no report would be filed due to not receiving any contributions or making any expenditures during the 2018 M12 reporting period.

12. As per paragraph four, Respondent's DS-DE 6 form was filed with the Division on June 9, 2017; Respondent's chairperson designated Capital City Bank as the campaign depository. A subpoena was issued to the designated campaign depository for Respondent's campaign account records. Valerie Gould, a representative with the bank, provided a letter stating, in part, "We do not have any records documenting a client with the name as specified on the subpoena¹." To review a copy of the letter from the bank, refer to Exhibit 6.

¹ The subpoena requested documents from an account titled, "The Big Blue Tent," as specified on the political committee's DS-DE 5 and DS-DE 6 forms on file with the Division.

13. Based on the letter from the campaign depository, it appears that Respondent's chairperson was required to notify the filing officer, in writing, with a notification-of-no-activity for the 2018 M12 reporting period.

14. Respondent's chairperson did not provide a written response to the referral.

15. In a telephone interview on August 15, 2019, Ms. Barnes was asked why a notification-of-no-activity was not filed during the reporting period. She said that it was around the time of when her grandfather passed away. Ms. Barnes added that all reports have now been filed with the Division.

16. In an e-mail dated August 15, 2019, Ms. Willis stated that nothing has been filed for the 2018 M12 reporting period. To review a copy of the e-mail from Ms. Willis, refer to Exhibit 7.

17. According to Respondent's filing history, a notification-of-no-activity was filed for the 11 reporting periods prior to the 2018 M12 reporting period. To review Respondent's filing history, refer to Exhibit 8.

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

III. Alleged Violation of Section 106.19(1)(c), Florida Statutes:

19. I investigated whether Respondent violated this section of the election laws by not reporting campaign activity during the 2018 M12 reporting period.

20. To review the circumstances regarding Respondent's campaign activity, please refer to paragraphs 12 and 13.

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

IV. FEC History:

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

Conclusion:

23. On August 15, 2019, I interviewed Respondent's chairperson by telephone for the purpose of providing her with a brief overview of the case and to afford her an opportunity for any questions or comments. Ms. Barnes said that she had nothing to add to the case at this time but added that she is in the process of taking steps to disband the political committee.

24. In addition to serving as chairperson and treasurer for Respondent, Ms. Barnes also served as the chairperson and treasurer for Florida Democratic Women's Caucus, a political committee registered with the Division. Further, Ms. Barnes was a 2016 candidate for the Wakulla County Commission, District 3; she was defeated.

Respectfully submitted on August 19, 2019.



Keith Smith
Investigation Specialist

Current address of Respondent	Current address of Complainant
The Big Blue Tent 287 Revell Road Crawfordville, Florida 32327	Division of Elections 500 South Bronough Street Tallahassee, Florida 32399-0250
Name and Address of Filing Officer:	Chair of Committee
Kristi Reid Bronson, Chief Bureau of Election Records 500 South Bronough Street Tallahassee, Florida 32399-0250	Tiffany N. Barnes, Chairperson The Big Blue Tent 287 Revell Road Crawfordville, Florida 32327

Copy furnished to: David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
The Big Blue Tent -- FEC 19-184

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	DS-DE 6
Exhibit 2	DS-DE 5
Exhibit 3	Ack ltr
Exhibit 4	01/11/19 and 01/23/19 ltrs to R
Exhibit 5	Final Notice ltr/delivery confirmation
Exhibit 6	Ltr from bank
Exhibit 7	E-mail from Kristi @ Division
Exhibit 8	R's filing history

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR
POLITICAL COMMITTEES**
(Sections 106.011(1) and 106.021(1), F.S.)

RECEIVED
DEPARTMENT OF STATE
2017 JUN -9 PM 3:33
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

Original Appointment of Treasurer Reappointment of Treasurer Deputy Treasurer

1. Committee or Organization The Big Blue Tent		2. Telephone (904) 327-4309	
3. Name of Treasurer or Deputy Treasurer Tiffany N. Barnes		4. Email (optional) ()	
5. Telephone (optional) ()			
6. Mailing Address 287 Revell Rd., Crawfordville, FL 32327			
7. Street Address 287 Revell Rd., Crawfordville, FL 32327			
8. The following bank has been designated as the <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository			
9. Name of Bank Capital City Bank		10. Street Address 2592 Crawfordville Hwy.	
11. City Crawfordville		12. State FL	13. Zip Code 32327
14. Signature of Chairman <i>X Tiffany N. Barnes</i>		15. Name of Chairman (Print or Type) Tiffany N. Barnes	

Campaign Treasurer's Acceptance of Appointment

I, Tiffany N. Barnes, do hereby accept the appointment as
(Please Print or Type)

treasurer or deputy treasurer for The Big Blue Tent
(Committee or Organization)

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S
ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.

6-9-17

Date

EXHIBIT

X Tiffany N. Barnes

Signature of Campaign Treasurer or Deputy Treasurer

HAND DELIVERED

STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE

(PLEASE TYPE)

OFFICE USE ONLY

RECEIVED

17 JUN 23 PM 3:34

DIVISION OF ELECTIONS SECRETARY OF STATE

1. Full Name of Committee

The Big Blue Tent

Telephone

904-327-4509

Mailing Address (include city, state and zip code)

287 Revell Rd.
CRAWFORDVILLE, FL 32327

Street Address (include city, state and zip code)

287 Revell Rd.
CRAWFORDVILLE, FL 32327

2. Affiliated or Connected Organizations (includes other committees of continuous existence and political committees)

Name of Affiliated or Connected Organization

Mailing Address

Relationship

NONE

3. Area, Scope and Jurisdiction of the Committee

State-wide political committee to support or oppose candidates for statewide, multi-city, legislative, county, and municipal offices, and other activities not prohibited by Chapter 106, F.S.

4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.)

Political

5. Identify by Name, Address and Position, the Custodian of Books and Accounts (include treasurer's name)

Full Name

Mailing Address

Committee Title or Position

Tiffany N. Barnes

287 Revell Rd.
Crawfordville, FL 32327

Treasurer

EXHIBIT

2

(102)

6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)			
Full Name	Mailing Address	Committee Title or Position	
Tiffany N. Barnes	287 Revell Rd Crawfordville, FL 32327	Chairwoman	

7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)			
Full Name	Mailing Address	Office Sought	Party
To be determined			

8. List Any Issues this Committee is Supporting: *To be determined*
 List Any Issues this Committee is Opposing: *To be determined*

9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party
NONE

10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?
Contribute to other committees as permitted by law

11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds	
Name of Bank or Depository & Account Number	Mailing Address
Capital City Bank	2592 Crawfordville Hwy Crawfordville, FL 32327

12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, If Any			
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
Form 8871 Form 1120 PUL Form 990, as may be required	Upon formation March 15th annually May 15th, annually	Internal Revenue Service	Ogden, UT 84201

STATE OF Florida COUNTY Wakulla

I, Tiffany N. Barnes, certify that the information in this Statement of Organization is complete, true and correct.

Jeffery N. Barnes
 Signature of Chairman of Political Committee (202)

6-27-17
 Date



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 26, 2017

Tiffany N. Barnes, Chairperson
The Big Blue Tent
287 Revell Road
Crawfordville, Florida 32327

Dear Ms. Barnes:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **The Big Blue Tent**, which were placed on file in our office on June 23, 2017. This information appears to comply with the requirements of Section 106.03, Florida Statutes, and the name of this organization has been placed on our active committee list as a political committee.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **July 10, 2017**. The report will cover the period of June 1-30, 2017 (M6). All political committees that file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

Credentials and Sign-ons

Below is the web address to access the EFS and the committee's user identification number. The enclosed sealed envelope contains the committee's initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on. The chairperson, campaign treasurer, and deputy treasurers are responsible for protecting this password from disclosure and are responsible for all filings using these credentials, unless the Division is notified that your credentials have been compromised.

EFS Website Address: <https://efs.dos.state.fl.us>

Identification Number: 69917

EXHIBIT **3**
Division of Elections (103)

R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) dos.myflorida.com/elections/



Tiffany Barnes, Chairperson
June 26, 2017
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update information. The enclosed sealed envelopes contain your confidential pin numbers.

Each political committee chairperson is required to provide the Division of Elections with confidential personal information that may be used to allow access in the event that the password is forgotten or lost. When you enter the campaign account screen, there will be a drop down box where you pick a question (such as *What is your mother's maiden name?*) and supply an answer. All passwords and answers to questions are stored as encrypted data and cannot be viewed by Division staff and given out over the phone. Please notify the Division if your credentials have been compromised.

Timely Filing

All reports must be completed and filed through the EFS not later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight, Eastern Standard Time, of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight, Eastern Standard Time, of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

Any political committee failing to file a report on the designated due date is subject to a fine of \$50 per day for the first 3 days and, thereafter, \$500 per day for each day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be \$500 per day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Electronic Receipts

The person submitting the report on the EFS will be issued an electronic receipt indicating and verifying the report was filed. Each campaign treasurer's report filed by means of the EFS is considered to be under oath by the chairperson and campaign treasurer and such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

EXHIBIT 3 (2 of 3)

Tiffany Barnes, Chairperson
June 26, 2017
Page Three

Instructions and Assistance

An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports. The Division of Elections will also provide assistance to all users by contacting the EFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' website at <http://dos.myflorida.com/elections/>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, *Political Committee Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/zjs

Enclosures

EXHIBIT

3

(3 of 3)



FLORIDA DEPARTMENT OF STATE

Michael Ertel
Secretary of State

DIVISION OF ELECTIONS

January 11, 2019

Tiffany N. Barnes, Chairperson
The Big Blue Tent
287 Revell Road
Crawfordville, FL 32327-2327

PAC 69917

Dear Ms. Barnes:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was January 10, 2019.

The law (s. 106.07(8)(b), Fla. Stat.) requires the filing officer to immediately notify you about the missed filing date and the automatic fines that will be assessed for late filing of a report, if a report was due.

- If reportable activity occurred and you have not filed a report, statutory fines are automatically assessed as follows until you file your report:
 - \$50 per day for the first 3 days late
 - \$500 per day for each day after the 3rd day late
 - If the required report immediately precedes a primary and general election, the automatic fine is \$500 for each late day.

The total fine for the untimely report cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the cover period. Even if you end up filing your report late, we cannot waive the statutory fines. We will notify you of the specific amount of fines owed once you file your report. You have 20 days from the day you receive the notice to pay the fine or to appeal the fine to the Florida Elections Commission.

- If no reportable activity occurred for the report date(s), you are still required to notify us in writing, via the Division's Electronic Filing System, that no reportable activity occurred. No automatic fines are statutorily assessed.

However, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

EXHIBIT 4 (102)



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

Second Notice

January 23, 2019

Tiffany N. Barnes, Chairperson
The Big Blue Tent
287 Revell Road
Crawfordville, FL 32327-2327

PAC 69917

Dear Ms. Barnes:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was January 10, 2019.

We mailed, via regular mail, the first notice of the failure to file the above-mentioned report or notification to the address on file with our office on January 11, 2019.

The first notice which we provided to you specifically explained the automatic fine provisions in the law (s. 106.07(8)(b), Fla. Stat.) for failure to file a required report. Such fines are continuing to accrue for a late-filed report. Also, that notice explained that if no reportable activity occurred for the report date(s), you are still required to provide notification in writing that no reportable activity occurred. Our initial notice further indicated that, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

EXHIBIT

4 (2 of 2)



FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING # 9114 9014 9845 1724 1658 62
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

March 1, 2019

Tiffany N. Barnes, Chairperson
The Big Blue Tent
287 Revell Road
Crawfordville, FL 32327-2327

PAC 69917

Dear Ms. Barnes:

A recent review of the Division's records show that the Division has not yet received the below-referenced campaign treasurer's report or the required notification that no reportable activity occurred, whichever is applicable, during the following cover period:

<u>Year</u>	<u>Report</u>	<u>Cover Period</u>
2018	M12	12/1/18 - 12/31/18

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

EXHIBIT 5 (1 of 2)

USPS Tracking

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 9114901496451724155862

Remove X

Expected Delivery on

SATURDAY

2 MARCH
2019 ⓘ

by
8:00pm ⓘ

Delivered

March 2, 2019 at 3:42 pm
Delivered, In/At Mailbox
CRAWFORDVILLE, FL 32327

Get Updates ▾

Feedback

Text & Email Updates ▾

Tracking History ▾

Product Information ▾

See Less ^

EXHIBIT 5 (2 of 2)

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

REC'D: FL ELECTIONS COM
24 JUL 19 AM 10:58



July 16, 2019

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

RE: The Big Blue Tent
Case No: FEC 19-184 / Subpoena No: 19-184-88

Dear Mr. Smith:

We recently received a subpoena from your office for the bank records of the above listed business. We do not have any records documenting a client with the name as specified on the subpoena.

Please feel free to provide us with more detailed information in order for us to further search our records and to ensure better service of your request. Please include times which account may have opened or closed if available or provide a specific date and year for us to search.

If you should need further assistance, please contact me directly at (850) 402-7011.

Sincerely,

Valerie Gould
Capital City Bank

EXHIBIT 6

Keith Smith

From: Willis, Kristi R. (Bronson) <Kristi.Willis@DOS.MyFlorida.com>
Sent: Thursday, August 15, 2019 10:24 AM
To: Keith Smith
Subject: RE: Referrals - (ID #69917) and (ID #70281)

69917 – the 2018 M12 had not been filed. The 2019 M1 and M2 have been filed.

70281 – the 2018 M12 had not been filed. The 2019 M2 has been filed.

From: Keith Smith <Keith.Smith@myfloridalegal.com>
Sent: Thursday, August 15, 2019 10:17 AM
To: Willis, Kristi R. (Bronson) <Kristi.Willis@DOS.MyFlorida.com>
Subject: Referrals - (ID #69917) and (ID #70281)

EMAIL RECEIVED FROM EXTERNAL SOURCE

Hi Kristi:

Has a campaign report or notification-of-no-activity ever been filed for the 2018 M12, 2019 M1 and 2019 M2 reporting periods for The Big Blue Tent (ID #69917)

And, has a campaign report or notification-of-no-activity ever been filed for the 2018 M12 and 2019 M2 reporting periods for Florida Women's Democratic Caucus PC (ID #70281).

As always, thanks for your assistance in this matter.

Keith Smith
Investigator
Florida Elections Commission
107 W. Gaines St. – Suite 224
Tallahassee, FL 32399
(850) 922-4539 x112
(850) 921-0783 - Fax
Eml: keith.smith@myfloridalegal.com
www.fec.state.fl.us

EXHIBIT 7



[search](#) | [directory](#) | [contact us](#) | [411](#) | [subscribe](#) | [tour](#) | [help](#)

Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Name:

Pol Action Comm
Name: The Big Blue Tent
Account: 69917

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
8/12/2019	M7	8/6/2019						
7/10/2019	M6	8/6/2019	PEN	27	\$0.00		\$0.00	\$0.00
6/10/2019	M5	8/6/2019	FEC	57	\$0.00		\$0.00	\$0.00
5/10/2019	M4	8/6/2019	FEC	88	\$0.00		\$0.00	\$0.00
4/10/2019	M3	8/6/2019	FEC	118	\$0.00		\$0.00	\$0.00
3/11/2019	M2	8/6/2019	FEC	148	\$0.00		\$0.00	\$0.00
2/11/2019	M1	8/6/2019	FEC	176	\$0.00		\$0.00	\$0.00
1/10/2019	M12		FEC	0	\$0.00		\$0.00	\$0.00
12/10/2018	M11	12/25/2018	FEC	15	\$0.00		\$0.00	\$0.00
11/2/2018	G7	12/25/2018	FEC	53	\$0.00		\$0.00	\$0.00
11/1/2018	D6	12/25/2018	FEC	54	\$0.00		\$0.00	\$0.00
10/31/2018	D5	12/25/2018	FEC	55	\$0.00		\$0.00	\$0.00
10/30/2018	D4	12/25/2018	FEC	56	\$0.00		\$0.00	\$0.00
10/29/2018	D3	12/25/2018	FEC	57	\$0.00		\$0.00	\$0.00
10/28/2018	D2	12/25/2018	FEC	58	\$0.00		\$0.00	\$0.00
10/27/2018	D1	12/25/2018	FEC	59	\$0.00		\$0.00	\$0.00
10/26/2018	G6	12/25/2018	FEC	60	\$0.00		\$0.00	\$0.00
10/25/2018	G4	12/25/2018	FEC	61	\$0.00		\$0.00	\$0.00
10/19/2018	G5	12/25/2018	FEC	67	\$0.00		\$0.00	\$0.00
10/5/2018	G3	9/30/2018						
9/28/2018	G2A	9/30/2018	FEC	2	\$0.00		\$0.00	\$0.00
9/21/2018	G2	9/30/2018	FEC	9	\$0.00		\$0.00	\$0.00
9/14/2018	G1A	9/30/2018	FEC	16	\$0.00		\$0.00	\$0.00
9/7/2018	G1	9/7/2018						
8/31/2018	P7A	9/7/2018	FEC	7	\$0.00		\$0.00	\$0.00
8/24/2018	P7	8/24/2018						
8/17/2018	P6	8/17/2018						
8/10/2018	P5	8/10/2018						
8/3/2018	P4	7/30/2018						
7/27/2018	P3	7/30/2018	FEC	3	\$0.00		\$0.00	\$0.00
7/20/2018	P2A	7/30/2018	FEC	10	\$0.00		\$0.00	\$0.00
7/13/2018	P2	7/13/2018						
7/6/2018	P1A	7/7/2018	FEC	1	\$0.00		\$0.00	\$0.00
6/29/2018	P1	6/30/2018	FEC	1	\$0.00		\$0.00	\$0.00
6/11/2018	M5	6/11/2018						
5/10/2018	M4	5/10/2018						
4/10/2018	M3	4/10/2018						
3/12/2018	M2	3/12/2018						
2/12/2018	M1	2/5/2018						
1/10/2018	M12	1/7/2018						
12/11/2017	M11	12/11/2017						
11/13/2017	M10	11/9/2017						
10/10/2017	M9	10/10/2017						
9/22/2017	M8	9/6/2017						

EXHIBIT 8 (1 of 5)

8/10/2017 M7 8/5/2017
7/10/2017 M6 7/10/2017

EXHIBIT 8 (2 of 5)



**Florida Department of State
Division of Elections**

The Big Blue Tent

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.

Contributions							
Filing Period	Monetary	Loans	InKind	Expend	Other	Transfers	
W 06/13/2017 - 06/30/2017	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W 07/01/2017 - 07/31/2017	0.00	0.00	0.00	0.00	0.00	0.00	0.00
○ 08/01/2017 - 08/31/2017	450.00	0.00	0.00	231.10	0.00	0.00	0.00
W 09/01/2017 - 09/30/2017	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W 10/01/2017 - 10/31/2017	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W 11/01/2017 - 11/30/2017	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W 12/01/2017 - 12/31/2017	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W 01/01/2018 - 01/31/2018	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W 02/01/2018 - 02/28/2018	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W 03/01/2018 - 03/31/2018	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W 04/01/2018 - 04/30/2018	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W 05/01/2018 - 05/31/2018	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W 06/01/2018 - 06/22/2018	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W 06/23/2018 - 06/29/2018	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W 06/30/2018 - 07/06/2018	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W 07/07/2018 - 07/13/2018	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W	0.00	0.00	0.00	0.00	0.00	0.00	0.00

EXHIBIT 8 (325)

	07/14/2018 - 07/20/2018						
W	07/21/2018 - 07/27/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	07/28/2018 - 08/03/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	08/04/2018 - 08/10/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	08/11/2018 - 08/23/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	08/24/2018 - 08/24/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	08/25/2018 - 08/31/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	09/01/2018 - 09/07/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	09/08/2018 - 09/14/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	09/15/2018 - 09/21/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	09/22/2018 - 09/28/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	09/29/2018 - 10/05/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/06/2018 - 10/12/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/13/2018 - 10/19/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/20/2018 - 10/26/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/27/2018 - 10/27/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/28/2018 - 10/28/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/29/2018 - 10/29/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/30/2018 - 10/30/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/31/2018 - 10/31/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/20/2018 - 11/01/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	11/02/2018 - 11/30/2018	0.00	0.00	0.00	0.00	0.00	0.00
⊙	All Dates (Totals)	450.00	0.00	0.00	231.10	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 ~~Indicates that a loan report was filed~~

EXHIBIT 8 (4&5)

Select Detail Type

Contributions ▼

Select Sort Order

Date(Ascending) ▼

Select Output Type

Display On Screen ▼

Submit Query Now

Query the Campaign Finance Data Base

[Department of State] [Division of Elections] [Candidates and Races] [Campaign Finance Information]

EXHIBIT

8 (5&5)



FLORIDA ELECTIONS COMMISSION

**107 W. Gaines Street,
Suite 224 Collins Building
Tallahassee, Florida 32399-1050
Telephone: (850) 922-4539
Fax: (850) 921-0783
www.fec.state.fl.us; fec@myfloridalegal.com**

June 5, 2019

Tiffany N. Barnes, Chair
The Big Blue Tent
287 Revell Road
Crawfordville, FL 32327-2327

RE: Case No.: FEC 19-184; Respondent: The Big Blue Tent

Dear Ms. Barnes:

On March 26, 2019, the Florida Elections Commission received a complaint alleging that your committee 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 violations:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a political committee registered with the Division of Elections, failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the 2018 M12 reporting period.

Section 106.19(1)(c), Florida Statutes: As alleged in the complaint, Respondent, a political committee registered with the Division of Elections, may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when it failed to file a report on the prescribed reporting date for the 2018 M12 reporting period.

When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will make a written recommendation (Staff Recommendation or SR) to the Commission as to whether there is probable cause to charge respondent with violating Chapters 104 or 106, Florida Statutes. You will have an opportunity to respond to both the ROI and the SR. The Commission will then hold one or more hearings to determine whether the alleged violations occurred and, if so, the amount of the fine to be imposed. You and the complainant will receive notice at least 14 days before any hearing at which your case is to be considered.

The Big Blue Tent
June 5, 2019
Page 2
FEC 19-184

Please note that all documents related to this matter will be mailed to the above address unless you **notify us of a new address**. Also, please remember that complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 or 106, Florida Statutes, are **confidential** until the Commission finds probable cause or no probable cause.

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website (www.fec.state.fl.us).

If you have additional questions, please contact **Keith Smith**, the investigator assigned to this case.

Sincerely,

A handwritten signature in black ink that reads "Tim Vaccaro". The signature is written in a cursive, flowing style.

Tim Vaccaro
Executive Director

TV/med



Re: Case No: FEC 19-235; 19-184; 19-166
Florida Elections Commission to: Nikki Barnes
Sent by: Donna Malphurs

05/07/2019 01:20 PM

From: Florida Elections Commission/OAG
To: "Nikki Barnes" <nikki_ford@att.net>

For information on how to close a committee, please contact your filing officer (the qualifying officer with whom you registered the committees), which is the Division of Elections at 850-245-6200.

Sincerely,

Donna Ann Malphurs
Agency Clerk

"Nikki Barnes"

I just received these complaints via certified mail...

05/07/2019 12:53:10 PM

From: "Nikki Barnes" <nikki_ford@att.net>
To: fec@myfloridalegal.com
Date: 05/07/2019 12:53 PM
Subject: Case No: FEC 19-235; 19-184; 19-166

I just received these complaints via certified mail. I need to know the process of closing these committees since they are not being used.

Sent from my iPhone

REGD: FL ELECTIONS COM
26 MAR 19 PM 3:21

**DIVISION OF ELECTIONS
FEC NOTICE FORM**

To FEC from Division of Elections

Name: The Big Blue Tent
Account Number: 69917
Chairperson: Tiffany N. Barnes
Treasurer: Tiffany N. Barnes
Registered Agent: Tiffany N. Barnes

The Division of Elections hereby provides this notice to the Florida Elections Commission pursuant to Sections 106.07(8)(d), 106.22(7), and 106.25(2), Florida Statutes. An apparent violation of Chapter 106, Florida Statutes, has occurred based upon the failure to file a report after notice or failure to file a notification to the filing officer in writing that no report was being filed on the prescribed reporting date under s. 106.07(7).

Report(s):

2018 M12

Sent By: Kristi Reid Willis
Date: March 21, 2019

KRW

zjs

AFFIDAVIT

STATE OF FLORIDA

County of Leon

Kristi Reid Willis, being duly sworn, says:

1. I am the Chief of the Bureau of Election Records of the Division of Elections (Division). In that capacity, I oversee the Division's duties related to the filing of campaign finance reports.
2. This affidavit is made upon my personal knowledge, including information obtained from review of the attached records, of which I am the custodian.
3. I am of legal age and competent to testify to the matters stated herein.
4. The Big Blue Tent (69917) is a political committee registered with the Division. On June 23, 2017, Tiffany N. Barnes filed the DSDE 5 and DSDE 6 with the Division of Elections indicating that she was the chairperson.
5. The 2018 M12 campaign treasurer's report was due on January 10, 2019. On January 11, 2019, the Division mailed Ms. Barnes notification that the 2018 M12 campaign treasurer's report had not been filed.
6. On January 23, 2019, the Division mailed Ms. Barnes notification that the 2018 M12 campaign treasurer's report had not been filed.
7. On March 1, 2019, the Division mailed Ms. Barnes final notification with delivery confirmation that the 2018 M12 report had not been filed. (See attached letter and delivery confirmation.)
8. Ms. Barnes did not notify the Division of Elections prior to or on the prescribed reporting date for the 2018 M12 report that no report was to be filed.

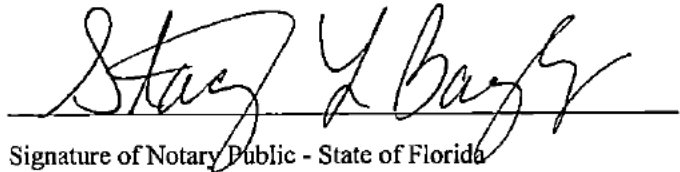
9. As of March 21, 2019, Ms. Barnes has not filed the 2018 M12 report.

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



Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 21st day of **March, 2019.**



Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known





FLORIDA DEPARTMENT OF STATE

Laurel M. Lee
Secretary of State

DIVISION OF ELECTIONS

Final Notice

Delivery Confirmation:

USPS TRACKING #
& CUSTOMER
RECEIPT

9114 9014 9645 1724 1558 62
For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

March 1, 2019

Tiffany N. Barnes, Chairperson
The Big Blue Tent
287 Revell Road
Crawfordville, FL 32327-2327

PAC 69917

Dear Ms. Barnes:

A recent review of the *Division's records* show that the Division has not yet received the below-referenced campaign treasurer's report or the required notification that no reportable activity occurred, whichever is applicable, during the following cover period:

<u>Year</u>	<u>Report</u>	<u>Cover Period</u>
2018	M12	12/1/18 - 12/31/18

The Division has previously notified you of the unfiled report or notification. Please file your report or notification. If the report is not filed within 7 days of receipt of this letter, the Division will refer this matter to the Florida Elections Commission, which may impose civil penalties of up to \$1000 per violation, apart from that automatic fine provisions of s. 106.07(8)(b), Fla. Stat.) that are applicable only to campaign finance reports.

As we stated in the prior notices, even if you now file the report or notification, the untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

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

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records



FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 9114901496451724155862

Remove X

Expected Delivery on

SATURDAY

2 MARCH 2019 ⓘ

by **8:00pm** ⓘ

Delivered

March 2, 2019 at 3:42 pm
Delivered, In/At Mailbox
CRAWFORDVILLE, FL 32327

Get Updates ▾

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Tracking History ▾

Product Information ▾

See Less ^

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Go to our FAQs section to find answers to your tracking questions.