

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Citizens First**

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**Case No.: FEC 16-677**

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

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

**NOTICE OF HEARING (AUTOMATIC FINE)**

A hearing will be held in this case before the Florida Elections Commission on, **February 28, 2017 at 11:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

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

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

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

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

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

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

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

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

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

*Amy McKeever Toman*  
Executive Director  
Florida Elections Commission  
February 13, 2017

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

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

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

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

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

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

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

**FLORIDA ELECTIONS COMMISSION**  
**CASE REPORT**  
Case Number: FEC-16-677

**NAME:** CITIZENS FIRST

**DATE APPEAL RECEIVED:** 10/14/16

**DATE REPORT DUE:** 8/12/16 (2016 P5)

**DATE OF ELECTRONIC RECEIPT:** 8/12/16<sup>1</sup>

**DATE FILING OFFICER RECEIVED REPORT:** 8/12/16

**NUMBER OF DAYS LATE:** 0

**AMOUNT OF FINE:** \$12,650.00

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

**TOTAL RECEIPTS FOR REPORTING PERIOD:** \$0

**TOTAL EXPENDITURES FOR REPORTING PERIOD:** \$70,025.00

**DATE FIRST NOTIFICATION WAS SENT:** 9/29/16

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

**SUMMARY:** Citizens First is a political committee (PC) registered with the State of Florida. The PC's chair and treasurer is Kathy Dolbow. This PC is currently represented by attorney, Bucky Mitchell.

The PC is appealing the fine claiming that unusual circumstances existed that caused the 2016 P3 Report to be untimely filed. According to Mr. Mitchell, 'Citizens First (CF) actually filed a waiver notice on August 12, 2016, believing it had no activity for the period, 7/30/16-8/5/16. However, CF later determined that it had some activity during the weekly reporting period in question. The activity included a contribution and two expenditures, one of which was a \$25.00 bank fee. Accordingly, CF "amended" the waiver notice on September 9, 2016, to show receipt of the contributions and the two expenditures...There was no intention by CF to hide its activity, and when considering its options, it decided the best course was to report the activity in the applicable reporting period".

- The 2016 P5 Report covers the time period from 7/30/16 through 8/5/16.
- The 2016 P5 Queued-Transactions Report reflects that this report was created on 8/9/16 at approximately 6:14 pm, before being filed on 8/12/16 at approximately 10:17 am.<sup>2</sup>
- In a 1/25/17 email with Kristi Reid-Bronson, FEC staff was informed, "The committee filed a notice of no activity (waiver) on 8/12/16. A waiver is not a report. On 9/9/16, the committee filed a report showing \$70,025.00 of activity. The fine is based on filing the report 28 days late".

**PRIOR CASES:** This PC has been involved in three FEC investigations. FEC 16-599/automatic fine default rejected. #11-223, the automatic fine was waived by the Commission due to finding unusual circumstances during appeal. #16-676; automatic fine appeal will also be heard during the February Commission meeting.

<sup>1</sup> Respondent initially filed a waiver that reflected no activity during the 2016 P5 reporting period. Respondent later filed a 2016 P5 Report to reflect financial activity.

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

COATES LAW FIRM, PL  
ATTORNEYS AT LAW

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

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

VIA HAND DELIVERY

October 14, 2016

Amy Toman  
Florida Elections Commission  
107 West Gaines Street  
The Collins Building, Suite 224  
Tallahassee, Florida 32399-1050

RE: *Autofine, Citizens First, PAC 69296*

Dear Ms. Toman:

This firm represents Citizens First (CF), a political committee registered with the Division of Elections (Division). CF recently received a letter from the Division assessing a late fine against it for not filing a campaign treasurer's report (P5) that was due on August 12, 2016. *See attached.* CF hereby appeals the late fine of \$12,650 assessed by the Division.

The circumstances for this weekly report are as follows. CF actually filed a waiver notice on August 12, 2016, believing it had no activity for the period 7/30/16-8/5/16. However, CF later determined that it had some activity during the weekly reporting period in question. The activity included a contribution and two expenditures, one of which was a \$25.00 bank fee.

Accordingly, CF "amended" the waiver notice on September 9, 2016, to show receipt of the contribution and the two expenditures. *See Filed Report Receipt attached.* There was no intention by CF to hide its activity, and when considering its options, it decided the best course was to report the activity in the applicable reporting period.

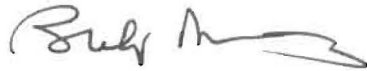
Given that political committees are currently required to report their activity on a weekly basis, it is very easy to accumulate a large fine for an inadvertently filed "late report". In this case, by filing an amendment 28 days later, the resulting fine was significant – three days at \$50/day, and 25 days at \$500/day. CF would have been better off simply reporting the contribution and expenditures in the next reporting period and timely filing that next report. There would have been no "auto-fine" letter or assessment generated.

RECEIVED  
2016 OCT 14 A 11:40  
STATE OF FLORIDA  
ELECTIONS COMMISSION

The assessment of a late fine in this case seems totally contrary to chapter 106's "who gave it, who got it" intent, and only serves to discourage filers to do the right thing, that is to amend a report (or a waiver notice) so that it is accurate. The Division is also sending the message that imperfection will not be tolerated and that a filer will be punished if it amends a report to provide accurate information.

Thank you for your consideration of this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Bucky Mitchell", with a stylized flourish at the end.

Bucky Mitchell

cc: Division of Elections



FLORIDA DEPARTMENT OF STATE  
**Ken Detzner**  
Secretary of State  
DIVISION OF ELECTIONS

Final Notice  
Delivery Confirmation:

USPS TRACKING # **9114 9014 9646 0630 6761 40**  
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811

September 29, 2016

Kathy Dolbow, Treasurer  
Citizens First  
6671 West Indian Town Road,  
Suite 50-147  
Jupiter, FL 33458-3458

PAC 69296

Dear Ms. Dolbow:

The campaign treasurer's report that was due on August 12, 2016, was filed on September 9, 2016. By law, you are automatically assessed a late fine of \$12,650.00.

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

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

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

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

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

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

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

Sincerely,

Kristi Reid Bronson, Chief  
Bureau of Election Records

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

(1) Citizens First (2) 69296  
 Candidate, Committee or Party Name I.D. Number

(3) 6671 West Indian Town Road, Jupiter FL 33458  
 Address (number and street) City State Zip Code

Check box if address has changed since last report

(4) Check appropriate box(es):

Candidate (office sought):  
 Political Committee  Check If PC has DISBANDED  
 Committee of Continuous Existence  Check If CCE has DISBANDED  
 Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 07/30/2016 To 08/05/2016 Report Type: P5

Original  Amendment  Special Election Report

(6) CONTRIBUTIONS THIS REPORT

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

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$70,025.00
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$70,025.00

(8) Other Distributions

Certification

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

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

Name of  Treasurer  Deputy Treasurer

X  
Signature

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

Name of  Candidate  Chairman (PC/PTY Only)

X  
Signature

Name: Citizens First

Report: 2016 P5

Period: 07/30/2016 to 08/05/2016

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

Seq #	Full Name (Last, Suffix, First, Middle)	Contributor	Occupation	Amount
Date	Street Address & City, State, Zip	Type	In-Kind Description	Amend
* 1	CHARTER SCHOOLS USA 800 CORPORATE DRIVE FORT LAUDERDALE, FL 33334-3616	B	POLITICAL COMMITTEE	\$10,000.00
08/09/2016		CHE		DEL



Name: Citizens FirstReport: 2016 P5Period: 07/30/2016 to 08/05/2016

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

Seq #	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount
Date				Amend
1	STOP CAREER POLITICIANS 5445 MURRELL ROAD VIERA, FL 32955	MON	CONTRIBUTION	\$70,000.00
08/01/2016				ADD
2	NORTHERN TRUST 11301 US HIGHWAY 1 N PALM BEACH, FL 33408	MON	BANK FEE	\$25.00
08/01/2016				ADD

ID:

# CAMPAIGN TREASURER'S REPORT – ITEMIZED DISTRIBUTIONS

Name: Citizens First

Report: 2016 P5

Period: 07/30/2016 to 08/05/2016

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

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

ID:

# CAMPAIGN TREASURER'S REPORT – ITEMIZED FUND TRANSFERS

Name: Citizens First

Report: 2016 P5

Period: 07/30/2016 to 08/05/2016

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

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

## Queued Items for 2016-P5

Account: 69296

Citizens First

Rpt Seq: 4

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	69296	8/9/2016 6:14:15 PM	8/9/2016 6:14:15 PM
Review Pending Report	Processing Complete	69296	8/9/2016 6:14:18 PM	8/9/2016 6:14:18 PM
File Pending Report	Processing Complete	69296	8/12/2016 10:17:50 AM	8/12/2016 10:17:51 AM
Amend Filed Report	Processing Complete	69296	9/9/2016 11:48:52 AM	9/9/2016 11:48:52 AM
Recalc Pending Report Total	Processing Complete	69296	9/9/2016 12:19:02 PM	9/9/2016 12:19:02 PM
Review Pending Report	Processing Complete	69296	9/9/2016 12:19:36 PM	9/9/2016 12:19:36 PM
File Pending Report	Processing Complete	69296	9/9/2016 12:21:53 PM	9/9/2016 12:21:53 PM
Review Filed Report	Processing Complete	njtaylor	11/2/2016 3:25:11 PM	11/2/2016 3:25:12 PM
Review Filed Report	Processing Complete	njtaylor	11/2/2016 3:25:18 PM	11/2/2016 3:25:18 PM
Amend Filed Report	Processing Complete	69296	11/29/2016 10:24:21 AM	11/29/2016 10:24:21 AM
Review Pending Report	Processing Complete	69296	11/29/2016 10:59:02 AM	11/29/2016 10:59:02 AM
File Pending Report	Processing Complete	69296	11/29/2016 11:00:21 AM	11/29/2016 11:00:21 AM



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Committee Name: Citizens First

Name

Account: 69296

Election

Acct

Type

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
1/10/2017	M12	1/10/2017						
12/12/2016	M11	12/12/2016						
11/4/2016	D6	11/3/2016						
11/4/2016	G7	11/4/2016						
11/2/2016	D5	11/2/2016						
11/1/2016	D4	11/1/2016						
10/31/2016	D3	10/31/2016						
10/30/2016	D2	10/30/2016						
10/29/2016	D1	10/28/2016						
10/28/2016	G6	10/28/2016						
10/21/2016	G5	10/21/2016						
10/14/2016	G4	10/14/2016						
10/7/2016	G3	10/5/2016						
9/30/2016	G2A	9/30/2016						
9/23/2016	G2	9/23/2016						
9/16/2016	G1A	9/16/2016						
9/9/2016	G1	9/9/2016						
9/2/2016	P7A	9/2/2016						
8/26/2016	P7	8/26/2016						
8/19/2016	P6	8/19/2016						
8/12/2016	P5	8/12/2016	FEC	0	\$12,650.00		\$12,650.00	\$0.00
8/5/2016	P4	8/5/2016						
7/29/2016	P3	7/29/2016	FEC	0	\$1,150.00		\$1,150.00	\$0.00
7/22/2016	P2A	7/22/2016						



**Florida Department of State  
Division of Elections**

**Citizens First**

**Campaign Finance Activity**

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

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
<input type="radio"/>	07/09/2016 - 07/15/2016	329,466.10	0.00	0.00	135,000.00	0.00	0.00
<input type="radio"/>	07/16/2016 - 07/22/2016	45,000.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	07/23/2016 - 07/29/2016	5,000.00	0.00	0.00	70,020.00	0.00	0.00
<input type="radio"/>	07/30/2016 - 08/05/2016	0.00	0.00	0.00	70,025.00	0.00	0.00
<input type="radio"/>	08/06/2016 - 08/12/2016	19,000.00	0.00	0.00	21,440.00	0.00	0.00
<input type="radio"/>	08/13/2016 - 08/25/2016	109,100.00	0.00	0.00	50,115.00	0.00	0.00
<b>W</b>	08/26/2016 - 08/26/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	08/27/2016 - 09/02/2016	0.00	0.00	0.00	138,821.19	0.00	0.00
<b>W</b>	09/03/2016 - 09/09/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	09/10/2016 - 09/16/2016	130,000.00	0.00	0.00	8,353.70	0.00	0.00
<b>W</b>	09/17/2016 - 09/23/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	09/24/2016 - 09/30/2016	3,000.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	10/01/2016 - 10/07/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	10/08/2016 - 10/14/2016	40,000.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	10/15/2016 - 10/21/2016	48,000.00	0.00	0.00	50,045.00	0.00	0.00
<input type="radio"/>	10/22/2016 - 10/28/2016	25,500.00	0.00	0.00	130,000.00	0.00	0.00
<b>W</b>	10/29/2016 - 10/29/2016	0.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	10/30/2016 - 10/30/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	10/31/2016 - 10/31/2016	30,000.00	0.00	0.00	0.00	0.00	0.00
<b>W</b>	11/01/2016 - 11/01/2016	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	11/02/2016 - 11/02/2016	30,000.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	10/22/2016 - 11/03/2016	3,000.00	0.00	0.00	0.00	0.00	0.00

<input type="radio"/>	11/04/2016 - 11/30/2016	0.00	0.00	0.00	14,268.75	0.00	0.00
<input type="radio"/>	12/01/2016 - 12/31/2016	0.00	0.00	0.00	30,025.00	0.00	0.00
<input checked="" type="radio"/>	<b>All Dates (Totals)</b>	817,066.10	0.00	0.00	718,113.64	0.00	0.00

Note: <sup>(E)</sup> indicates that report was filed electronically

**X** Indicates that detail has not been released

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

Select Detail Type

Contributions ▼

Select Sort Order

Date(Ascending) ▼

Select Output Type

Display On Screen ▼

Submit Query Now

[Query the Campaign Finance Data Base](#)

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



RE: Acct #69296  
Bronson, Kristi R.  
to:  
Cedric Oliver  
01/25/2017 12:36 PM  
Hide Details  
From: "Bronson, Kristi R." <Kristi.Bronson@DOS.MyFlorida.com>  
To: Cedric Oliver <Cedric.Oliver@myfloridalegal.com>

The committee filed a notice of no activity (waiver) on 8-12-16. A waiver is not a report. On 9-9-16, the committee filed a report showing \$70.025 of activity. The fine is based on filing the report 28 days late.

*Regards,*

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

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

**From:** Cedric Oliver [<mailto:Cedric.Oliver@myfloridalegal.com>]  
**Sent:** Thursday, January 19, 2017 12:13 PM  
**To:** Bronson, Kristi R.  
**Subject:** Acct #69296

Kristi, Could you please explain the discrepancy for this PC's 2016 P5 Report. DOE records reflect that this report was filed on 8/12/16, which is the day that the report was due. This PC was fined \$12,650.00.

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