

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Alfred Agarie

Case No.: FEC 20-193

TO: Jack L. Platt, Esquire
Platt Hopwood Russell & Cole Attorneys at Law PLLC
175 East Nasa Boulevard, Suite 300
Melbourne, FL 32901

Ashley Borkowski
2524 Peralta Drive, SE
Palm Bay, FL 32909

AMENDED NOTICE OF VIRTUAL HEARING (INFORMAL HEARING)
(ONLY CHANGES MADE WERE TO CORRECT WEBINAR ID &
TELECONFERENCE DIAL-IN NUMBER & ACCESS CODE

A hearing will be held in this case before the Florida Elections Commission on, **August 31, 2021, 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 Webinar ID: 116499747** or via **teleconference by dialing (877) 309-2074** and entering the **meeting access code 339-753-920**, 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 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.

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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 23, 2021

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.

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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.



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596

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

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



Commission Meeting August 31, 2021 at 8:30AM via GoToWebinar and OpenVoice

In order to participate in the public portion of the August 31, 2021, 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" in the upper right corner of the website. Select "Webinar".
 3. Enter the 9-digit Webinar ID: 116-499-747 and your email address.
 4. Register your name and email address.
 5. You will automatically join the meeting as an attendee. Attendees are muted and can choose to utilize their webcam.

- B. OpenVoice - Teleconference
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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) of interest, when contacting our office.

Thank you,

Commission Staff

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Alfred Agarie

Case No.: FEC 20-193

TO: Alfred Agarie
1680 Main Street NE
Palm Bay, FL 32905

Ashley Borkowski
2524 Peralta Drive, SE
Palm Bay, FL 32909

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Tim Vaccaro
Executive Director
Florida Elections Commission
August 13, 2021

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Florida Elections Commission

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Thank you,

Commission Staff

From: [Donna Malphurs](#)
To: jack@plattlawoffices.com
Subject: FW: FEC 20-193 -- Notice of Virtual Hearing
Date: Wednesday, August 18, 2021 5:20:00 PM
Attachments: [26. 20-193 NOH w Webinar Instructions 08-13-21.pdf](#)

Thanks,
Donna

From: Donna Malphurs
Sent: Wednesday, August 18, 2021 5:06 PM
To: 'jack@plattlaw.com' <jack@plattlaw.com>
Cc: Stephanie Cunningham <Stephanie.Cunningham@myfloridalegal.com>
Subject: FEC 20-193 -- Notice of Virtual Hearing

Dear Mr. Platt,

On August 13, 2021, the Florida Elections Commission issued notices of virtual hearing for cases scheduled to be heard on August 31, 2021. A notice of hearing for FEC 20-193 was inadvertently mailed to your client. Therefore, attached is a copy of the notice of virtual hearing for your records.

Regards,

Donna Ann Malphurs

Agency Clerk/RMLO/Public Information Officer
Florida Elections Commission
Main line: 850-922-4539
Direct Dial: 850-404-5609

cc: Stephanie Cunningham, FEC Attorney

From: [Donna Malphurs](#)
To: ["jack@plattlaw.com"](mailto:jack@plattlaw.com)
Cc: [Stephanie Cunningham](#)
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Commission Staff

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,

CASE NO.: FEC 20-193

Petitioner,

vs.

ALFRED AGARIE,

Respondent.

NOTICE OF APPEARANCE

COMES NOW, the undersigned, JACK L. PLATT, for the law firm of Platt Hopwood Russell & Cole Attorneys at Law PLLC, whose address is 175 E. Nasa Boulevard, Suite 300, Melbourne, Florida 32901, and files this, his Notice of Appearance as counsel of record for the Respondent, ALFRED AGARIE, in this cause of action. Please forward all future correspondence to the above listed office.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent to Teresa Jones, Palm Bay City Clerk, 120 Malabar Road, Palm Bay, FL 32907, Ashley Borkowski, 2524 Peralta Drive, S.E., Palm Bay, FL 32909 and Stephanie J. Cunningham, Assistant General Counsel, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, FL 32399-1050 this 10th day of August, 2021.

PLATT HOPWOOD RUSSELL & COLE
ATTORNEYS AT LAW PLLC
Attorneys for Respondent
175 E. Nasa Boulevard, Suite 300
Melbourne, FL 32901
(321) 725-3425
(321) 725-4405 (facsimile)

By:



JACK L. PLATT, ESQUIRE
Primary: Jack@plattlawoffices.com
Florida Bar No. 006270
Secondary: Beth@plattlawoffices.com

**Platt Hopwood
Russell & Cole**
ATTORNEYS AT LAW
175 E. NASA BLVD., SUITE 300
MELBOURNE, FL 32901

ORLANDO FL 328
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Stephanie J. Cunningham
Assistant General Counsel
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

32399-659674



STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,

CASE NO.: FEC 20-193

Petitioner,

vs.

ALFRED AGARIE,

Respondent.

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PLATT HOPWOOD RUSSELL & COLE
ATTORNEYS AT LAW PLLC
Attorneys for Respondent
175 E. Nasa Boulevard, Suite 300
Melbourne, FL 32901
(321) 725-3425
(321) 725-4405 (facsimile)

By: 

JACK L. PLATT, ESQUIRE
Primary: Jack@plattlawoffices.com
Florida Bar No. 006270
Secondary: Beth@plattlawoffices.com

Platt Hopwood
Russell & Cole
ATTORNEYS AT LAW^{PLC}

175 E. NASA BLVD., SUITE 300
MELBOURNE, FL 32901

ORLANDO FL 328

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

32399-656674



STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

Florida Elections Commission,
Petitioner,

Case No.: FEC 20-193

v.

Alfred Agarie,
Respondent.

_____ /

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on May 25, 2021, in Tallahassee, Florida.

On March 26, 2021, 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 April 27, 2020, Alfred Agarie violated Section 106.19(1)(a), Florida Statutes, when he accepted a contribution in excess of the limits prescribed by Section 106.08, Florida Statutes, from Alfys Trucking, Inc.

Count 2:

On or about June 9, 2020, Alfred Agarie violated Section 106.07(5), Florida Statutes, when he certified that the campaign's 2020 M5

Report was true, correct, and complete when it was not.

Count 3:

On or around May 8, 2020, Alfred Agarie violated Section 106.19(1)(b), Florida Statutes, when he failed to report a contribution required to be reported by Chapter 106, Florida Statutes, on the campaign's 2020 M4 Report.

DONE AND ORDERED by the Florida Elections Commission on May 25, 2021.



Joni Alexis Poitier, Vice Chair
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, General Counsel
Alfred Agarie, Respondent
Ashley Borkowski, 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: Alfred Agarie

Case No.: FEC 20-193

TO: Alfred Agarie
281 Emerson Drive NW
Palm Bay, FL 32907

Ashley Borkowski
2524 Peralta Drive SE
Palm Bay, FL 32909

NOTICE OF VIRTUAL HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on **May 25, 2021**. The Commission's Confidential Session will begin **at 1:00 p.m., EST**, and will consider multiple cases that day.

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 **ZOOM, Meeting ID 94154440062**, or via teleconference by dialing **(929) 205-6099** and entering the meeting **access code 459476**, 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. **The confidential session will begin following the conclusion of the public session and lunch break. Please login promptly and be prepared to wait until the confidential session begins.**

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
May 10, 2021

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.



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783
FEC@myfloridalegal.com · www.fec.state.fl.us



Confidential Commission Meeting May 25, 2021 at 1:00 PM via Zoom

In order to participate in the confidential portion of the May 25, 2021, Florida Elections Commission meeting, please follow the instructions below:

Join Zoom Meeting

Click on the meeting link sent to your attention via email:

<https://zoom.us/j/94154440062?pwd=NE9oNEZBN3FaZklDRHZmZUIKTituUT09>

If you have difficulty launching the hyperlink, follow these steps.

1. Open your web browser and search Zoom or enter www.zoom.us
2. Select "Join A Meeting" in the upper right corner of the website.
3. Enter the Meeting ID: 941 5444 0062 and click "Join".
4. Enter the Participant Passcode: 459476 and click "Join".

For alternative audio participation:

1. Dial: 1 (929) 205-6099
2. Meeting ID: 941 5444 0062
3. Participant Passcode: 459476

While this is a confidential 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.

Please test your audio; microphone, speakers and webcam, in advance.

Those attendees who wish to speak before the Commission 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 be placed in a Zoom Breakout Room until your case is considered.

If you have any questions, contact Commission staff at (850) 922-4539. Please provide the case number(s) of interest, when contacting our office.

Thank you,

Commission Staff

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Alfred Agarie

Case No.: FEC 20-193

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the sworn complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Sections 106.07(5), 106.19(1)(a), and 106.19(1)(b), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on February 23, 2021, the following facts and law support this staff recommendation:

1. On July 10, 2020, the Florida Elections Commission (“Commission”) received a sworn complaint from Ashley Borkowski (“Complainant”), alleging that Alfred Agarie (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent was a 2020 candidate for Mayor of Palm Bay. Respondent’s Statement of Candidate form (“DS-DE 84”) was filed on February 12, 2020. (ROI Exhibit 2)¹

3. By letter dated September 14, 2020, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

Section 106.07(5), Florida Statutes: Respondent, a 2020 candidate for Mayor of Palm Bay, Florida, may have certified that his 2020 M5 campaign treasurer’s report was true, correct, and complete when it was not, as alleged in the complaint.

Section 106.19(1)(a), Florida Statutes: Respondent, a 2020 candidate for Mayor of Palm Bay, Florida, may have accepted a contribution in excess of the limits prescribed by Section 106.08, Florida Statutes, as alleged in the complaint.

Section 106.19(1)(b), Florida Statutes: Respondent, a 2020 candidate for Mayor of Palm Bay, Florida, may have failed to report a contribution on his 2020 M4 campaign treasurer’s report required to be reported by Chapter 106, Florida Statutes, as alleged in the complaint.

4. On February 1, 2020, Respondent acknowledged that he had been provided access to read the requirements of Chapter 106, Florida Statutes. (ROI Exhibit 2) Additionally,

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

Respondent's filing officer provided Respondent with a copy of Chapter 106, Florida Statutes, and the *Candidate & Campaign Treasurer Handbook*. (ROI Exhibit 10, page 1)

Alleged Violation: Section 106.19(1)(a), Florida Statutes

5. Complainant alleged that Respondent violated Florida's election laws by accepting a contribution in excess of the limits prescribed by Section 106.08, Florida Statutes. More specifically, Complaint alleged that Respondent accepted an excessive monetary contribution from Alfy's Trucking Inc.

6. Under Section 106.19(1)(a), Florida Statutes, a candidate for a countywide office who knowingly and willfully accepts a contribution in excess of \$1,000 commits a violation of Florida's election laws.

7. Respondent disclosed receiving a contribution in the amount of \$7,500 from Alfy's Trucking Inc. on his 2020 M5 Report. (ROI Exhibit 4, page 2) Respondent's bank records show receipt of a \$7,500 check from Alfy's Trucking, Inc. (ROI Exhibit 5, pages 2-4)

8. Alfy's Trucking, Inc. is a Florida for-profit corporation. Alfred Agarie is the President of the corporation. (ROI Exhibit 6, page 1)

9. Respondent stated that his campaign was funded by his own funds, and that he filed an amendment to his report to show the correct information. (ROI Exhibit 7) Respondent filed an amendment to his 2020 M5 Report wherein he deleted the excessive contribution and disclosed a loan from self in the same amount and on the same day as the original excessive contribution. (ROI Exhibit 8, page 2) It seems that the purpose of the amendment was to give the appearance of compliance with the Florida Election Code as there is no record that Respondent actually refunded any portion of the \$7,500 excessive contribution to Alfy's Trucking, Inc. (ROI, p. 2, ¶10)

10. Respondent accepted a monetary contribution from Alfy's Trucking, Inc. in excess of the limits prescribed by Section 106.08, Florida Statutes.

Alleged Violation: Section 106.07(5), Florida Statutes

11. Complainant alleged that Respondent violated Florida's election laws by certifying that the campaign's 2020 M5 Report was true, correct, and complete when it was not.

12. Under Section 106.07, Florida Statutes, a campaign treasurer's report is required to contain all contributions received and all expenditures made during the reporting period.

13. The campaign's 2020 M5 Report was incorrect as Respondent disclosed one monetary contribution totaling \$7,500 dated April 27, 2020, which did not take place during the relevant reporting period (May 1, 2020 – May 31, 2020), but rather, should have been reported during the previous reporting period (April 1, 2020 – April 30, 2020) in lieu of the notice of no activity that was filed. (ROI Exhibits 3-5) Respondent filed an amendment to his 2020 M5 Report;

however, he did not correct the relevant issue or file a report for the 2020 M4 reporting period disclosing the \$7,500 contribution. (ROI Exhibits 8 & 9)

14. Respondent stated that he believed his campaign account was opened in May of 2020 and that is why he filed a waiver for April of 2020, not knowing that the money had already transferred to his campaign account. (Attachment A) Respondent's bank records show that the \$7,500 check contribution at issue was endorsed by Respondent and presented to the bank for deposit on April 27, 2020. (ROI Exhibit 5, page 3)

15. Respondent certified that the campaign's 2020 M5 Report was true, correct, and complete when it was not.

Alleged Violation: Section 106.19(1)(b), Florida Statutes

16. Complainant alleged that Respondent violated Florida's election laws by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, on the campaign's 2020 M4 Report.

17. A subpoena was issued to Respondent's designated campaign depository to ascertain whether any contributions were received during the relevant reporting period which were not reported.

18. Respondent notified his filing officer in writing that he would not be filing his 2020 M4 Report. (ROI Exhibit 3) Respondent's bank records show that financial activity took place during the relevant reporting period. (ROI Exhibit 5) Respondent failed to disclose one contribution totaling \$7,500; however, the financial activity was incorrectly reported on a subsequent report. (ROI Exhibits 4 & 5)

19. Respondent stated that he believed his campaign account was opened in May of 2020 and that is why he filed a waiver for April of 2020, not knowing that the money had already transferred to his campaign account. (Attachment A) Respondent's bank records show that the \$7,500 check contribution at issue was endorsed by Respondent and presented to the bank for deposit on April 27, 2020. (ROI Exhibit 5, page 3) There is no record that Respondent subsequently filed a report for the 2020 M4 reporting period in order to correct the issue. (ROI Exhibit 9; ROI, p. 2, ¶19)

20. Respondent failed to report a contribution required to be reported by Chapter 106, Florida Statutes, on the campaign's 2020 M4 Report.

21. "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).

22. The facts set forth above show that Respondent was a 2020 candidate for Mayor of Palm Bay. Respondent accepted a monetary contribution from Alfy's Trucking, Inc. in excess of the limits prescribed by Section 106.08, Florida Statutes. Respondent certified that the campaign's 2020 M5 Report was true, correct, and complete when it was not. Respondent failed to report a contribution required to be reported by Chapter 106, Florida Statutes, on the campaign's 2020 M4 Report.

Based upon these facts and circumstances, I recommend that the Commission find **probable cause** to charge Respondent with violating the following:

Count 1:

On or about April 27, 2020, Alfred Agarie violated Section 106.19(1)(a), Florida Statutes, when he accepted a contribution in excess of the limits prescribed by Section 106.08, Florida Statutes, from Alfy's Trucking, Inc.

Count 2:

On or about June 9, 2020, Alfred Agarie violated Section 106.07(5), Florida Statutes, when he certified that the campaign's 2020 M5 Report was true, correct, and complete when it was not.

Count 3:

On or around May 8, 2020, Alfred Agarie violated Section 106.19(1)(b), Florida Statutes, when he failed to report a contribution required to be reported by Chapter 106, Florida Statutes, on the campaign's 2020 M4 Report.

Respectfully submitted on March 26, 2021.



Stephanie J. Cunningham
Assistant General Counsel

I reviewed this Staff Recommendation this 26th day of March 2021.



Tim Vaccaro
Executive Director

Florida Elections Commission Post Investigation Telephone Log

Case Number	FEC 20-193
Respondent	Alfred Agarie
Complainant	Ashley Berkowski
Date of Call	March 12, 2021
Time of Call	2:45 p.m.
Name of Individual Called	Alfred Agarie
Phone Number	(321) 508-9624
Summary	<p>Mr. Agarie left a message with Ms. Clay asking to have me call. I spoke with Mr. Agarie at 2:30 to 2:45. Mr Agarie explained he had a message from me but I did not leave a number to call him back (due to working remotely I was using my personal device and could not.) Mr. Agarie missed my final interview call when he was "stuck in Jamiaca with COVID." He stated he was not able to return back until his COVID symptoms dissipated. I went over the findings of my investigation and Mr. Agarie understood. He stated this was an oversight and believed his bank account opened in May and that is why he filed a waiver for April- not knowing money had already been passed to his campaign account from his personal loan. he explained he had amended the entry to change it from being reported as 'cash' to 'loan' I told him this was in my report. I told him that the April bank statement was showing money at the end of the month however he reported the contribution within the May CTR with the date of April 27. He stated he did not know this was an issue because the amended CTR appeared to correct the issue (an affidavit of filing officer shows this is not the case.) Still, Mr. Agarie was wanting to speak with the attorney assigned to the case. I provided him the LS letter sent in Septemeber in a follow-up email to his confirmed email address. He said he would attempt to send a statement or speak to the attorney. We finished by discussing the next steps of the case and that when a staff recommendation is completed he will receive a copy of all materials and report of investigation.</p>
Entered by	Brian Ayres

Florida Elections Commission Post Investigation Telephone Log

Case Number	FEC 20-193
Respondent	Alfred Agarie
Complainant	Ashley Berkowski
Date of Call	March 12, 2021
Time of Call	2:45 p.m.
Name of Individual Called	Alfred Agarie
Phone Number	(321) 508-9624
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Entered by	Brian Ayres

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 20-193

Respondent: Alfred Agarie
Counsel for Respondent: N/A

Complainant: Ashley Borkowski
Counsel for Complainant: N/A

On July 10, 2020, the Florida Elections Commission (Commission) received a sworn complaint alleging that Respondent violated Chapters 104 or 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106.07(5), Florida Statutes, Respondent may have certified his 2020 M5 campaign treasurer's report as true, correct and complete when it was not;

Section 106.19(1)(a), Florida Statutes, Respondent may have accepted a contribution in excess of the limits prescribed by Section 106.08, Florida Statutes; and

Section 106.19(1)(b), Florida Statutes, Respondent may have failed to report a contribution in his 2020 M4 campaign treasurer's report.

I. Preliminary Information:

1. Respondent was a 2020 candidate for Mayor of Palm Bay. Respondent was eliminated in the primary election on August 18, 2020. Respondent filed his Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) and Statement of Candidate (DS-DE 84) on February 12, 2020. Respondent appointed himself as his own campaign treasurer. By signing his DS-DE 84, Respondent acknowledged he had been provided access to and understand the requirements of Chapter 106, Florida Statutes. To review the DS-DE 9 and DS-DE 84, please refer to Exhibits 1 and 2.

II. Alleged Violation of Sections 106.07(5), 106.19(1)(a), 106.19(1)(b), Florida Statutes:

2. I investigated whether Respondent violated these sections of the election laws by accepting an excessive contribution, failing to report the contribution on the 2020 M4 report, and certifying that the 2020 M5 report was true, correct and complete when it was not since it inaccurately included the contribution that had been omitted from the 2020 M4 report.

3. On May 8, 2020, Respondent filed a waiver of report for the 2020 M4 reporting period, which covered the dates of April 1 to April 30, 2020. By filing the waiver of report, Respondent declared that there was no financial activity during the 2020 M4 reporting period. To review the 2020 M4 waiver of report, refer to Exhibit 3.

4. On June 9, 2020, Respondent filed the 2020 M5 report, which covered the dates of May 1 to May 31, 2020. When filing the 2020 M5 report, Respondent reported a contribution that took place on April 27, 2020 from "Alfy's Trucking, Inc." in the amount of \$7,500.00. The contributor was identified as a trucking service business. To review the 2020 M5 report, refer to

Exhibit 4.

5. I subpoenaed Respondent's campaign depository at Bank of America. Bank records show a \$7,500.00 contribution deposited on April 27, 2020 from Alfy's Trucking, Inc. The check was dated April 10, 2020, but it was deposited on April 27, 2020. It was drawn on the Suntrust bank account of Alfy's Trucking, Inc. There was no record of a deposit made between May 1 and May 31, 2020. To review the bank records, refer to Exhibit 5.

6. According to the Division of Corporation's website, Alfy's Trucking, Inc., is a Florida for-profit corporation of which Respondent is the president and registered agent. To review the corporate information, refer to Exhibit 6.

7. During a telephone interview on January 24, 2021, Respondent stated he funded the campaign himself. Respondent stated he had amended his campaign records to show the correct information. To review the phone log, refer to Exhibit 7.

8. On November 10, 2020, Respondent filed an amended 2020 M5 report in which he deleted the contribution at issue from Alfy's Trucking, Inc., and added a contribution on the same date in the same amount from himself which he categorized as a loan. However, as noted above, the check that was deposited on that day was drawn on the account of Alfy's Trucking, Inc., not on a personal account of Respondent. To review the amended 2020 M5 report, refer to Exhibit 8.

9. There is no record of Respondent filing a 2020 M4 report in place of the waiver of report that was originally filed to disclose the contribution deposited on April 27, 2020. To review Respondent's filing history, refer to Exhibit 9.

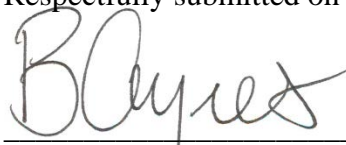
10. There is no record of Respondent refunding any portion of the \$7,500.00 contribution at issue to Alfy's Trucking, Inc., by campaign account check.

11. Respondent did not respond to the complaint.

12. Respondent did not return the questionnaire-affidavit. Since the affidavit was not returned, I am unable to ascertain whether Respondent read Chapter 106, Florida Statutes, and/or the *Candidate and Campaign Treasurer Handbook*.

13. However, Palm Bay Deputy City Clerk Terri Lefler attested in an affidavit that Respondent was provided with copies of Chapter 106, Florida Statutes, and the *Candidate and Campaign Treasurer Handbook* on January 30, 2020. Further, Respondent was provided with a candidate pre-qualifying packet. To review the affidavit and email to Respondent with attached pre-qualifying packet, refer to Exhibit 10.

Respectfully submitted on February 23, 2021.



Brian Ayres
Investigation Specialist

Current address of Respondent

Alfred Agarie
281 Emerson Dr. NW
Palm Bay, FL 32907

Current address of Complainant

Ashley Borkowski
2524 Peralta Dr. SE.
Palm Bay, FL 32909

Name and Address of Filing Officer:

Terese Jones
Palm Bay City Clerk
120 Malabar Road
Palm Bay, FL 32907

Copy furnished to:

Cole Kekelis, Chief Regulatory Counsel

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Alfred Agarie -- FEC 20-193

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9)
Exhibit 2	Statement of Candidate (DS-DE 84)
Exhibit 3	2020 M4 Waiver of Report
Exhibit 4	2020 M5 Campaign Treasurer's Report
Exhibit 5	Campaign Depository Records
Exhibit 6	Alfy's Trucks, Inc.- Division of Corporations (Sunbiz Record)
Exhibit 7	Investigation Phone Log
Exhibit 8	Amended 2020 M5 Campaign Treasurer's Report
Exhibit 9	Filing History
Exhibit 10	City Clerk Deputy Affidavit Response

APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

Office of The

FEB 12 2020

City Clerk

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)

Alfred Ramsey Agarie

3. Address (include post office box or street, city, state, zip code)

281 Emerson Drive NW Palm Bay FL 32907

4. Telephone

(321) 508-9624

5. E-mail address

AlfyAgarie@gmail.com

6. Office sought (include district, circuit, group number)

Mayor of Palm Bay

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation _____ Party candidate.

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

10. Name of Treasurer or Deputy Treasurer

Alfred R. Agarie

11. Mailing Address

1680 Main Street

12. Telephone

(321) 508-9624

13. City

Palm Bay

14. County

Brevard

15. State

FL

16. Zip Code

32905

17. E-mail address

AlfyAgarie@gmail.com

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

19. Name of Bank

Bank Of America

20. Address

4710 Babcock Street NE

21. City

Palm Bay

22. County

Brevard

23. State

FL

24. Zip Code

32905

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

2-1-2020

26. Signature of Candidate

X A. Agarias

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

I, Alfred R. Agarie, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

2-1-2020

Date

X A. Agarias

Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

Office of The

FEB 12 2020

City Clerk

I, Alfred Ramsey Agarie ,

candidate for the office of Mayor of Palm Bay ;

have been provided access to read and understand the requirements of

Chapter 106, Florida Statutes.

X

A. Agarie

Signature of Candidate

2-1-2020

Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

RECEIVED
05/08/20 - 09:36:36
By City Clerk

OFFICE USE ONLY

Alfred Ramsey Agarie
Name

Mayor
Office Sought

1680 main street
Address

Palm Bay, FL 32905
City State Zip Code

Candidate Political Committee Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

Check here if address has changed since last report. Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)


MONTHLY REPORT PRIMARY ELECTION GENERAL ELECTION OTHER REPORT TYPE

Indicate report # Indicate report # Indicate report # Indicate report type and # as applicable:
M 4 P G _____

TERMINATION REPORT SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

04/01/20 THROUGH 04/30/20

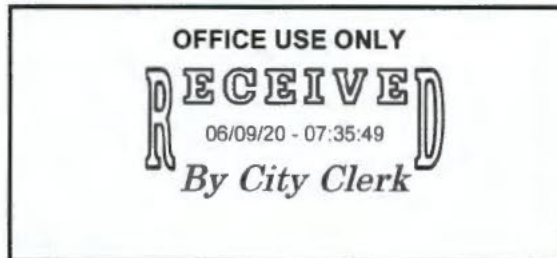
X	 3A9-43D3-82E6-A31		05/08/20
	Signature		Date
X	05/08/20 - 09:36:36		05/08/20
	Signature		Date

REQUIRED SIGNATURES FOR:
Candidates: Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)
Political Committees: Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)
Party Executive Committees: Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Alfred Ramsey Agarie
 Name
 (2) 1680 Main Street
 Address (number and street)
Palm Bay, FL 32905
 City, State, Zip Code



Check here if address has changed

(3) ID Number: _____

(4) Check appropriate box(es):

- Candidate Office Sought: Mayor
- Political Committee (PC)
- Electioneering Communications Org. (ECO)
- Party Executive Committee (PTY)
- Independent Expenditure (IE) (also covers an individual making electioneering communications)
- Check here if PC or ECO has disbanded
- Check here if PTY has disbanded
- Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 05 / 01 / 20 To 05 / 31 / 20 Report Type: M-5

Original Amendment Special Election Report

(6) Contributions This Report

Cash & Checks	\$	7	500	. 00	
Loans	\$		0	. 00	
Total Monetary	\$	7	500	. 00	
In-Kind	\$		0	. 00	

(7) Expenditures This Report

Monetary Expenditures	\$	5	516	. 82	
Transfers to Office Account	\$		0	. 00	
Total Monetary	\$	5	516	. 82	

(8) Other Distributions

\$ _____, _____, 0 . 00

(9) TOTAL Monetary Contributions To Date

\$ _____, 7, 500 . 00

(10) TOTAL Monetary Expenditures To Date

\$ _____, 5, 516 . 82

(11) 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:

(Type name)

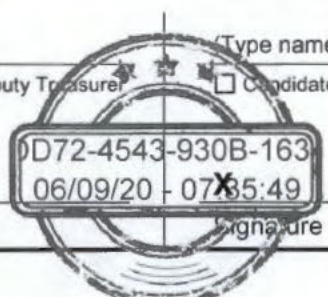
(Type name)

Individual (only for IE or electioneering comm.) Treasurer Deputy Treasurer Candidate Chairperson (only for PC and PTY)

X

Signature

Signature



CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name Alfred Ramsey Agarie (2) I.D. Number _____

(3) Cover Period 05 / 01 / 20 through 05 / 31 / 20 (4) Page 2 of 4

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
04 / 27 / 20	Alfy's Trucking Inc 4371 Dixie Highway NE Palm Bay, FL 32905	Busine	Trucking Service	Check			\$7,500.00
1							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							



P.O. Box 15284
Wilmington, DE 19850

Business Advantage

Customer service information

📞 1.888.BUSINESS (1.888.287.4637)

🌐 bankofamerica.com

✉ Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

ALFRED RAMSEY AGARIE CAMPAIGN ACCOUNT MA
1680 MAIN ST NE
PALM BAY, FL 32905-3548

Your Business Fundamentals Checking

for April 27, 2020 to April 30, 2020

ALFRED RAMSEY AGARIE CAMPAIGN ACCOUNT MA

Account number: [REDACTED]

Account summary

Beginning balance on April 27, 2020	\$0.00
Deposits and other credits	7,500.00
Withdrawals and other debits	-0.00
Checks	-0.00
Service fees	-0.00
Ending balance on April 30, 2020	\$7,500.00

of deposits/credits: 1

of withdrawals/debits: 0

of items-previous cycle¹: 0

of days in cycle: 4

Average ledger balance: \$7,500.00

¹Includes checks paid, deposited items & other debits

Deposits and other credits

Date	Description	Amount
04/27/20	Counter Credit	7,500.00

Total deposits and other credits **\$7,500.00**

Daily ledger balances

Date	Balance (\$)
04/27	7,500.00



**Your
Digital
Tip**

BANK OF AMERICA BUSINESS ADVANTAGE

Dreading the shredding?

Go paperless — you'll have security without the hassle of storing and shredding old statements. View your statements online any time.

You can enroll today by logging in to Online Banking at bankofamerica.com/SmallBusiness and clicking on **Profiles & Settings** (in the upper right, next to Sign Out).

ARWY4MJB | SSM-04-19-0138B

ALFY'S TRUCKING, INC.
4371 Dixie Hwy NE
Palm Bay, FL 32905

12309
63-215
631

4-10-2020

PAY TO THE ORDER OF Mayor Campaign Committee \$ 7,500.00

seven thousand five hundred DOLLARS

FOR Contribution

SUNTRUST
ACH R/T 061000104


M. Agonie
AUTHORIZED SIGNATURE

Seq: 64
Batch: 257993
Date: 04/27/20

Seq: 00064 04/27/20
BAT: 257993 CC: 0750109055
WT: 01 LTPS: Jacksonville
BC: Palm Bay BC FL0-590

A. Agonie

<u>Date Presented</u> 4/27/2020	<u>Sequence</u> 3052183531	<u>State</u> ZZ	<u>Remitter Account Number</u> [REDACTED]	<u>Remitter R/T Number</u> 6310215
<u>Amount Presented</u> \$7,500.00	<u>Check Number</u> 12309	<u>Image Indicator</u> 1	<u>Sorry Indicator</u> 0	<u>Deposit Sequence</u> 3052183530
<u>Deposit Account</u> [REDACTED]	<u>ImgVolNo</u> 1			

Bank of America  **Counter Deposit CREDIT**

90 Customer Connective 82 (VA) 36 (MI) 84 (CA) 76 (CT) 30 (MD) 34 (NH) 87 (NV) 61 (ND) 74 (NE) 53 (IA) 50 (WA) 99 (WY)
 78 (VT) 58 (MA) 86 (HI) 32 (DE) 31 (IN) 33 (IL) 35 (KS) 88 (MO) 52 (OH) 77 (PA) 39 (NY) 89 (OR) 57 (SC) 63 (TN)
 55 (SD) 38 (NM) 81 (NV) 56 (NC) 37 (OK) 97 (OR)

Name Alfred Ransen Agarie Campaign - Af Date 4/27/20
 Address 1086 Math St NE
 City/State/Zip Code Palm Bay FL 32905
 Telephone () () () () () ()

SIGN HERE IF CASH RECEIVED FROM DEPOSIT

Location/Store/Serial # (For Business customers only) [REDACTED]

All items received subject to terms and conditions of applicable laws, regulations and deposit agreement. Proper identification required.

Deposits may not be available for immediate withdrawal.

Cash ▶
 Checks ▶
 Subtotal ▶
 Less Cash ▶
 Total Deposit \$ 7500.00

⑆540950133⑆ 5

Enter This Total On The Front Of This Ticket

10. 9. 8. 7. 6. 5. 4. 3. 2. 1. Dollars

Seq: 0063 04/27/20
 Batch: 257993
 Date: 04/27/20

Do not write in this area

Seq: 0063 04/27/20
 BAT: 257993 CC: 0750109055
 WT: 01 LTPS: Jacksonville
 BC: Palm Bay BC FL0-599

04/27/2020 15:56 NFL T00070 R540590135
 Acct# [REDACTED]
 HOLDS APPLIED SEE HOLD NOTICE
 Total Deposit To CHK \$7,500.00
 Credit Pending Posts on 04/27/2020
 Available Now \$0.00

IntRef 1209AC0T5M7322TF3F863X

Cents

| <u>Date Deposited</u> | <u>Sequence</u> | <u>State</u> | <u>RT Number</u> | <u>Amount Deposited</u> | <u>Serial Number</u> |
|------------------------|------------------------|-------------------------|------------------------|-------------------------|----------------------|
| 4/27/2020 | 3052183530 | FL | 54059013 | \$7,500.00 | 0 |
| <u>Image Indicator</u> | <u>Sorry Indicator</u> | <u>Deposit Sequence</u> | <u>Deposit Account</u> | <u>ImgVolNo</u> | |
| 1 | 0 | 3052183530 | [REDACTED] | 1 | |



P.O. Box 15284
Wilmington, DE 19850

Business Advantage

Customer service information

📞 1.888.BUSINESS (1.888.287.4637)

🌐 bankofamerica.com

✉ Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

ALFRED RAMSEY AGARIE CAMPAIGN ACCOUNT MA
1680 MAIN ST NE
PALM BAY, FL 32905-3548

🔔 Please see the **Important Messages - Please Read** section of your statement for important details that could impact you.

Your Business Fundamentals Checking

for May 1, 2020 to May 31, 2020

Account number: [REDACTED]

ALFRED RAMSEY AGARIE CAMPAIGN ACCOUNT MA

Account summary

| | |
|---------------------------------------|-------------------|
| Beginning balance on May 1, 2020 | \$7,500.00 |
| Deposits and other credits | 0.00 |
| Withdrawals and other debits | -0.00 |
| Checks | -3,639.79 |
| Service fees | -50.92 |
| Ending balance on May 31, 2020 | \$3,809.29 |

of deposits/credits: 0

of withdrawals/debits: 6

of items-previous cycle¹: 1

of days in cycle: 31

Average ledger balance: \$5,479.21

¹Includes checks paid, deposited items & other debits

BUSINESS ADVANTAGE

Get a 360° view of your business finances

Business Advantage 360 gives you the power to manage your business finances from a single dashboard. Available through Online and Mobile Banking¹ at no cost to you.

To learn more, visit bankofamerica.com/BusinessAdvantage360.

¹ You must be enrolled in Online Banking or Mobile Banking to use the Business Advantage 360 tool and have an eligible Bank of America® small business deposit account. Mobile Banking requires that you download the Mobile Banking app and is only available for select mobile devices. Message and data rates may apply. SSM-01-20-2732.B | 2924763



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Officer/Registered Agent Name](#) /

Detail by Officer/Registered Agent Name

Florida Profit Corporation
ALFY'S TRUCKING, INC.

Filing Information

| | |
|-----------------------------|--------------|
| Document Number | P02000130572 |
| FEI/EIN Number | 04-3727899 |
| Date Filed | 12/11/2002 |
| Effective Date | 01/02/2003 |
| State | FL |
| Status | ACTIVE |
| Last Event | AMENDMENT |
| Event Date Filed | 11/05/2010 |
| Event Effective Date | NONE |

Principal Address

281 EMERSON DR. NW
PALM BAY, FL 32907

Mailing Address

281 EMERSON DR. NW
PALM BAY, FL 32907

Registered Agent Name & Address

AGARIE, ALFRED R
281 EMERSON DR. NW
PALM BAY, FL 32907

Name Changed: 10/27/2011

Officer/Director Detail

Name & Address

Title D, President

AGARIE, ALFRED R
281 EMERSON DR. NW
PALM BAY, FL 32907

Annual Reports

| Report Year | Filed Date |
|--------------------|-------------------|
| 2018 | 03/04/2018 |
| 2019 | 03/04/2019 |

2019 03/20/2019
2020 06/30/2020

Document Images

| | |
|---|--|
| 06/30/2020 -- ANNUAL REPORT | View image in PDF format |
| 03/20/2019 -- ANNUAL REPORT | View image in PDF format |
| 03/04/2018 -- ANNUAL REPORT | View image in PDF format |
| 03/27/2017 -- ANNUAL REPORT | View image in PDF format |
| 02/10/2016 -- ANNUAL REPORT | View image in PDF format |
| 02/01/2015 -- ANNUAL REPORT | View image in PDF format |
| 01/29/2014 -- ANNUAL REPORT | View image in PDF format |
| 01/17/2013 -- ANNUAL REPORT | View image in PDF format |
| 01/13/2012 -- ANNUAL REPORT | View image in PDF format |
| 10/27/2011 -- ANNUAL REPORT | View image in PDF format |
| 02/18/2011 -- ANNUAL REPORT | View image in PDF format |
| 11/05/2010 -- Amendment | View image in PDF format |
| 01/07/2010 -- ANNUAL REPORT | View image in PDF format |
| 04/28/2009 -- Dom/For AR | View image in PDF format |
| 04/17/2008 -- ANNUAL REPORT | View image in PDF format |
| 03/26/2007 -- ANNUAL REPORT | View image in PDF format |
| 03/03/2006 -- ANNUAL REPORT | View image in PDF format |
| 03/12/2005 -- ANNUAL REPORT | View image in PDF format |
| 03/10/2004 -- ANNUAL REPORT | View image in PDF format |
| 12/11/2002 -- Domestic Profit | View image in PDF format |

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 20-193**

Respondent: Alfred Agarie

Complainant: Ashley Berkowski

1. **Date and time:** January 24, 2021

Name: Alfred Agarie

Phone #: 321-508-9624

Summary: I called Respondent to confirm the delivery of the affidavit sent on January 7, 2021. Respondent was resistant to providing any information and stated.

When asked if he had received any information from FEC and my investigation Respondent was not sure. Respondent continued stating the campaign was funded by his own funds. Respondent stated this complaint is not an issue, and that he amended his records to show the correct information. However, this is not what the affidavit of Filing Officer showed and I asked him to send records of the amendment. (Aff of FO shows email correspondence to correct the CTRs but no correctly amended CTR is shown, as noted in the response) Respondent stated he will get the information to me eventually next week.

Respondent added additional information against his opponents and city council that were not pertinent to this investigation. I directed him to file a complaint if he has issues with said individuals.

Memo to File?

Entered by:

2. **Date and time:** February 3, 2021 @ 11:17 a.m.

Name: Alfred Agarie

Phone #: 321-508-9624

Summary: I called to go over the investigation with Respondent for a final interview. Respondent did not answer and I left a voicemail and followed up with an email asking for a schedule to call if needed.

Memo to File? No

Entered by: Brian Ayres

3. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

Entered by:

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Alfred Ramsey Agarie
 Name
 (2) 1680 Main Street
 Address (number and street)
Palm Bay , FL 32905
 City, State, Zip Code



Check here if address has changed (3) ID Number: _____

(4) Check appropriate box(es):
 Candidate Office Sought: Mayor
 Political Committee (PC)
 Electioneering Communications Org. (ECO)
 Party Executive Committee (PTY)
 Independent Expenditure (IE) (also covers an individual making electioneering communications)
 Check here if PC or ECO has disbanded
 Check here if PTY has disbanded
 Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 05 / 01 / 20 To 05 / 31 / 20 Report Type: M-5
 Original Amendment Special Election Report

(6) Contributions This Report

| | | | | | | | | |
|----------------|----|-------|---|----------|---|------------|---|-----------|
| Cash & Checks | \$ | _____ | , | _____ | , | <u>0</u> | . | <u>00</u> |
| Loans | \$ | _____ | , | <u>7</u> | , | <u>500</u> | . | <u>00</u> |
| Total Monetary | \$ | _____ | , | <u>7</u> | , | <u>500</u> | . | <u>00</u> |
| In-Kind | \$ | _____ | , | _____ | , | <u>0</u> | . | <u>00</u> |

(7) Expenditures This Report

| | | | | | | | | |
|-----------------------------|----|-------|---|----------|---|------------|---|-----------|
| Monetary Expenditures | \$ | _____ | , | <u>5</u> | , | <u>516</u> | . | <u>82</u> |
| Transfers to Office Account | \$ | _____ | , | _____ | , | <u>0</u> | . | <u>00</u> |
| Total Monetary | \$ | _____ | , | <u>5</u> | , | <u>516</u> | . | <u>82</u> |

(8) Other Distributions
 \$ _____ , _____ , 0 . 00

(9) TOTAL Monetary Contributions To Date
 \$ _____ , 7 , 500 . 00

(10) TOTAL Monetary Expenditures To Date
 \$ _____ , 5 , 516 . 82

(11) 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:

(Type name) _____ (Type name) _____
 Individual (only for IE or electioneering comm.) Treasurer Deputy Treasurer Candidate Chairperson (only for PC and PTY)

X _____ Signature _____
 Signature



CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name Alfred Ramsey Agarie (2) I.D. Number _____

(3) Cover Period 05 / 01 / 20 through 05 / 31 / 20 (4) Page 2 of 4

| (5)
Date | (7)
Full Name
(Last, Suffix, First, Middle)
Street Address &
City, State, Zip Code | (8)
Contributor
Type Occupation | | (9)
Contribution
Type | (10)
In-kind
Description | (11)
Amendment | (12)
Amount |
|---------------------------|--|---|---------------------|-----------------------------|--------------------------------|-------------------|----------------|
| (6)
Sequence
Number | | Type | Occupation | | | | |
| 04 / 27 / 20
1 | Alfy's Trucking Inc
4371 Dixie Highway NE
Palm Bay, FL 32905 | Busine | Trucking
Service | Check | | Del | \$0.00 |
| 04 / 27 / 20
2 | Alfred Ramsey Agarie
1680 Main Street
Palm Bay, FL 32905 | Individ | Business
man | Loan | | Add | \$7,500.00 |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name Alfred Ramsey Agarie

(2) I.D. Number _____

(3) Cover Period 05 / 01 / 20 through 05 / 31 / 20

(4) Page 3 of 4

| (5)
Date | (7)
Full Name
(Last, Suffix, First, Middle)
Street Address &
City, State, Zip Code | (8)
Purpose
(add office sought if
contribution to a
candidate) | (9)
Expenditure
Type | (10)
Amendment | (11)
Amount |
|---------------------------|--|--|----------------------------|-------------------|----------------|
| (6)
Sequence
Number | | | | | |
| 05 / 08 / 20
2 | Crown Light Studio, LLC

837 Seven Gables Circle SE
Palm Bay, FL 32909 | Photo and Studio | CandidateEx
pense | | \$825.00 |
| 05 / 08 / 20
3 | Crown Light Studio, LLC

837 Seven Gables Circle SE
Palm Bay, FL 32909 | Social Media | CandidateEx
pense | | \$100.00 |
| 05 / 11 / 20
4 | Custom Signs And Shirts

3730 West New Haven
Melbourne, FL 32904 | Signs | CandidateEx
pense | | \$1,432.73 |
| 05 / 19 / 20
5 | Custom Signs And Shirts

3730 West New Haven
Melbourne, FL 32904 | Signs and Shirts | CandidateEx
pense | | \$1,132.06 |
| 05 / 07 / 20
1 | Checks On Demand

PO Box 510128
Melbourne Beach, FL 32951 | Checks | CandidateEx
pense | | \$50.92 |
| 05 / 24 / 20
6 | Design Graphics Printing

2330 N Wickham Road #12
Melbourne, FL 32935 | Campaign Flyers | CandidateEx
pense | | \$100.00 |
| 05 / 24 / 20
7 | Seeta media inc

3720 Lake Washington Rd
Melbourne, FL 32934 | Radio Show | CandidateEx
pense | | \$150.00 |
| 05 / 25 / 20
8 | Seeta Media Inc

3720 Lake Washington Rd
Melbourne, FL 32934 | Radio Show | CandidateEx
pense | | \$100.00 |

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name Alfred Ramsey Agarie

(2) I.D. Number _____

(3) Cover Period 05 / 01 / 20 through 05 / 31 / 20

(4) Page 4 of 4

| (5)
Date | (7)
Full Name
(Last, Suffix, First, Middle)
Street Address &
City, State, Zip Code | (8)
Purpose
(add office sought if
contribution to a
candidate) | (9)
Expenditure
Type | (10)
Amendment | (11)
Amount |
|---------------------------|--|--|----------------------------|-------------------|----------------|
| (6)
Sequence
Number | | | | | |
| 05 / 28 / 20 | Custom Signs And Shirts | Signs | CandidateEx
pense | | \$449.40 |
| 9 | 3730 West New Haven
Melbourne, FL 32904 | | | | |
| 05 / 28 / 20 | One Stop Signs and Printing | Signs | CandidateEx
pense | | \$1,176.71 |
| 10 | 700 S. John Rodes Blvd. D-5
Melbourne, FL 32904 | | | | |
| / / | | | | | |
| / / | | | | | |
| / / | | | | | |
| / / | | | | | |
| / / | | | | | |
| / / | | | | | |
| / / | | | | | |

Public Filings (/home/publicfilings)

Elections (/home/elections)

Public Filings for City of Palm Bay

| Full Name/Committee Name | Office |
|-------------------------------|--------|
| ▼ Agarie, Alfred | Mayor |



Alfred Agarie

| Document Name | Date Submitted | Document Type | Election |
|---|----------------|---|----------|
| <u>Termination Report</u> | 11/10/20 | Campaign Treasurer's Report
(Summary/Contributions/Expenditures) | |
| <u>P-3 2020 Campaign Report - AMENDMENT</u> | 11/10/20 | Campaign Treasurer's Report
(Summary/Contributions/Expenditures) | |
| <u>M-5 2020 Campaign Report - AMENDMENT</u> | 11/10/20 | Campaign Treasurer's Report
(Summary/Contributions/Expenditures) | |
| <u>P-7 2020 Campaign Report</u> | 08/14/20 | Waiver of Report (DS-DE 87) | |
| <u>P-6 2020 Campaign Report</u> | 08/07/20 | Waiver of Report (DS-DE 87) | |
| <u>P-5 2020 Campaign Report</u> | 07/30/20 | Waiver of Report (DS-DE 87) | |
| <u>P-4 2020 Campaign Report</u> | 07/23/20 | Campaign Treasurer's Report | |

| | | |
|---------------------------------|----------|---|
| <u>P-7 2020 Campaign Report</u> | 07/20/20 | Campaign Treasurer's Report
(Summary/Contributions/Expenditures) |
| <u>P-3 2020 Campaign Report</u> | 07/16/20 | Campaign Treasurer's Report
(Summary/Contributions/Expenditures) |
| <u>P-2 2020 Campaign Report</u> | 07/01/20 | Waiver of Report (DS-DE 87) |
| <u>P-1 2020 Campaign Report</u> | 06/23/20 | Campaign Treasurer's Report
(Summary/Contributions/Expenditures) |
| <u>M-5 2020 Campaign Report</u> | 06/09/20 | Campaign Treasurer's Report
(Summary/Contributions/Expenditures) |
| <u>M-4 2020 Campaign Report</u> | 05/08/20 | Waiver of Report (DS-DE 87) |
| <u>M-3 2020 Campaign Report</u> | 04/08/20 | Waiver of Report (DS-DE 87) |
| <u>M-2 2020 Campaign Report</u> | 03/09/20 | Waiver of Report (DS-DE 87) |

14 total

- > Borkowski, Alan Mayor
- > Duncan, Christopher Mayor
- > Filer, Test Mayor
- > Maragh, Khalilah Mayor
- > Medina, Rob Mayor
- > Mortenson, Jeffrey Mayor

17 total



AFFIDAVIT OF FILING OFFICER
Case Number: FEC 20-193

STATE OF FLORIDA
County of Brevard County

Terri Lefler, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by the City of Palm Bay as the Deputy City Clerk.
3. Please provide copies of the listed items from the following candidate's campaign file: **Alfred Agarie**.

| Check | ITEM |
|----------------|---|
| Attachment 3.1 | The Statement of Candidate form for the 2020 campaign. |
| Attachment 3.2 | Campaign treasurer's reports, waivers, and amendments for the 2020 campaign. |
| Attachment 3.3 | Addendum requests and proof of compliance for the 2020 campaign. |
| Attachment 3.4 | The candidate's and campaign treasurers' acknowledgment whereby candidates and treasurers declare, under penalties of perjury, electronically filing a CTR is same as signing the report under oath, and to have certified the correctness of the report in accordance with sections 106.07(5) or 106.29(2), Florida Statutes, as applicable; such as an Application and Acknowledgement of Electronic Filing Information form (if applicable). |
| Attachment 3.5 | Form(s) for all campaigns whereby candidate acknowledges receipt of instructions and/or campaign materials. <u>Our office does not require a candidate to acknowledge receipt as an one can pick up a re-ualif in packet</u> |
| Attachment 3.6 | All checks issued by the candidate's campaign to your office (qualifying fee, maps, etc.). Please do <u>not</u> redact the bank routing and account numbers. |

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

| Check | ITEM | DATE |
|--|--|---|
| Inadvertently omitted from Pre-Qualifying Packet | <i>A Compilation of The Election Laws of the State of Florida</i> | N/A |
| Inadvertently omitted from Pre-Qualifying Packet | Chapter 104, <i>Florida Statutes</i> | N/A |
| Attachment 4.3 | Chapter 106, <i>Florida Statutes</i> | January 30, 2020 |
| Attachment 4.4 | <i>Candidate & Campaign Treasurer Handbook</i> . Please provide revision date of publication. <u>October 3, 2019</u> | January 30, 2020
August 19, 2020
October 22, 2020 |

| | | |
|--|---------------------|--|
| | Other: ¹ | |
|--|---------------------|--|

5. Relative to Chapter 106, *Florida Statutes*, and the *Candidate & Campaign Treasurer Handbook*, please indicate how these publications are provided to the candidate.

- A candidate packet, or similar material, is given to the candidate. The candidate packet includes links to the Division of Elections' website, or our website, where these documents are available for review.
- Publications are provided on a CD or thumb/flash drive that is given to the candidate.
- Other, please explain. _____

6. Did your office² offer any candidate workshops, campaign skills or training seminars prior to the 2020 election? Yes or No. If yes, please list all workshops/training seminars that were attended by the candidate, along with the date of attendance. If a staff member attended for the candidate, list his/her name and position. If available, please attach a copy of any attendance sheets from the workshops/training seminars and if available, please provide a copy of the syllabus and outline or PowerPoint presentation for the workshops/seminars.

Information is provided with the candidate pre-qualifying packet. Our office offers to sit down with candidates when they pick up the packet to go over any information, if desired.

7. Does your office have any record of Alfred Agarie having sought elective office within your jurisdiction prior to the 2020 election? Yes or No. If yes, please list the previous office(s) he/she ran for, the date(s) of the election(s), and the result(s) of the election(s). If the candidate withdrew her/his candidacy for election, please indicate if the withdrawal was before or after qualifying.

8. Does your office have any record of Alfred Agarie having been named as a chairperson or campaign treasurer of a political committee (PC or PAC) or electioneering communications

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

² If your County elections or ethics office offered candidate workshops/campaign skills or training seminars, please identify the office providing the workshops/seminars and provide copies of any notices that were sent to candidates within your jurisdiction.

organization (ECO) within your jurisdiction? Yes or No. If yes, please list the name(s) of the committees.

9. Did you or any member of your staff have any conversations with Alfred Agarie concerning a provision of Chapter 106, Florida Statutes, relative to how to report campaign finances or contribution limits at any time during the 2020 campaign? Yes or No. If yes, please indicate whether the conversation was in person, in writing, or by telephone and the subject matter of the conversation. If applicable, please provide copies of records documenting the discussion.

Copies of records enclosed, as Attachment 9

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

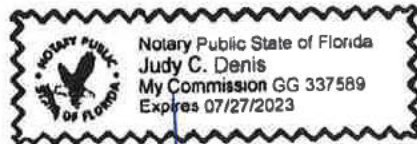

Signature of Affiant

TERRI J. LEFLER

Print or type name of Affiant on line above.

Sworn to (or affirmed) and subscribed before me, by means of physical presence or online notarization, this 2 day of November, 2020.


Signature of Notary Public - State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known or Produced Identification
Type of Identification Produced: _____

Case investigator: B.A.

Terri Lefler

From: Terri Lefler
Sent: Thursday, January 30, 2020 1:40 PM
To: alfytrucking@gmail.com
Cc: Terese Jones (Terese.Jones@palmbayflorida.org); Rosemarie Saavedra (Rosemarie.Saavedra@palmbayflorida.org)
Subject: City of Palm Bay Pre-qualifying Packet
Attachments: 2020 Pre-Qualifying Packet.pdf

| Tracking: | Recipient | Delivery |
|-----------|---|------------------------------|
| | alfytrucking@gmail.com | |
| | Terese Jones (Terese.Jones@palmbayflorida.org) | |
| | Rosemarie Saavedra
(Rosemarie.Saavedra@palmbayflorida.org) | |
| | Rosemarie Saavedra | Delivered: 1/30/2020 1:42 PM |
| | Terese Jones | Delivered: 1/30/2020 1:42 PM |

Good afternoon Mr. Agarie,

Thank you for your interest in running for Palm Bay City Council. Attached, please find the candidate pre-qualifying packet.

Kindest Regards,



The City of Palm Bay Florida
Down to Earth And Up To Great Things™

Terri Lefler | Deputy City Clerk
321.952.3414 or ext. 3209

Legislative Department
120 Malabar Road SE, Suite 310
Palm Bay, FL 32907

Fax: 321-953-8971
E-mail: terri.lefler@pbfl.org
Web: www.palmbayflorida.org

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 20-193**

Respondent: Alfred Agarie

Complainant: Ashley Berkowski

1. **Date and time:** January 24, 2021

Name: Alfred Agarie

Phone #: 321-508-9624

Summary: I called Respondent to confirm the delivery of the affidavit sent on January 7, 2021. Respondent was resistant to providing any information and stated.

When asked if he had received any information from FEC and my investigation Respondent was not sure. Respondent continued stating the campaign was funded by his own funds. Respondent stated this complaint is not an issue, and that he amended his records to show the correct information. However, this is not what the affidavit of Filing Officer showed and I asked him to send records of the amendment. (Aff of FO shows email correspondence to correct the CTRs but no correctly amended CTR is shown, as noted in the response) Respondent stated he will get the information to me eventually next week.

Respondent added additional information against his opponents and city council that were not pertinent to this investigation. I directed him to file a complaint if he has issues with said individuals.

Memo to File?

Entered by:

2. **Date and time:** February 3, 2021 @ 11:17 a.m.

Name: Alfred Agarie

Phone #: 321-508-9624

Summary: I called to go over the investigation with Respondent for a final interview. Respondent did not answer and I left a voicemail and followed up with an email asking for a schedule to call if needed.

Memo to File? No

Entered by: Brian Ayres

3. **Date and time:**

Name:

Phone #:

Summary:

Memo to File? No

Entered by:



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



September 14, 2020

Alfred Agarie
281 Emerson Dr. NW
Palm Bay, FL 32907

RE: Case No.: FEC 20-193; Respondent: Alfred Agarie

Dear Mr. Agarie:

On July 10, 2020, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violations:

Section 106.07(5), Florida Statutes: Respondent, a 2020 candidate for Mayor of Pam Bay, Florida, may have certified that his 2020 M5 campaign treasurer's report was true, correct, and complete when it was not, as alleged in the complaint.

Section 106.19(1)(a), Florida Statutes: Respondent, a 2020 candidate for Mayor of Pam Bay, Florida, may have accepted a contribution in excess of the limits prescribed by Section 106.08, Florida Statutes, as alleged in the complaint.

Section 106.19(1)(b), Florida Statutes: Respondent, a 2020 candidate for Mayor of Pam Bay, Florida, may have failed to report a contribution on his 2020 M4 campaign treasurer's report required to be reported by Chapter 106, Florida Statutes, as alleged in the complaint.

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 prepare and present a written Staff Recommendation (SR) to the Commission as to whether there is probable cause to charge you, the 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 upon you. Notice will be mailed to you and the Complainant at least 14 days before any hearing at which your case is to be considered.

Alfred Agarie
September 14, 2020
Page 2
FEC 20-193

Pursuant to Section 106.25(4)(i)3., Florida Statutes, the Commission may enter into a consent agreement with a Respondent to settle a complaint prior to a finding of probable cause. If you are interested in entering negotiations directed towards reaching a consent agreement to resolve this matter, please contact the Commission and request to speak with the attorney assigned to this case.

Please note that all documents related to this matter will be mailed to the above address unless you notify us of a new address.

Pursuant to Section 106.25, Florida Statutes, complaints, 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, unless the Respondent files a written waiver of confidentiality with the Commission. The confidentiality provision does not apply to the Complainant or the Respondent.

Should you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the commission staff can discuss this case with him or her.

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website.

If you have additional questions, please contact **Brian Ayres**, the investigator assigned to this case, by phone at (850) 922-4539 or by email at Brian.Ayres@myfloridalegal.com.

Sincerely,

A handwritten signature in blue ink that reads "Tim Vaccaro". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tim Vaccaro
Executive Director

TV/med

COMPLAINT

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

1. PERSON BRINGING COMPLAINT:

Name: Ashley Borkowski Work Phone: (____) _____
Address: 2524 Peralta Dr. Se. Home Phone: (321) 591-5345
City: Palm Bay County: Brevard State: FL Zip Code: 32909

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

If you intend to name more than one individual or entity, please file multiple complaints. A person can be an individual, political committee, political party, electioneering communication organization, club, corporation, partnership, company, association, or other type of organization.

Name of individual or entity: Alfred Agarie
Address: 281 Emerson Dr. Nw. Phone: (321) 508-9624
City: Palm Bay County: Brevard State: FL Zip Code: 32907

If individual is a candidate, list the office or position sought: Palm Bay Mayor

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

Are you alleging a violation of Section 104.271(2), F.S.? (check one) Yes No

Are you alleging a violation of Section 104.2715, F.S.? (check one) Yes No

3. ALLEGED VIOLATION(S):

Please attach a **concise** narrative statement in which you list the provisions of the Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement:

- The facts and actions that you believe support the violations you allege;
- The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- A copy or picture of any political advertisement(s) you mention in your statement;
- A copy of each document you mention in your statement;
- An explanation of why you believe information you reference from websites is relevant; and
- Any other evidence supporting your allegations.

SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

4. OATH:

STATE OF FLORIDA
COUNTY OF Brevard

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


Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 30th day of
June, 20 20



William D. Reader
State of Florida
My Commission Expires 01/10/2021
Commission No. GG 61274


Signature of Officer Authorized to Administer Oaths or Notary Public

William D. Reader
(Print, Type, or Stamp Commissioned Name of Notary Public)
Personally Known _____ Or Produced Identification X
Type of Identification Produced Florida Driver License

5. IMPROPERLY COMPLETED COMPLAINT FORMS MAY BE RETURNED:

- You **MUST submit this** completed complaint **form** in order to file a complaint.
- You **MUST** complete **ALL FOUR** of the above sections of this form. **DO NOT** leave any blanks.
- You **MUST** submit the **ORIGINAL** complaint form. Copied/faxed/emailed forms are returned.
- Each complaint can only be filed against **ONE PERSON** or **ENTITY**. If you wish to file against multiple parties, you **MUST** submit a complaint form **for each party** you wish to file against.
- **DO NOT** submit multiple complaint forms with one set of attachments applying to multiple complaints. You **MUST** attach **copies** of attachments **to each complaint** to which they apply.
- **MAKE SURE** the alleged violation(s) of **Chapters 104 or 106** occurred within the last **2 years**.
- **MAKE SURE** your complaint is **sworn** and there is **no defect** to the **notarization** in Section 4.



ALAN BORKOWSKI <alan4pbmayor@gmail.com>

Potential Campaign Finance Violation

1 message

ALAN BORKOWSKI <alan4pbmayor@gmail.com>

Thu, Jun 25, 2020 at 10:45 PM

To: Terri Lefler <Terri.Lefler@palmbayflorida.org>

Terri,

It was brought to my attention about Alfred Agarie and 2 potential finance violations, attached is his campaign documents. The first is his waiver of report for April that was filed May 8th and it did not claim his donation. The donation in question was reported on his May statement of filing dated June 9th. The donation was reportedly made April 27th. This should have been an amended reporting not done 30 days later. The second issue was the amount of the donation which exceeds the state amount of \$1000.00. The donation was made for \$7500.00 from his business and was not a loan from him to the campaign.

I was made aware of this by a concerned citizen and the violation codes are as followed:

Violations Any candidate, campaign manager, campaign treasurer, or deputy treasurer of any candidate, agent or person acting on behalf of any candidate, or other person who knowingly and willfully participates in any of the following, is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083, Florida Statutes. • Accepts a contribution in excess of the limits prescribed by Section 106.08, Florida Statutes; • Fails to report any contribution required to be reported by Chapter 106, Florida Statutes; • Falsely reports or deliberately fails to include any information required by Chapter 106, Florida Statutes; or • Makes or authorizes any expenditure in violation of Section 106.11(4), Florida Statutes, or any other expenditure prohibited by Chapter 106, Florida Statutes. (Section 106.19, Fla. Stat.)

106.05 Deposit of contributions; statement of campaign treasurer.—All funds received by the campaign treasurer of any candidate or political committee shall, prior to the end of the 5th business day following the receipt thereof, Saturdays, Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to s. 106.021, in an account that contains the name of the candidate or committee. Except for contributions to political committees made by payroll deduction, all deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each. If a contribution is deposited in a secondary campaign depository, the depository shall forward the full amount of the deposit, along with a copy of the deposit slip accompanying the deposit, to the primary campaign depository prior to the end of the 1st business day following the deposit.

2. To a candidate for retention as a judge of a district court of appeal; a candidate for legislative office; a candidate for multicounty office; a candidate for countywide office or in any election conducted on less than a countywide basis; or a candidate for county court judge or circuit judge, \$1,000.

Thank you,

Alan Borkowski

2 attachments

**WAIVER OF REPORT.pdf**

121K

**FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS.pdf**

207K



ALAN BORKOWSKI <alan4pbmayor@gmail.com>

From the City of Palm Bay - RE: Potential Campaign Finance Violation

1 message

Terese Jones <Terese.Jones@palmbayflorida.org>
To: Alan Randolph Borkowski <alan4pbmayor@gmail.com>
Cc: Terri Lefler <Terri.Lefler@palmbayflorida.org>

Fri, Jun 26, 2020 at 9:14 AM

Good morning, Mr. Borkowski.

Please be advised of the complaint process as outlined in the Candidate & Campaign Treasurer Handbook. My office does not accept or file complaints against candidates that may be in violation of Florida Statutes.

Complaint Process

Any person who has information of a violation of Chapter 104 or 106, Florida Statutes, shall file a sworn complaint with the FEC by completing a complaint form and addressing it to:

The Florida Elections Commission

107 West Gaines Street

Suite 224, Collins Building

Tallahassee, FL 32399-1050

A complaint form ([FEC Form 1](#)) may be obtained from the FEC or downloaded from the FEC's website at www.fec.state.fl.us. For additional information, contact the FEC at **850.922.4539**.

Should you have any other questions, please advise

Terese

From: Terri Lefler <Terri.Lefler@palmbayflorida.org>
Sent: Friday, June 26, 2020 9:02 AM
To: Terese Jones <Terese.Jones@palmbayflorida.org>
Subject: FW: Potential Campaign Finance Violation

From: ALAN BORKOWSKI <alan4pbmayor@gmail.com>
Sent: Thursday, June 25, 2020 10:45 PM
To: Terri Lefler <Terri.Lefler@palmabayflorida.org>
Subject: Potential Campaign Finance Violation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Terri,

It was brought to my attention about Alfred Agarie and 2 potential finance violations, attached is his campaign documents. The first is his waiver of report for April that was filed May 8th and it did not claim his donation. The donation in question was reported on his May statement of filing dated June 9th. The donation was reportedly made April 27th. This should have been an amended reporting not done 30 days later. The second issue was the amount of the donation which exceeds the state amount of \$1000.00. The donation was made for \$7500.00 from his business and was not a loan from him to the campaign.

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106.05 Deposit of contributions; statement of campaign treasurer.—All funds received by the campaign treasurer of any candidate or political committee shall, prior to the end of the 5th business day following the receipt thereof, Saturdays, Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to s. 106.021, in an account that contains the name of the candidate or committee. Except for contributions to political committees made by payroll deduction, all deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each. If a contribution is deposited in a secondary campaign depository, the depository shall forward the full amount of the deposit, along with a copy of the deposit slip accompanying the deposit, to the primary campaign depository prior to the end of the 1st business day following the deposit.

2. To a candidate for retention as a judge of a district court of appeal; a candidate for legislative office; a candidate for multicounty office; a candidate for countywide office or in any election conducted on less than a countywide basis; or a candidate for county court judge or circuit judge, \$1,000.

Thank you,

Alan Borkowski

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Promoting a Green Palm Bay - Please consider the environment before printing this e-mail!

CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Alfred Ramsey Agarie
 Name
 (2) 1680 Main Street
 Address (number and street)
Palm Bay , FL 32905
 City, State, Zip Code



(3) ID Number: _____

(4) Check appropriate box(es):

Candidate Office Sought: Mayor

Political Committee (PC)

Electioneering Communications Org. (ECO)

Party Executive Committee (PTY)

Independent Expenditure (IE) (also covers an individual making electioneering communications)

Check here if PC or ECO has disbanded

Check here if PTY has disbanded

Check here if no other IE or EC reports will be filed

(5) Report Identifiers

Cover Period: From 05 / 01 / 20 To 05 / 31 / 20 Report Type: M-5

Original Amendment Special Election Report

(6) Contributions This Report

Cash & Checks \$, 7 , 500 . 00

Loans \$, , 0 . 00

Total Monetary \$, 7 , 500 . 00

In-Kind \$, , 0 . 00

(7) Expenditures This Report

Monetary Expenditures \$, 5 , 516 . 82

Transfers to Office Account \$, , 0 . 00

Total Monetary \$, 5 , 516 . 82

(8) Other Distributions

\$, , 0 . 00

(9) TOTAL Monetary Contributions To Date

\$, 7 , 500 . 00

(10) TOTAL Monetary Expenditures To Date

\$, 5 , 516 . 82

(11) 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:

(Type name) _____ (Type name) _____

Individual (only for IE or electioneering comm.) Treasurer Deputy Treasurer Candidate Chairperson (only for PC and PTY)

X _____ Signature _____



CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name Alfred Ramsey Agarie (2) I.D. Number _____

(3) Cover Period 05 / 01 / 20 through 05 / 31 / 20 (4) Page 2 of 4

| (5)
Date | (7)
Full Name
(Last, Suffix, First, Middle)
Street Address &
City, State, Zip Code | (8)
Contributor
Type Occupation | | (9)
Contribution
Type | (10)
In-kind
Description | (11)
Amendment | (12)
Amount |
|---------------------------|--|---------------------------------------|---------------------|-----------------------------|--------------------------------|-------------------|----------------|
| (6)
Sequence
Number | | Type | Occupation | Type | Description | | Amount |
| 04 / 27 / 20 | Alfy's Trucking Inc | Busine | Trucking
Service | Check | | | \$7,500.00 |
| 1 | 4371 Dixie Highway NE
Palm Bay, FL 32905 | | | | | | |
| / / | | | | | | | |
| / / | | | | | | | |
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| / / | | | | | | | |

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)



OFFICE USE ONLY

Alfred Ramsey Agarie
Name

Mayor
Office Sought

1680 main street
Address

Palm Bay, FL 32905
City State Zip Code

Candidate Political Committee Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

Check here if address has changed since last report. Check here if PC has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

MONTHLY REPORT PRIMARY ELECTION GENERAL ELECTION OTHER REPORT TYPE

Indicate report #
M 4

Indicate report #
P _____

Indicate report #
G _____

Indicate report type and #
as applicable:

TERMINATION REPORT SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

04/01/20 _____ THROUGH 04/30/20 _____

| | | |
|---|-----------|----------|
| X | _____ | 05/08/20 |
| | Signature | Date |
| X | _____ | 05/08/20 |
| | Signature | Date |



REQUIRED SIGNATURES FOR:

- Candidates:** Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)
- Political Committees:** Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)
- Party Executive Committees:** Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

RECEIVED

2020 JUL 10 A 11:06

STATE OF FLORIDA
ELECTION COMMISSION



P



U.S. POSTAGE
\$7.75
PM 2-DAY
32907 0006
Date of sale
07/07/20
06 2S
11487479

PRIORITY MAIL 2-DAY®

EXPECTED DELIVERY DAY: 07/10/20

0006

Fec

SHIP TO:

TALLAHASSEE FL 32399

USPS TRACKING® NUMBER



9505 5066 1861 0189 2629 27



EP14F Oct 2018
OD: 12 1/2 x 9 1/2

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scan the QR code.



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PRIORITY
★ MAIL ★



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FROM:

Borkowski
2524 Peralta Dr
Palm Bay FL 32909

TO:

Florida Election Commission
107 West Gaines St ste 224
Collins Bldg.
Tallahassee, FL 32399-1050

Label 228, March 2016

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