STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re: Americans for Prosperity Action, Inc. Case No.: FEC 18-449

TO: Americans for Prosperity Action, Inc. Victor E. Bernson Jr., Chair 2200 Wilson Boulevard, Suite 102-177 Arlington, VA 22201-2201

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

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, May 14, 2019 at 8:30 am, or as soon thereafter as the parties can be heard, at the following location: Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Tim Vaccaro

Executive Director Florida Elections Commission April 30, 2019 Please refer to the information below for further instructions related to your particular hearing:

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

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

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

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

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

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

FILED

19 MAR 12 AM 9: 41

STATE OF FLORIDA

GLECTIONS COMMISSION

STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re:	Americans for Prosperity Action, Inc.	C	ase No.:	FEC 18-449
		1	-	

ORDER CONTINUING CASE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on February 26, 2019, in Tallahassee, Florida.

Respondent filed a Motion to Continue.

The Commission reviewed Respondent's Motion and considered Staff's Response.

Respondent's Motion was GRANTED.

THIS MATTER is continued until the next available meeting of the Florida Elections Commission.

DONE AND ORDERED by the Florida Elections Commission on February 26, 2019.

M. Scott Thomas, Chairman Florida Elections Commission

Copies furnished to: Cole H. Kekelis, Assistant General Counsel Americans for Prosperity Action, Inc., Respondent Division of Elections, Complainant

Cole Kekelis

From:

Steven Mairella < SMairella@afphg.org >

Sent:

Friday, February 22, 2019 3:27 PM

To:

Cole Kekelis

Subject:

Americans for Prosperity Action, Case FEC 18-449

Mr. Kekelis,

Thank you very much for returning my call. Americans for Prosperity Action requests a continuance of our appeal to the May meeting. Neither Mr. Bernson nor I can travel from Virginia to Tallahassee on the 26th due to other work obligations, and we'd appreciate the opportunity to more fully explain our situation to the commission.

Please let me as know as soon as the May meeting is scheduled so we can ensure a representative from AFPA can appear.

Please do not hesitate to contact me if you have any further questions.

Best, Steven

Steven M. Mairella, Esq. | Senior Counsel | Americans for Prosperity Action o: 703.224.3237 | m: 571.319.7638 | e: SMairella@afphq.org

CONFIDENTIALITY NOTICE: This e-mail transmission (and/or the attachments accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. Any unauthorized interception of this transmission is illegal. If you have received this transmission in error, please promptly notify the sender by reply e-mail, and then destroy all copies of the transmission.

Donna Malphurs

From:

Cole Kekelis

Sent:

Friday, February 22, 2019 3:47 PM

To:

Donna Malphurs Timothy Vaccaro

Cc: Subject:

FW: Americans for Prosperity Action, Case FEC 18-449

Sorry, this was the request for continuance.

From: Steven Mairella <SMairella@afphq.org> Sent: Friday, February 22, 2019 3:27 PM

To: Cole Kekelis <Cole.Kekelis@myfloridalegal.com>

Subject: Americans for Prosperity Action, Case FEC 18-449

Mr. Kekelis,

Thank you very much for returning my call. Americans for Prosperity Action requests a continuance of our appeal to the May meeting. Neither Mr. Bernson nor I can travel from Virginia to Tallahassee on the 26th due to other work obligations, and we'd appreciate the opportunity to more fully explain our situation to the commission.

Please let me as know as soon as the May meeting is scheduled so we can ensure a representative from AFPA can appear.

Please do not hesitate to contact me if you have any further questions.

Best, Steven

Steven M. Mairella, Esq. | Senior Counsel | Americans for Prosperity Action o: 703.224.3237 | m: 571.319.7638| e: SMairella@afphq.org

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Donna Malphurs

From:

Cole Kekelis

Sent:

Friday, February 22, 2019 3:45 PM

To: Cc: Donna Malphurs Timothy Vaccaro

Subject:

FW: Americans for Prosperity Action, FEC 18-449

FYI, request for continuance in 18-449. I'll bring hard copies for the Commissioners.

From: Steven Mairella <SMairella@afphq.org>
Sent: Friday, February 22, 2019 3:39 PM

To: Cole Kekelis < Cole.Kekelis@myfloridalegal.com > **Subject:** Re: Americans for Prosperity Action, FEC 18-449

Thank you. Please let me know if you need anything further.

Sent from my iPhone

On Feb 22, 2019, at 3:29 PM, Cole Kekelis < Cole.Kekelis@myfloridalegal.com > wrote:

Understood.

I'll present the request as one coming from the entity itself then, not from its representative.

From: Steven Mairella < SMairella@afphq.org > Sent: Friday, February 22, 2019 3:28 PM

To: Cole Kekelis < Cole.Kekelis@myfloridalegal.com > Subject: Re: Americans for Prosperity Action, FEC 18-449

Thanks Cole. I'm only general counsel to the entity here in Virginia and am only working on this matter to the extent it is permitted by Florida law, so I don't know that I could file an appearance.

From: Cole Kekelis < Cole. Kekelis@myfloridalegal.com >

Date: Friday, February 22, 2019 at 3:26 PM **To:** Steven Mairella <<u>SMairella@afphq.org</u>>

Subject: RE: Americans for Prosperity Action, FEC 18-449

Mr. Mairella:

If you choose to file a request for continuance, please make sure you include a notice of appearance in FEC 18-449 as part of it.

Sincerely,

Cole Kekelis

FEC

From: Steven Mairella <<u>SMairella@afphq.org</u>> Sent: Friday, February 22, 2019 3:04 PM

To: Cole Kekelis < Cole.Kekelis@myfloridalegal.com > **Subject:** Re: Americans for Prosperity Action, FEC 18-449

Good afternoon Mr. Kekelis,

I was referred to you by the Florida Elections Commission receptionist, and just left you a voicemail on this matter. I am legal counsel here in Virginia to Americans for Prosperity Action, and just received the notice of hearing regarding our appeal of a fine. The hearing is scheduled for Tuesday 2/26 at 8:30 am, and my client does not have anyone available who could appear at that date and time.

I would like to know what information will be presented to the commission and what our options may be to re-schedule our hearing should the need arise.

Thank you,

Steven M. Mairella, Esq. | Senior Counsel | Americans for Prosperity Action o: 703.224.3237 | m: 571.319.7638 | e: SMairella@afphq.org

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STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re: Americans for Prosperity Action, Inc. Case No.: FEC 18-449

TO: Americans for Prosperity Action, Inc. Victor E. Bernson Jr., Chair 2200 Wilson Boulevard, Suite 102-177 Arlington, VA 22201-2201

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

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **February 26, 2019 at 8:30 am,** *or as soon thereafter as the parties can be heard*, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399.** Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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See further instructions on the reverse side.

Tim Vaccaro, J.D.

Executive Director Florida Elections Commission February 11, 2019 Please refer to the information below for further instructions related to your particular hearing:

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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

CASE REPORT

Case Number: FEC-18-449

NAME:	AMERICANS FOR PROSPERITY ACTION, INC.					
DATE APPE	AL RECEIVED: 11/28/18	CANDIDATE [] PC [X]	STATE [X] DISTRICT []			
DATE REPORT DUE: 10/27/18 (2018 D1)		CCE []	COUNTY []			
DATE OF ELECTRONIC RECEIPT: 11/02/18		POLITICAL PARTY [] ECO []	CITY []			
Number of	DAYS LATE: 6		_			
AMOUNT OF FINE: \$1,650.00						
FINE BASE	ED ON: (X) Number of Days $()$ 2.	5% of Receipts () 25% (OF EXPENDITURES			
TOTAL RECEIPTS FOR REPORTING PERIOD: \$0						

DATE OF FIRST NOTIFICATION: 10/29/18

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$558,877.77

SUMMARY: Americans for Prosperity Action, Inc. is a political committee (PC) registered with the State of Florida. The PC's chair is Victor Bernson and its treasurer is Gary Casetllaw.

The PC is appealing the fine claiming that they were unable to file the report due to unusual circumstances beyond their control. According to Victor Bernson, the PC attempted to register and begin reporting to DOE on September 27th, however, the initial registration was not accepted due to an "unpublished requirement that the required registered agent must be a natural person, not a corporation".

Mr. Bernson states that due to office closures from Hurricane Michael their registration with the Division was delayed further and not approved until October 25th. During the time Mr. Bernson states that the PC made expenditures that needed to be reported and that DOE staff informed them that they should file the 2018 D1 report on November 2nd. He notes that DOE staff did not expressly mention that the PC would be subject to a fine when it submitted the report as instructed. He requests that the commission waive or reduce the fine due to these circumstances.

- The 2018 D1 Original Report covers the period from 10/20/18-10/26/18; it was due on 10/27/18.
- The 2018 D1 Queued Transaction Report shows that it was created and filed on 11/02/18.
- Americans for Prosperity Action, Inc. reported receiving zero contributions, while making 7 expenditures, all 7 of which were reported as having occurred prior to 10/20/18.
- The Division of Elections has two notes that pertain to Americans for Prosperity Action, Inc's 2018 D1 report. A phone call was noted on 10/26/18 and 11/02/18 regarding credentials.

PRIOR CASES: None.

VIA CERTIFIED MAIL, COPY TO ElecRecords@dos.myflorida.com

November 26, 2018

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

RE: Americans for Prosperity Action, PAC 73899 Appeal of Fine

Gentlemen:

On behalf of Americans for Prosperity Action (AFPA), I respectfully request a waiver or reduction of a proposed fine assessed due to the late filing of a campaign treasurer's report due on October 27, 2018 as contemplated by Fla. Adm. Code Rules 2B-1.005 & 2B-1.0055. As described in detail below, AFPA was unable to file this report due to unusual circumstances beyond its control followed by detrimental reliance on reporting guidance received directly from Division of Elections (DOE) staff.

AFPA attempted to register and begin reporting to DOE on September 27, 2018. DOE initially did not accept AFPA's registration because of an unpublished requirement that the required registered agent must be a natural person, not a corporation. Hurricane Michael then struck, shutting down DOE offices, and delaying AFPA's registration further. Due to these unanticipated and unforeseeable delays, DOE did not get around to approving AFPA's registration until October 25, 2018.

Between AFPA's initial registration filing on September 27, 2018 and final approval of the registration on October 25, 2018, AFPA made expenditures that needed to be reported. AFPA was in constant contact with DOE staff throughout this process in a good faith attempt to comply with Florida law. DOE staff ultimately informed AFPA that it should file the 2018 D1 on November 2, 2018 to report transactions from October 1, October 10, and October 15 because the DOE system would not permit earlier reporting of transactions that occurred prior to the final registration approval on October 25. DOE staff expressly did not mention that AFPA would be subject to a fine when it submitted the D1 form on November 2, as instructed.

Based on the foregoing unusual circumstances, AFPA believes the Commission should waive or reduce the late fine.

Respectfully,

Victor E. Bernson, Jr.

Americans for Prosperity Action

Copy to:

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



FLORIDA DEPARTMENT OF STATE

Ken Detzner

Secretary of State

DIVISION OF ELECTIONS

November 7, 2018

Victor Bernson, Chairperson Americans for Prosperity Action, Inc. 2200 Wilson Boulevard Suite 102-177 Arlington, VA 22201-2201

PAC 73889

Dear Mr. Bernson:

The campaign treasurer's report that was due on October 27, 2018, was filed on November 2, 2018. By law, you are automatically assessed a late fine of \$1,650.00.

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

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

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

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

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

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

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

Sincerely,

Kristi Reid Willis, Chief Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Ken Detzner

Secretary of State

DIVISION OF ELECTIONS

October 29, 2018

Victor Bernson, Chairperson Americans for Prosperity Action, Inc. 2200 Wilson Boulevard Suite 102-177 Arlington, VA 22201-2201 PAC 73889

Dear Mr. Bernson:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was October 27, 2018.

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

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

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

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

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

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

Sincerely,

Kristi Reid Willis, Chief Bureau of Election Records

cc: Gary Castellaw, Treasurer

FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS CAMPAIGN TREASURER'S REPORT SUMMARY						
(1)	Americans for Prosperity Action, Inc.		(2)	73889		
	Candidate, Committe or Party Name		. ` ′	I.D. Number		
(3)	2200 Wilson Boulevard		Arlington	VA	22201	
	Address (number and street) Check box if address has changed si	nce last report	City	State	Zip Code	
(4)	Check appropriate box(es):					
	Candidate (office sought): Political Committee Committee of Continuous Existance Party Executive Committee		=	has DISBANDED E has DISBANDED		
		(5) REPOR	RT IDENTIFIERS			
Cove	er Period: From 10/20/2018	To 10	/26/2018	Report Type:	D1	
X	Original Amendment	sp 🗆 sp	ecial Election Report			
	(6) CONTRIBUTIONS THIS REPORT		(7	7) EXPENDITURES	THIS REPORT	
Cash &	& Checks	\$0.00	Monetary Expen	ditures	\$558,877.77	
Loans		\$0.00.	Transfers to Office	ce Account	\$0.00	
Tot	al Monetary	\$0.00	Total Mone	etary	\$558,877.77	
In-Kind	d	\$0.00	(8) Other Distribu	utions		
				t.		
	It is a first degree misd		rtification erson to falsify a publ	ic record (ss.839.13	, F.S.)	
I certify that I have examined this report and it is true, correct and complete			I certify that I have examined this report and it is true, correct and complete			
Nam	e of Treasurer Deputy	Treasurer	Name of	Candidate X	Chaiman (PC/PTY Only	- 0:
Χ			X			
Sign	ature		Signature			

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

Page 1 of 1

Name: Americans for Prosperity Action, Inc.

Report: 2018 D1

Period: 10/20/2018

to 10/26/2018

** Records in Filed Report **

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

* Incomplete Record

Reviewed On: 11/19/18 4:21 pm

Prepared on: 12/10/18 3:28:44PM

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

Page 1 of 1

Name: Americans for Prosperity Action, Inc.

Report: 2018 D1

Period: 10/20/2018 to 10/26/2018

** Records in Filed Report **

Seg#	Full Name (Last, Suffix, First, Middle			Amount
Date	Street Address & City, State, Zip	Type	Purpose	Amend
* 1 10/01/2018	IN PURSUIT OF 2300 WILSON BLVD, STE 500 ARLINGTON, VA 22201	IEC	DIGITAL AD PRODUCTION AND PLACEMENT OPPOSING ANDREW GILLUM FOR GOVERNOR.	\$114,000.00
10/10/2018	PRESSTIGE PRINTING 10940 HARMONY PARK DRIVE BONITA SPRINGS, FL 34135	IEC	MAILERS OPPOSING ANDREW GILLUM FOR GOVERNOR.	\$43,981.40
* 3	UNITED STATES POSTAL SERVICE 470 L'ENFANT PLAZA SW, STE 604 WASHINGTON, DC 20024	IEC	POSTAGE FOR MAILERS OPPOSING ANDREW GILLUM FOR GOVERNOR	\$154,723.86
* 4 10/15/2018	PRESSTIGE PRINTING 109 BONITA SPRINGS, FL 34135	IEC	MAILERS OPPOSING ANDREW GILLUM FOR GOVERNOR.	\$70,587.86
* 5 10/15/2018	PRESSTIGE PRINTING 10 BONITA SPRINGS, FL 34135	IEC	POSTAGE FOR MAILERS OPPOSING ANDREW GILLUM FOR GOVERNOR	\$159,544.96
* 6	PRESSTIGE PRINTING 10940 HARMONY PARK DRIVE BONITA SPRINGS, FL 31435	IEC	MAILERS SUPPORTING RON DESANTIS FOR GOVERNOR	\$4,321.20
* 7 10/15/2018	UNITED STATES POSTAL SERVICE 470 L'ENFANT PLAZA SW, STE 604 WASHINGTON, DC 20024	IEC	POSTAGE FOR MAILERS SUPPORTING RON DESANTIS FOR GOVERNOR	\$11,718.49

CAMPAIGN TREASURER'S REPORT - ITEMIZED FUND TRANSFERS

Page 1 of 1

Name: Americans for Prosperity Action, Inc.

Report: 2018 D1

Period: 10/20/2018 to 10/26/2018

** Records in Filed Report **

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

CAMPAIGN TREASURER'S REPORT - ITEMIZED DISTRIBUTIONS

Page 1 of 1

Name: Americans for Prosperity Action, Inc.

Report: 2018 D1

Period: 10/20/2018

to 10/26/2018

** Records in Filed Report **

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

Queued Items for 2018-D1

Account: 73889

Americans for Prosperity Action, Inc.

Rpt Seq: 1

ProcessDescription	Status	Submitter	Created	LastUpdate
Create Pending Report	Processing Complete	73889	11/2/2018 10:54:21 AM	11/2/2018 10:54:21 AM
Delete Pending Report	Processing Complete	73889	11/2/2018 10:55:25 AM	11/2/2018 10:55:25 AM
Create Pending Report	Processing Complete	73889	11/2/2018 11:01:27 AM	11/2/2018 11:01:27 AM
Review Pending Report	Processing Complete	73889	11/2/2018 11:32:34 AM	11/2/2018 11:32:34 AM
File Pending Report	Processing Complete	73889	11/2/2018 3:49:22 PM	11/2/2018 3:49:32 PM
Review Filed Report	Processing Complete	73889	11/19/2018 4:21:33 PM	11/19/2018 4:21:33 PM
Review Filed Report	Processing Complete	73889	11/19/2018 4:21:47 PM	11/19/2018 4:21:47 PM



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Florida Department of State - Division of Elections

Florida Election System Reports

C	andidate/Committee Lookup	
Name:	prosperity action	
Election:		
	V	
Acct:	73889	
Type:	Committee ▼	
	Search Reset	

Committee Name: Americans for Prosperity Action, Inc.
Account: 73889

Date Due	Туре	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
11/2/2018	G7	11/2/2018						
11/1/2018	D6	11/2/2018	CLO	1	\$0.00)	\$0.00	\$0.00
10/31/2018	D5	11/2/2018	CLO	2	\$0.00)	\$0.00	\$0.00
10/30/2018	D4	11/2/2018	CLO	3	\$0.00)	\$0.00	\$0.00
10/29/2018	D3	11/2/2018	CLO	4	\$0.00)	\$0.00	\$0.00
10/28/2018	D2	11/2/2018	CLO	5	\$0.00	1	\$0.00	\$0.00
10/27/2018	D1	11/2/2018	SNT	6	\$1.650.00	1	\$1.650.00	\$0.00

RECEIVEL STATE

2018 SEP SEFICETOSE ONLY REGISTERED AGENT THYISION OF ELECTIONS STATEMENT OF APPOINTMENT (Section 106.022, F.S.) INCOMPLETE Original Appointment Change of Appointment Change of Mailing Address Change of Physical Address Registered Agent and Office Information Name Telephone Corporation Services Company 302-636-5400 Street Address 251 Little Falls Drive City Zip Code State ĎΕ Wilmington 19808 Mailing Address 251 Little Falls Drive State Zip Code City Wilmington DE 19808 I accept this appointment and confirm that I am familiar with and accept the obligations of the position as set forth in Section 106.022, F.S. I also understand that I may resign this appointment by executing a written statement of resignation and filing it with the applicable filing officer. Signature of Registered Agent **Date** Former Registered Agent and Office Information (for changes only) Telephone Name Street Address Zip Code State City Committee or Organization Information Name of Committee or Organization Americans For Prosperity Action, Inc. Street Address Telephone 571-775-5866 2200 Wilson Blvd Ste 102-177 State Zip Code City V٨ 22201 Arlington Signature of Chairperson Victor Bernson Date Printed Name of Chairperson

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR

POLITICAL COMMITTEES

(Sections 106.011(2) and 106.021(1), F.S.)

RECEIVED DEPARTMENT OF STALL

2018 SEP 27 AM 11: 34

THIS IN THE ELECTIONS

H.C. PIETE

CHECK APPROPRIATE BOX:			OFFICE USE ONLY	
Initial Filing of Form Re-filing to Change:	Treasurer/De	puty Pri	imary/Secondary Depository	
1. Committee or Organization		2. Telephone		
Americans For Prosperity Action,	Inc.	(571) 77 5	5-5866	
3. Name of Treasurer or Deputy Treasurer 4. Email (optional Gary Castellaw	1)	5. Telephone (o	optional)	
6. Mailing Address 2200 Wilson Blvd Ste 102-177 Arlington,	VA 22201			
7. Street Address 2200 Wilson Blvd Ste 102-177 Arlingto	n, VA 22201			
8. The following bank has been designated as the Primary Depository Secondary Depository				
9. Name of Bank	10. Street Address			
BB&T Bank	2200 Wilso	on Blvd Ste	e 200	
11. City Arlington	12. State		13. Zip Code 22201	
14. Signature of Chairman	15. Name of Chair	man (Print or Type	e)	
X				
Campaign Treasurer's Ac	ceptance of A	ppointment		
, Gary Castellaw		, do hereb	y accept the appointment as	
(Please Print or Type) treasurer or deputy treasurer for Americans For Prosperity Action, Inc. (Committee or Organization)				
UNDER PENALTIES OF PERJURY, I DECLARE THAT I H ACCEPTANCE OF APPOINTMENT AND				
9/25/2018 X	<u> </u>	stellur		
Date	Signature of Campa	aign Treasurer or l	Deputy Treasurer	

STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE

(PLEASE TYPE)

OFFICE USE ONLY
(IE PARTMENT OF STATE

2018 SEP 27 AM 11: 33

TALL AND REFLECTIONS

		1877	· · ·
1. Full Name of Committee Americans For Prosperity	Action, Inc.		Telephone 571-775-5866
Mailing Address (include city 2200 Wilson Blvd Ste 102	·		
Street Address (include city, 2200 Wilson Blvd Ste 102			
2. Affiliated or Connected Or committees)	ganizations (includes other committees of cont	tinuous ex	istence and political
Name of Affiliated or Connected Organization	Mailing Address		Relationship
N/A			
3. Area, Scope and Jurisdicti Political committee suppo	on of the Committee rting or opposing statewide, legislative, mu	ulticounty	candidates or issues.
_	Organization's Special Interest (e.g., medical, le pport the election of candidates who prom		
5. Identify by Name, Address	and Position, the Custodian of Books and Acc	ounts (inc	lude treasurer's name)
Full Name	Mailing Address	Com	mittee Title or Position
Gary Castellaw	2200 Wilson Blvd Ste 102-177 Arlington, VA 22201	Treasure	

6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)						
Fuil Name	Mailing Addre	ess Coi	Committee Title or Position			
Victor Bernson	2200 Wilson Blvd Ste 102-177 Arlington, VA 22201	Officer				
¥	s, Office Sought and Party Affilia	ation Each Candidate or Oth	er Individual that this			
Full Name	Mailing Address	Office Sought	Party			
To be determined						
8. List Any Issues this Co	ommittee is Supporting: N/A					
List Any Issues this C	ommittee is Opposing: N/A					
9. If this Committee is Su N/A	upporting the Entire Ticket of a F	Party, Give Name of Party				
	lution, What Disposition will be sommittee		e refunded to the donors.			
11. List all Banks, Safety	Deposit Boxes, or Other Depos	itories Used for Committee	Funds			
Name of Bank or De	Name of Bank or Depository & Account Number Mailing Address					
BB&T Bank		2200 Wilson Blvd Ste 200 Arlington, VA 22201				
12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, If Any						
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address			
N/A						
STATE OF Virginia		<u>Arlington</u> county				
	1					
Organization is complete, true and correct.						
X Signature of	Chairman & Dalitical Committee		09/26/18 Date			
Signature of Chairman of Political Committee Date						

		OCCEIVED
REGISTERED AGENT		WE PAROPHEHUSE ONLY
STATEMENT OF APPOINTME	ENT	2018 OCT -1 AM 11:09
(Section 106.022, F.S.)		2018 UC1 - 1 millions
		DIVISION OF ELECTIONS
Original Appointment Change of Appoin	ntment	
Change of Mailing Address Change of Physic		INCOMPLET
Registered Aç	gent and C	Office Information
Name Corporation Company		Telephone
Corporation Services Company Street Address		<u>850-521-1000</u>
1201 Hays Street		
City Tallahassee	State Florida	Zip Code 32301
Mailing Address	Fioriua	JZJU I
1201 Hays Street		······································
City Tallahassee	State Florida	Zip Code 32301
Signature of Registered Agent		9/28/2018 Date
Former Registered Agent a	and Office	Information (for changes only)
Name		Telephone
Street Address		
City	State	Zip Code
Committee or	r Organiza	tion Information
Name of Committee or Organization		
Americans For Prosperity Action, In	nc.	
Street Address 2200 Wilson Blvd Ste 102-177		Telephone 571-775-5866
City Arlington -	State VA	Zip Code 22201
Let's En Land		
Signature of Chairperson		
Victor Bernson		9/28/2018
Printed Name of Chairperson		Date

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR

POLITICAL COMMITTEES

(Sections 106.011(2) and 106.021(1), F.S.)

RECEIVED
HEPARTMENT OF STAIL

2018 OCT - 1 AM II: 09

DIVISION OF ELECTIONS

CHECK APPROPRIATE BOX:			OFFICE USE ONLY		
Initial Filing of Form Re-filing to Change:	Treasurer/D	eputy Pr	imary/Secondary Depository		
1. Committee or Organization		2. Telephone			
Americans For Prosperity Action,	Inc.	(571) 77	5-5866		
3. Name of Treasurer or Deputy Treasurer 4. Email (optional Gary Castellaw	1)	5. Telephone (c	5. Telephone (optional) ()		
6. Mailing Address 2200 Wilson Blvd Ste 102-177 Arlington,	VA 22201				
7. Street Address 2200 Wilson Blvd Ste 102-177 Arlington	n, VA 2220	1			
8. The following bank has been designated as the Prin	mary Depository	Seconda	ry Depository		
9. Name of Bank	10. Street Addres	s			
BB&T Bank	2200 Wils	on Blvd St	e 200		
11. City Arlington	12. Stat	е	13. Zip Code 22201		
14. Signature of Chairman X Lut E Lut Lut Lut Lut Lut Lut	15. Name of Cha	nirman (Print or Typ rnson	e)		
Campaign Treasurer's Ac	ceptance of	Appointment			
Gary Castellaw (Please Print or Type)		, do hereb	y accept the appointment as		
treasurer or deputy treasurer for Americans For Prosperity Action, Inc.					
(Committee or Organization) UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.					
9/28/2018 x	Harry A. C	artellar			
Date	Signature of Cami	naion Treasurer or I	Deputy Treasurer		

STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE

(PLEASE TYPE)

OFFICE USE ONLY

RECEIVED
DE PARTMENT OF STALL

2018 OCT -1 AM 11:08

DIVISION OF ELECTIONS

1. Full Name of Committee		Telephone		
Americans For Prosperity	571-775-5866			
Mailing Address (include city 2200 Wilson Blvd Ste 102				
Street Address (include city, 2200 Wilson Blvd Ste 102	and the second control of the second control	5 - 0		
2. Affiliated or Connected Or committees)	ganizations (includes other committees of co	ontinuous exi	istence and political	
Name of Affiliated or Connected Organization	Mailing Address		Relationship	
N/A				
3. Area, Scope and Jurisdicti Political committee suppo	on of the Committee rting or opposing statewide, legislative, r	nulticounty	candidates or issues.	
THE PARTY OF THE P	Organization's Special Interest (e.g., medical oport the election of candidates who pro			
5. Identify by Name, Address	and Position, the Custodian of Books and A	ccounts (incl	lude treasurer's name)	
Full Name	Mailing Address	Comr	nittee Title or Position	
Gary Castellaw	2200 Wilson Blvd Ste 102-177 Arlington, VA 22201	Treasure	r	

	and Position, Other Principal any (include chairman's name		and Members of the	
Full Name	Mailing Add	ress C	Committee Title or Position	
Victor Bernson	2200 Wilson Blvd Ste 102-177 Arlington, VA 22201	Chairp		
	Office Sought and Party Affili g (if none, please indicate)	ation Each Candidate or Ot	her Individual that this	
Full Name	Mailing Address	Office Sought	Party	
To be determined				
8. List Any Issues this Cor	nmittee is Supporting: To be	determined		
List Any Issues this Cor	nmittee is Onnosina:	determined		
9. If this Committee is Sup N/A	porting the Entire Ticket of a	Party, Give Name of Party		
25 000 00 00 00 00	tion, What Disposition will be remaining from this committee		ne refunded to the donors.	
11. List all Banks, Safety D	Peposit Boxes, or Other Depos	sitories Used for Committee	Funds	
Name of Bank or Depo	sitory & Account Number	Mailing	Address	
BB&T Bank		2200 Wilson Blvd Ste 200 Arlington, VA 22201		
12. List all Reports Require and Positions of Such	ed to be Filed by this Commit Officials, If Any	tee with Federal Officials an	d the Names, Addresses	
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address	
N/A				
STATE OF Virginia		Arlington	COUNTY	
, Victor Bernson		, certify that the information in this Statement of		
Organization is complete, tru	ue and correct.			
X July E	Comy,	9/28/2	2018	
Signature of C	hairman of Political Committee		Date	

REGISTERED AGENT STATEMENT OF APPOINTMENT

(Section 106.022, F.S.)			2018 OC 25 AM 9: 13
			WYISIUM ELECTIONS
Original Appointment Change of Appo	ointment		FALL ARASSEE, FL
Change of Mailing Address Change of Phys	sical Address		
Registered A	gent and Of	fice Informati	on
Name <u>Madonna Cuddihy</u>			Telephone (954) 473-5503
Street Address 1200 South Pine Island Road			
City Plantation	State Florida		Zip Code 33324
Mailing Address 1200 South Pine Island Road			
City Plantation	State Florida		Zip Code 33324
I accept this appointment and confirm that I am forth in Section 106.022, F.S. I also understatement of resignation and filing it with the ap	ind that I may r	esign this appoin	ntment by executing a written
Signature of Registered Agent	· · · · · · · · · · · · · · · · · · ·		2010
	1.055		
Former Registered Agent	and Office Ir	itormation (IC	
Name			Telephone
Street Address			
City	State		Zip Code
Committee o	r Organizatio	on Informatio	n
Name of Committee or Organization			
Americans For Prosperity Action, I	nc.		
Street Address 2200 Wilson Blvd Ste 102-177			Telephone (571) 775-5866
City Arlington	State VA		Zip Code 22201
Cothe Sun		- -1	
Signature of Chairperson			
Victor Bernson		10/18/2	2018
Printed Name of Chairperson		Date	



RICK SCOTT Governor

KEN DETZNER
Secretary of State

October 26, 2018

Victor Bernson, Chairperson Americans for Prosperity Action, Inc. 2200 Wilson Boulevard Suite 102-177 Arlington, Virginia 22201

Dear Mr. Bernson:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for Americans for Prosperity Action, Inc., which were placed on file in our office on October 25, 2018. This information appears to comply with the requirements of Section 106.03, Florida Statutes, and the name of this organization has been placed on our active committee list as a political committee.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **October 27, 2018**. The report will cover the period of October 20-26, 2018 (2018 D1). All political committees that file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

EFS Access

Below is the web address to access the EFS and the committee's user identification number. The enclosed sealed envelope contains the committee's filing credentials.

EFS Website Address:

https://efs.dos.state.fl.us

Identification Number:

73889

Timely Filing

All reports must be completed and filed through the EFS no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight of the due date are late filed and subject to



Victor Bernson, Chairperson October 26, 2018 Page Two

the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight, Eastern Standard Time, of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

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

Electronic Receipts

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

Instructions and Assistance

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

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

Please let me know if you need additional information.

Sincerely,

Hard Willis

Kristi Reid Willis, Chief Bureau of Election Records

KRW/jcs

Enclosures

pc: Gary Castellaw, Treasurer

Electronic Filing System (EFS) Credential Request Forms

2018 NO! -2 PM 2: 41

All fields are required to properly fulfill your request.

Signature (Required)
Cht & Canh
Check the Box for All Information Needed:
User ID #/Account #
Password
∠ PIN
Contact Phone Number:
703-922-4813

Requests can be faxed, mailed, or emailed to our office.

Fax: (850) 245-6259 or (850) 245-6260 Email: ElecRecords@dos.myflorida.com

Mailing Address: 500 S. Bronough Street, Tallahassee, FL 32309

*NOTE: Passwords can be requested by and released to the candidate/chairperson or any treasurer. PINs can only be requested by the authorized user. PINs may be released to the assigned user or a designee referenced above.

HISTORY NOTES

Americans for Prosperity Action, Inc. - 73889

nique ID Date Recorded Last Edited Date		Orginally Recorded	
11/2/2018 2:55:00 PM		zjsantos	
n PIN to Mr Giroux over the phone.			
10/26/2018 11:33:00 AM		jcsoria	
dentials for treasurer (including passwor	d) and left a message for chair re	questing a call back	
	11/2/2018 2:55:00 PM n PIN to Mr Giroux over the phone. 10/26/2018 11:33:00 AM	11/2/2018 2:55:00 PM n PIN to Mr Giroux over the phone.	



Americans for Prosperity Action, Inc.

Campaign Finance Activity

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

		Contributions					
	Filing Period	Monetary	Loans	InKind	Expend	Other	Transfers
0	10/20/2018 - 10/26/2018	0.00	0.00	0.00	558,877.77	0.00	0.00
W	10/27/2018 - 10/27/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/28/2018 - 10/28/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/29/2018 - 10/29/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/30/2018 - 10/30/2018	0.00	0.00	0.00	0.00	0.00	0.00
W	10/31/2018 - 10/31/2018	0.00	0.00	0.00	0.00	0.00	0.00
0	10/20/2018 - 11/01/2018	0.00	0.00	0.00	271,809.49	0.00	0.00
0	11/02/2018 - 11/30/2018	0.00	0.00	0.00	84,523.58	0.00	0.00
•	All Dates (Totals)	0.00	0.00	0.00	915,210.84	0.00	0.00

Note: $^{(\mathsf{E})}$ indicates that report was filed electronically

X Indicates that detail has not been released

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

 Select Detail Type
 Select Sort Order
 Select Output Type

 Contributions
 ✓
 Date(Ascending)
 ✓

Display On Screen

Submit Query Now

Query the Campaign Finance Data Base

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