

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: John G. Heim**

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**Case No.: FEC 17-449**

**TO:** John G. Heim  
8931 Somerset Blvd., # 31-D  
Ft. Myers, FL 33919

Cheryl Futch  
2480 Thompson Street  
Ft. Myers, FL 33901

**NOTICE OF HEARING (INFORMAL HEARING)**

A hearing will be held in this case before the Florida Elections Commission on, **August 14, 2018 at 9:00 am, or as soon thereafter as the parties can be heard**, at the following location: **First District Court of Appeal, 2000 Drayton Drive, 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.**

*Amy McKeever Toman*  
Executive Director  
Florida Elections Commission  
July 30, 2018

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.

JUNE 12, 2018

TO WHOM IT MAY CONCERN:

IN REFERENCE TO CASE # FEC 17-449  
& FEC CASE # 17-382.

I WITHDREW CONSIDERATION ON  
MY PROPOSED CANDIDACY FOR THE ELECTED  
POSITION OF HEE COUNTY COMMISSIONER  
HEE COUNTY, FL. THE DATE WAS BEFORE  
THE DATES OF SEPT 11TH 2017 & NOV  
13, 2017. I WITHDREW MY INTENTIONS  
TO BE A CANDIDATE FOR THIS COMMISSIONER  
POSITION VIA A LETTER TO ELECTION  
COMMISSION, HEE COUNTY BEFORE THESE  
DATES, ALSO STATING ON REQUIRED M/D &  
M/D REPORTING PERIODS, STATING THERE  
WAS NO FUNDS RECEIVED OR SPENT FOR  
THE CAMPAIGN BECAUSE AGAIN I WITHDREW  
MY INTENTIONS TO BE A CANDIDATE.

SINCE THERE WAS NO INTENT TO  
COMMIT ELECTION FRAUD, I BELIEVE THERE  
IS NO LEGAL MEANS TO CITE ME & FINE  
ME FOR THIS LAWS.

CAN ANY QUESTIONS ON THIS MATTER  
CAN BE ADDRESSED TO ME VIA MAIL  
E-MAIL: LOWTIDEFILMS@GMAIL.COM OR BY MY  
CELL # 407 ~~407~~ 460 0452.

RESPECTFULLY SUBMITTED



FILED

18 JUN -1 PM 3:46

STATE OF FLORIDA  
ELECTIONS COMMISSION

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,  
Petitioner,**

**Case No.: FEC 17-449**

**v.**

**John G. Heim,  
Respondent.**

**ORDER OF PROBABLE CAUSE**

**THIS MATTER** was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on May 15, 2018, in Tallahassee, Florida.

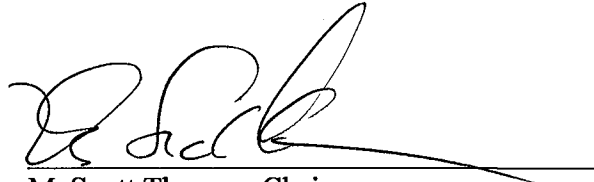
On April 10, 2018, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, 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 November 13, 2017, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because Respondent had not received funds, made contributions, or expended reportable funds during the 2017 M10 reporting period.

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

**DONE AND ORDERED** by the Florida Elections Commission on May 15, 2018.



M. Scott Thomas, Chairman  
Florida Elections Commission

Copies furnished to:  
Eric M. Lipman, General Counsel  
John G. Heim, Respondent  
Cheryl Futch, 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: John G. Heim**

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**Case No.: FEC 17-449**

**TO:** John G. Heim  
8931 Somerset Blvd., # 31-D  
Ft. Myers, FL 33919

Cheryl Futch  
2480 Thompson Street  
Ft. Myers, FL 33901

**AMENDED NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)**  
**(Only change made was to correct Complainant's Name and Address)**

A hearing will be held in this case before the Florida Elections Commission on, **May 15, 2018 at 9:30 am, or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, Tallahassee, Florida 32399.**

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

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**If you are the Complainant**, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which 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.

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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.**

**Amy McKeever Toman**  
Executive Director  
Florida Elections Commission  
May 1, 2018

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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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**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: John G. Heim**

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**Case No.: FEC 17-449**

**TO: John G. Heim**  
8931 Somerset Blvd., # 31-D  
Ft. Myers, FL 33919

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

**NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)**

A hearing will be held in this case before the Florida Elections Commission on, **May 15, 2018 at 9:30 am, or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, Tallahassee, Florida 32399.**

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*Amy McKeever Toman*  
Executive Director  
Florida Elections Commission  
April 30, 2018

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

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: John G. Heim**

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**Case No.: FEC 17-449**

**STAFF RECOMMENDATION FOLLOWING INVESTIGATION**

Pursuant to section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**, and **no probable cause** to charge Respondent to with violating **Section 106.19(1)(c), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on March 20, 2018, the following facts and law support this staff recommendation:

1. On December 7, 2017, the Florida Elections Commission (“Commission”) received a complaint from Cheryl Futch, filing officer for the Lee County Supervisor of Elections Office (“Complainant”), alleging that John G. Heim (“Respondent”) violated Chapter 106, Florida Statutes.
2. Respondent was a write-in candidate for the Lee County Commission, District, 2, in the 2018 election. Respondent’s Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form was filed with the Lee County Supervisor of Elections (“LCSOE”) on June 30, 2017. Respondent withdrew from the race on December 26, 2017. (ROI Exhibits 1 and 2)<sup>1</sup>
3. By letter dated March 8, 2018, the Executive Director notified Respondent that Commission staff would investigate the following statutory provisions:

**Section 106.07(7), Florida Statutes:** As alleged in the complaint, Respondent may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the following reporting periods:

- 2017 M8
- 2017 M9
- 2017 M10

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<sup>1</sup> The Report of Investigation is referred to herein as “ROI.”

**Section 106.19(1)(c), Florida Statutes:** As alleged in the complaint, Respondent may have falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when he failed to file a report on the prescribed reporting date for the following reporting periods:

- 2017 M8
- 2017 M9
- 2017 M10

**Sections 106.07(7) and 106.19(1)(c), Florida Statutes.**

4. Complainant alleged that Respondent failed to file a 2017 M8, 2017 M9, and 2017 M10 Report. However, Respondent's failure to file a report or notice of no reportable activity for the 2017 M8 and 2017 M9 reporting periods was investigated in a previous case. Therefore, this Staff Recommendation will only address Respondent's 2017 M10 Report.

5. Section 106.07(7), Florida Statutes, provides that:

Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate or political committee not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter **shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.** (Emphasis added)

6. Page 47 of the Handbook states:

In any reporting period during which a candidate has not received funds or made any expenditures, the filing of the required report for that period is waived. **However, the candidate must notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date.** (Emphasis in original)

*(Section 106.07, F.S.)*

(Attachment A)

7. Respondent's 2017 M10 Report covering the dates of October 1, 2017, through October 31, 2017, was due on November 13, 2017. On November 9, 2017, and November 13, 2017, Ms. Lipa sent Respondent an email reminding Respondent that his 2017 M10 Report was due on November 13, 2017. (ROI Exhibit 8, page 1, 2, 3, and 4)

8. Respondent failed to timely file a 2017 M10 Report or a notice of no reportable activity for the 2017 M10 reporting period. On November 15, 2017, Complainant sent Respondent an email notifying Respondent that his 2017 M10 Report was late and he needed to file the report. (ROI Exhibit 8, pages 5 and 6; ROI Exhibit 12)

9. Commission staff subpoenaed copies of Respondent's bank account records from Branch Banking and Trust Company ("BB&T"). By letter dated January 5, 2018, BB&T notified the Commission that based on the information provided, it was unable to locate any records. Because Respondent did not have a campaign account, it appears that Respondent did not have any reportable activity during the 2017 M10 reporting period and should have filed a notice of no activity with the filing officer. (ROI Exhibit 10)

10. Tammy Lipa from the LCSOE's office told Investigator Smith that she and Complainant showed Respondent where to find Chapter 106, Florida Statutes, and the *Candidate and Campaign Treasurer Handbook* ("Handbook") published by the Division of Elections on the LCSOE's website. The LCSOE's office also provided Respondent with paper copies of Chapter 106, Florida Statutes, and the Handbook. (ROI Exhibit 14, pages 1 and 2, Phone Log Entry 3)<sup>2</sup>

11. Investigator Smith asked Respondent why he failed to file anything with the filing officer for the 2017 M10 reporting period. Respondent stated that he is a "lobbyist for clean water in our state," he is constantly traveling and does not always have access to a printer, and he was uncertain whether he was out of town during the reporting period. (ROI Exhibit 14, page 4, Phone Log Entry 2)

12. As of April 3, 2018, Respondent has not filed a 2017 M10 Report or a notice of no activity for the 2017 M10 reporting period. (Attachment B)

13. Based upon the foregoing facts and circumstances, it appears that Respondent may have failed to timely file a notice of no activity for the 2017 M10 reporting period. It also appears that Respondent may not have deliberately failed to include information required to be reported by Chapter 106 on a 2017 M10 Report.

14. "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. 1<sup>st</sup> DCA 1995).

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<sup>2</sup> Ms. Lipa provided this information to Investigator Smith during the investigation relating to Respondent's 2017 M8 and 2017 M9 Reports.

15. The facts set forth above show that Respondent was a write-in candidate for the Lee County Commission, District 2, in the 2018 election. Respondent's Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form was filed with the Lee County Supervisor of Elections on June 30, 2017. Respondent withdrew from the race on December 26, 2017.

16. The above facts also show that Tammy Lipa and Complainant showed Respondent where to find Chapter 106, Florida Statutes, and the *Candidate and Campaign Treasurer's Handbook* published by the Division of Elections on the LCSOE's website. Ms. Lipa and Complainant also provided Respondent with a paper copy of each document.

17. Additionally, the above facts show that Respondent failed to timely file a 2017 M10 Report or a notice of no activity for 2017 M10 reporting period. When asked why he did not file anything for the 2017 M10 reporting period, Respondent stated that he is a "lobbyist for clean water in our state," he is constantly traveling and does not always have access to a printer, and he was uncertain whether he was out of town during the reporting period. As of April 3, 2018, Respondent has failed to file a 2017 M10 Report or notice of no activity for the 2017 M10 reporting period.

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

**Count 1:**

On or about November 13, 2017, Respondent violated Section 106.07(7), Florida Statutes, when Respondent failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because Respondent had not received funds, made contributions, or expended reportable funds during the 2017 M10 reporting period.

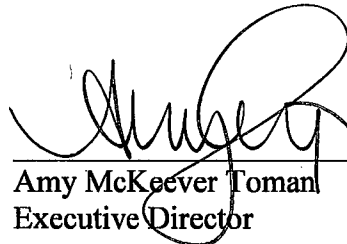
I further recommend that the Commission find no probable cause to charge Respondent with violating Section 106.19(1)(c), Florida Statutes.

Respectfully submitted on April 10, 2018.



Eric M. Lipman  
General Counsel

I have reviewed this Staff Recommendation this 10th day of April 2018.



Amy McKeever Toman  
Executive Director

# 2016 Candidate & Campaign Treasurer Handbook

Florida Department of State  
Division of Elections  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, FL 32399-0250  
850.245.6240

(Rev. 01/22/16)

ATTACHMENT *A, page 1*

## Candidate & Campaign Treasurer Handbook

An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure must file a single report of all contributions and expenditures on the 4th day immediately preceding the primary election. (*See Chapter 18, Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee.*)

Unless the electronic filing requirements of Section 106.0705, Florida Statutes, apply, reports shall be filed no later than 5 p.m. of the day designated. A report postmarked by the U.S. Postal Service no later than midnight of the day designated is deemed timely filed. A report received by the filing officer within 5 days after the designated due date that was delivered by the U.S. Postal Service is deemed timely filed unless it has a postmark indicating the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing or a receipt from an established courier company, which bears a date on or before the date on which the report is due, is proof of mailing in a timely manner. Reports filed with the Division through the Electronic Filing System (EFS) are due no later than midnight, Eastern Time, of the due date.

(Sections 106.07, 106.0705  
and 106.141, F.S.)

### Penalty for Late Filing

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first three days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is

greater, for the period covered by the late report. However, for the reports immediately preceding the primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For a candidate's termination report, the fine shall be \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater for the period covered by the late report. All fines must be paid from the candidate's **personal funds** – not campaign funds.

(Section 106.07(2) and (8), F.S.)

### Notice of No Activity

In any reporting period during which a candidate has not received funds or made any expenditures, the filing of the required report for that period is waived. **However, the candidate must notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date.** (A notice of no activity filed with the Division must be filed electronically using the EFS.) The next report filed must specify that the report covers the entire period between the last submitted report and the report being filed.

(Section 106.07, F.S.)

### Incomplete Reports

If a campaign treasurer files a report that is deemed incomplete, it shall be accepted on a conditional basis. The campaign treasurer will be notified by the filing officer as to why the report is incomplete. The campaign



Eric Lipman

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**From:** Tammy Lipa <tlipa@lee.vote>  
**Sent:** Tuesday, April 03, 2018 5:22 PM  
**To:** Eric Lipman  
**Cc:** Cheryl Futch  
**Subject:** Re: John Heim

Hi Mr. Lipman,

John Heim has not filed his M10 report which was due 11/13/2017.

Thank you,

Tammy Lipa  
Administration Support Specialist  
Post Office Box 2545  
Fort Myers, FL 33902-2545

Main Number: 239-533-8683

Direct Number: 239-533-6329

[tlipa@lee.vote](mailto:tlipa@lee.vote)

Visit our website: [www.lee.vote](http://www.lee.vote)

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic email to this entity. Instead, contact this office by phone or in writing.

On Tue, Apr 3, 2018 at 3:14 PM, Eric Lipman <[Eric.Lipman@myfloridalegal.com](mailto:Eric.Lipman@myfloridalegal.com)> wrote:

Good Afternoon Ms. Lipa,

Can you please tell me if John Heim has filed his 2017 M10 Report or any other document for the 2017 M10 reporting period.

Thank you,

Eric M. Lipman, General Counsel

ATTACHMENT B

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Case No.: FEC 17-449**

**Respondent:** John G. Heim

**Complainant:** Cheryl Futch

On December 7, 2017, the Florida Elections Commission (“Commission”) received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

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

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

**I. Preliminary Information:**

1. Respondent, John G. Heim, was a 2018 write-in candidate for the Lee County Commission, District 2. Subsequently, Respondent withdrew from the race by filing a “Notice of Intent to Withdraw Candidacy” with the Lee County Supervisor of Elections (LCSOE) office on December 26, 2017. To review the “Notice of Intent to Withdraw Candidacy,” refer to Exhibit 1.

2. Complainant, Cheryl Futch, is the qualifying officer for the LCSOE office.

3. On June 30, 2017, Respondent’s Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form (DS-DE 9) was filed with the LCSOE office. Respondent appointed himself as campaign treasurer. To review the DS-DE 9 form, refer to Exhibit 2.

4. In a “Notification of Late Filing,” dated September 20, 2017, Respondent was notified that his 2017 M8 report<sup>1</sup> had not been received. The letter was mailed via certified mail to the address provided on Respondent’s DS-DE 9 form. To review a copy of the letter as well as the delivery confirmation, refer to Exhibit 3.

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<sup>1</sup> The reporting period covered 08/01 – 08/31/17 and was due on 09/11/17.

5. On September 27, 2017, Respondent was notified that his 2017 M8 report had not been received<sup>2</sup>. To review a copy of the letter, refer to Exhibit 4.

6. In a second notice of a "Notification of Late Filing," dated October 3, 2017, Respondent was again notified that his 2017 M8 report had not been received. The letter was mailed via certified mail to the address provided on Respondent's DS-DE 9 form. To review a copy of the letter as well as the delivery confirmation, refer to Exhibit 5.

7. In a "Notification of Late Filing," dated October 11, 2017, Respondent was notified that his 2017 M9<sup>3</sup> report had not been received. The letter was mailed via certified mail to the address provided on Respondent's DS-DE 9 form. To review a copy of the letter as well as the delivery confirmation, refer to Exhibit 6.

8. On October 12, 2017, via e-mail, Complainant advised Respondent that both his 2017 M8 and 2017 M9 reports had not been received. To review a copy of the e-mail, refer to Exhibit 7.

9. In e-mails, dated November 9 and November 13, 2017, Respondent was advised that his 2017 M10<sup>4</sup> report would be due on November 13, 2017. In an e-mail, dated November 15, 2017, Respondent was advised that the 2017 M10 report had not been filed. To review the e-mails, refer to Exhibit 8.

10. In an e-mail, dated November 29, 2017, Respondent was advised that staff with the LCSOE's office would assist him in the filing of his 2017 M8, M9 and M10 reports. It appears that the last communication with Respondent was an e-mail dated November 30, 2017. Tammy Lipa, Administration Support Specialist with the LCSOE's office, advised Respondent, "It is strongly recommended that you take care of your file deficiencies as soon as possible." To review the e-mails dated November 29 and November 30, 2017, respectively, refer to Exhibit 9.

11. The allegations that Respondent failed to report campaign activity, or in the alternative, failed to notify the filing officer, in writing, that no report would be filed for the 2017 M8<sup>5</sup>, M9 and M10 reporting periods will be discussed in the following paragraphs.

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

12. I investigated whether Respondent violated this section of the election laws by failing to timely notify the filing officer, in writing, that no report would be filed due to not receiving any contributions or making any expenditures during the 2017 M8, M9 and M10 reporting periods.

13. I subpoenaed Respondent's campaign account records from his designated

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<sup>2</sup> It appears that the letter was mailed to address Respondent's concern about withdrawing his candidacy.

<sup>3</sup> The reporting period covered 09/01 – 09/30/17 and was due on 10/10/17.

<sup>4</sup> The reporting period covered 10/01 – 10/31/17 and was due on 11/13/17.

<sup>5</sup> Both the 2017 M8 and M9 reporting periods have been addressed in a previous case.

campaign depository, BB&T Bank. In a written statement, the bank stated that they were unable to locate any records<sup>6</sup>. To review the written statement from the bank, refer to Exhibit 10.

14. Based upon the statement from Respondent's campaign depository, it appears that Respondent was required to notify the filing officer, in writing, that no report would be filed for the 2017 M8, M9 and M10 reporting periods.

15. On December 26, 2017, Respondent filed a notification-of-no-activity for the 2017 M8 reporting period; the notification-of-no-activity was due September 11, 2017. Respondent has not filed a notification-of-no-activity for the 2017 M9 reporting period nor the 2017 M10 reporting period. To review the notice-of-no-activity filed for the 2017 M8 reporting period, refer to Exhibit 11.

16. According to the LCSOE's office, Respondent filed timely a notice-of-no-activity for the 2017 M6 and 2017 M7 reporting periods. To review an e-mail from a representative of the LCSOE's office, refer to Exhibit 12.

17. Respondent did not provide a response to the allegations.

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

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

19. I investigated whether Respondent violated this section of the election laws by not reporting campaign activity during the 2017 M8, M9 and M10 reporting periods.

20. To review the circumstances regarding Respondent's campaign activity, please refer to paragraphs 13 through 15 of this report of investigation.

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

### **IV. FEC History:**

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

### **Conclusion:**

23. Respondent has stated in a previous case that the reason for not filing a notification-of-no-activity for the 2017 M8 and M9 reporting periods is that he was "in disposed" at the time as he had been out of town. Additionally, Respondent stipulated that he had no financial activity during the course of his campaign. During a telephone interview with Respondent on February 12, 2018, he claimed that he was planning to tend to any outstanding

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<sup>6</sup> The subpoena requested records for the Campaign to Elect John G. Heim; Campaign to Elect John G. Heim for Lee County Commissioner; Campaign to Elect John G. Heim for Lee County Commissioner, District 2, and other variants of his name and office sought.

matters involving the Lee County Supervisor of Elections office<sup>7</sup>.


24. In a telephone interview with Respondent on March 20, 2018, Respondent was asked about the 2017 M10 reporting period. Respondent said that he was unsure whether he was out of town when the notification-of-no-activity was due but added that he is always traveling due to being "a lobbyist for clean water in our state." Respondent was encouraged to contact the Lee County Supervisor of Elections' office for assistance in tending to all outstanding reporting periods.

25. In a previous telephone interview, Tammy Lipa said that Respondent was provided with a copy of Chapter 106, Florida Statutes as well as the *Candidate and Campaign Treasurer Handbook*. She added that in addition to providing Respondent with a hard-copy of the publications, she and Ms. Futch (Complainant) showed Respondent the office's website and directed him to where the publications could be found. She further added that Respondent had not previously sought elective office.

26. Respondent executed a Statement of Candidate indicating that he had been provided access to read and understand the requirements of Chapter 106, Florida Statutes; the form is dated as having been signed June 30, 2017. To review the Statement of Candidate form, refer to Exhibit 13.

27. To review the phone log from the previous case as well as for this report of investigation, refer to Exhibit 14.

Respectfully submitted on March 20, 2018.

  
\_\_\_\_\_  
Keith Smith  
Investigation Specialist

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<sup>7</sup> In a telephone interview, Tammy Lipa stated Respondent has still not addressed the 2017 M9 and M10 reporting periods.

**Current address of Respondent**

John G. Heim  
8931 Somerset Boulevard #31-D  
Fort Myers, Florida 33919

**Current address of Complainant**

Cheryl Futch  
2480 Thompson Street  
Fort Myers, Florida 33901

**Name and Address of Filing Officer:**

The Honorable Tommy Doyle  
Lee County Supervisor of Elections  
Post Office Box 2545  
Fort Myers, Florida 33902

Copy furnished to: David Flagg, Investigations Manager

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**John G. Heim -- FEC 17-449**

<b>LIST OF EXHIBITS</b>	
<b>Exhibits #s</b>	<b>Description of Exhibits</b>
Exhibit 1	Notice of Intent to Withdraw Candidacy
Exhibit 2	DS-DE 9
Exhibit 3	Notice of Late Filing (M8) dated 09/20/17; delivery confirmation
Exhibit 4	09/27/17 ltr to R
Exhibit 5	2 <sup>nd</sup> Notice of Late Filing (M8) dated 10/03/17; delivery confirmation
Exhibit 6	Notice of Late Filing (M9) dated 10/11/17; delivery confirmation
Exhibit 7	10/12/17 e-mail from C to R
Exhibit 8	E-mails dated 11/09, 11/13 & 11/15/17
Exhibit 9	E-mails dated 11/29 & 11/30/17
Exhibit 10	Written statement from the bank
Exhibit 11	Notice-of-no-activity for 2017 M8 reporting period
Exhibit 12	E-mail from LCSOE's office re: timely filing of 2017 M6 & M7
Exhibit 13	Statement of Candidate
Exhibit 14	Ph Log

400 Thompson St.



# LEE COUNTY ELECTIONS

17DEC26PM0947 SOE Lee Co Fl

## Notice of Intent to Withdraw Candidacy

### Candidate Withdrawal Policy

The deadline for any candidate to withdraw is the end of qualifying. No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy before the end of their qualifying period. (Florida Statutes 99.092)

Date: ~~9/11/07~~ 9/11/07

I, John G. Heim, have filed as a candidate for  
Print Name

the office of Lee County Commissioner - District 2  
(Include Area, District, Group, or Seat Number)

I wish to withdraw my name as a candidate for this office and I will not accept the office for which I filed qualification papers.

XX John G Heim  
Signature of Candidate

8931 Somerset Blvd. #31-D  
Address

Fort Myers  
City

FL  
State

33919  
Zip Code



### APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES

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

(PLEASE PRINT OR TYPE)

SCANNED

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)

John G. Heim

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

8931 Somerset Blvd. #10  
FT. MYERS FL 33919

4. Telephone

(407) 460-6452

5. E-mail address

LOWTIDEFILM@GMAIL.COM

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

Lee County Commissioner District 7

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

John G Heim

11. Mailing Address

8931 Somerset Blvd

12. Telephone

(407) 460-6452

13. City

FT MYERS

14. County

Lee

15. State

FL

16. Zip Code

33919

17. E-mail address

LOWTIDEFILM@GMAIL.COM

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

19. Name of Bank

BB+T BANK

20. Address

6061 ESTERO BLVD

21. City

FT. MYERS BCH

22. County

Lee

23. State

FL

24. Zip Code

33931

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

6/30/17

26. Signature of Candidate

X 

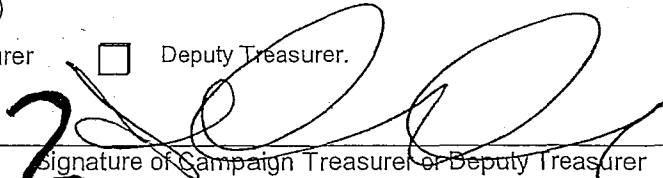
27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, John G. Heim, do hereby accept the appointment  
(Please Print or Type Name)

designated above as:  Campaign Treasurer     Deputy Treasurer.

6/30/17  
Date

X

  
Signature of Campaign Treasurer or Deputy Treasurer

EXHIBIT

**TOMMY DOYLE**  
**SUPERVISOR OF ELECTIONS**  
**LEE COUNTY—FLORIDA**

<u>PHYSICAL ADDRESS</u> LEE COUNTY CONSTITUTIONAL COMPLEX 2480 THOMPSON STREET 3 <sup>RD</sup> FLOOR FORT MYERS FL 33901	<u>MAILING ADDRESS</u> please send all correspondence to this address P O BOX 2545 FORT MYERS FL 33902-2545
MAIN OFFICE 239 LEE VOTE or 239-533-8683	FAX 239-533-6310 WEBSITE <a href="http://www.lee.vote">www.lee.vote</a>

**NOTIFICATION OF LATE FILING**

TO : John G Heim, Candidate/Treasurer 8931 Somerset Blvd., #31-D  
County Commission – 2 Fort Myers, FL 33919

FROM : Tammy Lipa, Administration Support Specialist *T Lipa*

DATE : September 20, 2017

RE : M8 Campaign Treasurer's Report  
DUE: 09/11/2017

The campaign treasurer's report M8, which was due 09/11/2017, has not been received.

Section 106.07(8)(b), Florida Statutes, requires that the filing officer notify the candidate or chairperson of a political committee of the failure to file this report and that a fine will be assessed of \$50 per day for the first 3 days late and, thereafter \$500 per day, although a fine cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding each primary or general election, the fine shall be \$500 per day for each day late, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Once the report is filed, this office will notify the candidate or political committee of the specific amount of the fine. Fines must be paid to the filing officer within 20 days of receipt of the payment due notice. Please be advised, however, that failure to file a campaign treasurer's report may constitute a violation of Chapter 106, Florida Statutes, independent of the automatic fine violation referenced above. Therefore, if you fail to file a report, this office will turn the matter over to the Florida Elections Commission. Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission to impose a civil penalty up to \$1,000 per count for each willful violation of Chapter 106.

If you have any questions, do not hesitate to contact me at 239-533-6329 or email [tlipa@lee.vote](mailto:tlipa@lee.vote).

EXHIBIT

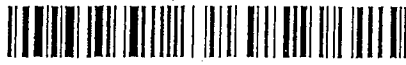
3 (1 of 3)

RE: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

John G Heim, Candidate/Treasurer  
 County Commission - 2  
 8931 Somerset Blvd., #31-D  
 Fort Myers, FL 33919



9590 9402 3067 7124 4755 65

Article Number (Transfer from service label)

7017 1450 0000 6544 1449

A. Signature

X *[Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

Certified Mail Fee

\$

SEP 20 2017

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postmark  
Here

Postage

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Total

\$

Per

Str

City

John G Heim, Candidate/Treasurer  
 County Commission - 2  
 8931 Somerset Blvd., #31-D  
 Fort Myers, FL 33919

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1450 0000 6544 1449

EXHIBIT

3 (283)

USPS TRACKING #




First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 3067 7124 4755 65

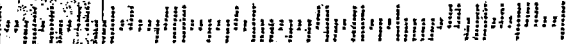
United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box.

 TOMMY DOYLE  
SUPERVISOR OF ELECTIONS  
P O BOX 2545  
LEE COUNTY ELECTIONS FORT MYERS FL 33902-2545

7 SEP 25 AM 08:25 SDE LEE Co FL

Tammy Lipa



EXHIBIT

3 (3 of 3)



TOMMY LIPA, SUPERVISOR OF ELECTIONS

# LEE COUNTY ELECTIONS



CONSTITUTIONAL COMPLEX  
P.O. BOX 2545  
FORT MYERS, FLORIDA 33902  
(239) LEE-VOTE  
(239) 533-8683  
FAX: (239) 533-6310  
[www.lee.vote](http://www.lee.vote)

September 27, 2017

John G. Heim  
8931 Somerset Blvd. #31-D  
Fort Myers, FL 33919

Re: Withdrawal of Candidacy

Dear Mr. Heim:

As we discussed on the phone, a signed statement is required to withdraw as a candidate. The form is included. Please sign the form and send back to our office. You may scan and email the form or FAX the form to (239) 533-6310.

Also, you are still required to file the M-8 campaign report that was due on 09/11/2017 [even if it is a waiver]. Since you stated that you will be filing a Waiver Report, a Waiver Report form is also included.

And finally, a termination report will be due 90 days from the date we receive your candidacy withdrawal.

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

Sincerely,

Tammy Lipa  
Administration Support Specialist

Enclosures: Notice of Intent to Withdraw Candidacy  
Waiver Report M8-2017  
Postage Paid Return Envelope

EXHIBIT

4

**2nd Notice** **TOMMY DOYLE**  
**SUPERVISOR OF ELECTIONS**  
**LEE COUNTY—FLORIDA**

<b>PHYSICAL ADDRESS</b> LEE COUNTY CONSTITUTIONAL COMPLEX 2480 THOMPSON STREET 3 <sup>RD</sup> FLOOR FORT MYERS FL 33901	<b>MAILING ADDRESS</b> please send all correspondence to this address P O BOX 2545 FORT MYERS FL 33902-2545
<b>MAIN OFFICE</b> 239 LEE VOTE or 239-533-8683	<b>FAX</b> 239-533-6310 <b>WEBSITE</b> <a href="http://www.lee.vote">www.lee.vote</a>

**NOTIFICATION OF LATE FILING**

TO : John G Heim, Candidate/Treasurer 8931 Somerset Blvd., #31-D  
County Commission – 2 Fort Myers, FL 33919

FROM : Cheryl Futch, Qualifying Officer *CF*

DATE : October 3, 2017

RE : M8 Campaign Treasurer's Report  
DUE: 09/11/2017

The campaign treasurer's report M8, which was due 09/11/2017, has not been received.

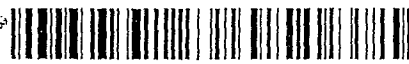
Section 106.07(8)(b), Florida Statutes, requires that the filing officer notify the candidate or chairperson of a political committee of the failure to file this report and that a fine will be assessed of \$50 per day for the first 3 days late and, thereafter \$500 per day, although a fine cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding each primary or general election, the fine shall be \$500 per day for each day late, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Once the report is filed, this office will notify the candidate or political committee of the specific amount of the fine. Fines must be paid to the filing officer within 20 days of receipt of the payment due notice. Please be advised, however, that failure to file a campaign treasurer's report may constitute a violation of Chapter 106, Florida Statutes, independent of the automatic fine violation referenced above. Therefore, if you fail to file a report, this office will turn the matter over to the Florida Elections Commission. Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission to impose a civil penalty up to \$1,000 per count for each willful violation of Chapter 106.

If you have any questions, do not hesitate to contact me at 239-533-6311 or email [cfutch@lee.vote](mailto:cfutch@lee.vote).

EXHIBIT

5 (1 of 3)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature ) <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (<i>Printed Name</i>) ) C. Date of Delivery</p>
<p>John G Heim, Candidate/Treasurer  County Commission - 2  8931 Somerset Blvd., #31-D  Fort Myers, FL 33919</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
 9590 9402 3067 7124 4759 61	<p>3. Service Type</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Adult Signature</li> <li><input type="checkbox"/> Adult Signature Restricted Delivery</li> <li><input type="checkbox"/> Certified Mail®</li> <li><input type="checkbox"/> Certified Mail Restricted Delivery</li> <li><input type="checkbox"/> Collect on Delivery</li> <li><input type="checkbox"/> Collect on Delivery Restricted Delivery</li> <li><input type="checkbox"/> Insured Mail</li> <li><input type="checkbox"/> Priority Mail Express®</li> <li><input type="checkbox"/> Registered Mail™</li> <li><input type="checkbox"/> Registered Mail Restricted Delivery</li> <li><input type="checkbox"/> Return Receipt for Merchandise</li> <li><input type="checkbox"/> Signature Confirmation™</li> <li><input type="checkbox"/> Signature Confirmation Restricted Delivery</li> </ul>
<p>Article Number (<i>Transfer from service label</i>)  7017 1450 0000 6544 1043</p>	<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>

Domestic Return Receipt

U.S. Postal Service™ <b>CERTIFIED MAIL® RECEIPT</b> <i>Domestic Mail Only</i>															
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.															
<b>OFFICIAL USE</b>															
<table border="1"> <tr> <td>Certified Mail Fee</td> <td>\$</td> </tr> <tr> <td colspan="2">Extra Services &amp; Fees (<i>check box, add fee as appropriate</i>)</td> </tr> <tr> <td><input type="checkbox"/> Return Receipt (hardcopy)</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/> Return Receipt (electronic)</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Required</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td>\$</td> </tr> </table>	Certified Mail Fee	\$	Extra Services & Fees ( <i>check box, add fee as appropriate</i> )		<input type="checkbox"/> Return Receipt (hardcopy)	\$	<input type="checkbox"/> Return Receipt (electronic)	\$	<input type="checkbox"/> Certified Mail Restricted Delivery	\$	<input type="checkbox"/> Adult Signature Required	\$	<input type="checkbox"/> Adult Signature Restricted Delivery	\$	<p style="text-align: right;">Postmark Here</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">7017 1450 0000 6544 1043</p>
Certified Mail Fee	\$														
Extra Services & Fees ( <i>check box, add fee as appropriate</i> )															
<input type="checkbox"/> Return Receipt (hardcopy)	\$														
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$														
<input type="checkbox"/> Adult Signature Required	\$														
<input type="checkbox"/> Adult Signature Restricted Delivery	\$														
<p>John G Heim, Candidate/Treasurer  County Commission - 2  8931 Somerset Blvd., #31-D  Fort Myers, FL 33919</p>															
PS Form 3800, April 2015 PSN 7530-02-000-3047 See Reverse for Instructions															

EXHIBIT 5 (243)

USPS TRACKING#



9590 9402 3067 2124 4759 61



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box



TOMMY DOYLE  
SUPERVISOR OF ELECTIONS  
P O BOX 2545  
FORT MYERS FL 33902-2545

1 OCT 06 AM 08:37 SDE L ee 2 FI

Tammy Lipa

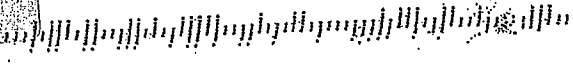


EXHIBIT 5 (343)



**TOMMY DOYLE  
SUPERVISOR OF ELECTIONS  
LEE COUNTY—FLORIDA**

<u>PHYSICAL ADDRESS</u> LEE COUNTY CONSTITUTIONAL COMPLEX 2480 THOMPSON STREET 3 <sup>RD</sup> FLOOR FORT MYERS FL 33901	<u>MAILING ADDRESS</u> please send all correspondence to this address P O BOX 2545 FORT MYERS FL 33902-2545
MAIN OFFICE 239 LEE VOTE or 239-533-8683	FAX 239-533-6310 WEBSITE <a href="http://www.lee.vote">www.lee.vote</a>

**NOTIFICATION OF LATE FILING**

TO : John G. Heim, Candidate/Treasurer. 8931 Somerset Blvd., #31-D  
County Commission – 2 Fort Myers, FL 33919

FROM : Tammy Lipa, Administration Support Specialist

DATE : October 11, 2017 *Lipa*

RE : M9 Campaign Treasurer's  
Report DUE: 10/10/2017

The campaign treasurer's report M9, which was due 10/10/2017, has not been received.

Section 106.07(8)(b), Florida Statutes, requires that the filing officer notify the candidate or chairperson of a political committee of the failure to file this report and that a fine will be assessed of \$50 per day for the first 3 days late and, thereafter \$500 per day, although a fine cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding each primary or general election, the fine shall be \$500 per day for each day late; not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Once the report is filed, this office will notify the candidate or political committee of the specific amount of the fine. Fines must be paid to the filing officer within 20 days of receipt of the payment due notice. Please be advised, however, that failure to file a campaign treasurer's report may constitute a violation of Chapter 106, Florida Statutes, independent of the automatic fine violation referenced above. Therefore, if you fail to file a report, this office will turn the matter over to the Florida Elections Commission. Section 106.265(1), Florida Statutes, authorizes the Florida Elections Commission to impose a civil penalty up to \$1,000 per count for each willful violation of Chapter 106.

If you have any questions, do not hesitate to contact me at 239-533-6329 or email [tlipa@lee.vote](mailto:tlipa@lee.vote).

EXHIBIT 6 (103)

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

John G Heim, Candidate/Treasurer  
 County Commission - 2  
 8931 Somerset Blvd., #31-D  
 Fort Myers, FL 33919



9590 9402 3067 7124 4764 94

Article Number (Transfer from service label)

7017 1450 0000 6544 0510

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) **JOHN HEIM** C. Date of Delivery **10/12/12**

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Mail Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ \_\_\_\_\_
- Return Receipt (electronic) \$ \_\_\_\_\_
- Certified Mail Restricted Delivery \$ \_\_\_\_\_
- Adult Signature Required \$ \_\_\_\_\_
- Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postmark  
 Here

John G Heim, Candidate/Treasurer  
 County Commission - 2  
 8931 Somerset Blvd., #31-D  
 Fort Myers, FL 33919

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1450 0000 6544 0510

7017 1450 0000 6544 0510

EXHIBIT

6 (2 of 3)

USPS TRACKING#




First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

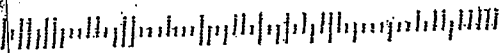
9590 9402 3067 7124 4764 94

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

 TOMMY DOYLE  
SUPERVISOR OF ELECTIONS  
P O BOX 2545  
LEE COUNTY ELECTIONS FORT MYERS FL 33902-2545

Tammy Lipa



EXHIBIT

6 (343)



Cheryl Futch <cfutch@lee.vote>

**Re: Campaign Treasurer's Report Due [10/10/2017] [2017-M9] CANDIDATE**

1 message

Cheryl Futch <cfutch@lee.vote>

Thu, Oct 12, 2017 at 1:02 PM

To: Tammy Lipa <tlipa@lee.vote>, John Heim <lowtidefilms@gmail.com>, Bernie Feliciano <bfeliciano@lee.vote>

Good Afternoon Mr. Heim,

In response to your reply to Tammy, you have on several occasions made indications you were coming into our office to withdraw from your race, we have yet seen you keep one of these dates. In addition, your non-written intent to withdraw does not alleviate your responsibility to file your required reports, the M8 that was due 09/11/17 and the M9 that was due on 10/10/17, of which one is egregiously late. At this time and according to statute I am referring your case to the Florida Election Commission for failure to file.

I hope to see you in our office so we can arrange to close your file.

Cheryl Futch

Qualifying Officer

PO Box 2545

Ft Myers FL 33902

Main Number: 239-533-8683

Direct Number : 239-533-6311

Fax Number: 239-533-6310

cfutch@lee.vote

Visit our website: [www.lee.vote](http://www.lee.vote)

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic mail to this entity.

Instead contact this office by phone or in writing.

On Thu, Oct 12, 2017 at 11:55 AM, Tammy Lipa <tlipa@lee.vote> wrote:

----- Forwarded message -----

From: **John Heim** <lowtidefilms@gmail.com>

Date: Thu, Oct 12, 2017 at 11:52 AM

Subject: Re: Campaign Treasurer's Report Due [10/10/2017] [2017-M9] CANDIDATE

To: Tammy Lipa <tlipa@lee.vote>

**EXHIBIT 7**



Cheryl Futch <cfutch@lee.vote>

# Campaign Treasurer's Report Due [11/13/2017] [2017-M10] CANDIDATE

1 message

Tammy Lipa <tlipa@lee.vote>

Thu, Nov 9, 2017 at 10:50 AM

To: NICHOLAS ALEXANDER <dr.n.c.alexander@gmail.com>, LISA ALEXANDER <another4lisa@gmail.com>, JOHN G HEIM <lowtidefilms@gmail.com>

Cc: Bernie Feliciano <bfeliciano@lee.vote>, Cheryl Futch <cfutch@lee.vote>

## Please respond that you have reviewed this communication.

Refer to the Calendar of Reporting Dates in order to ensure you file your campaign finance report on time. The Lee County Elections Office provides a courtesy reminder notice prior to each report due date, however, the absence of a reminder notice does not release the candidate or campaign treasurer from his/her obligation to timely file a required campaign finance report.

Due Date	Reporting Period Covered	Report Type Code
11/13/17	10/01/17 through 10/31/17	M10

User ID, password and PIN #s required. Submit the report **BEFORE** (Midnight) 11:59 p.m. Eastern Standard Time of the report's due date. Access the Campaign Financial Reporting System by logging on:

[https://www.voterfocus.com/ws/wscand/candidate\\_login.php?county=lee](https://www.voterfocus.com/ws/wscand/candidate_login.php?county=lee)

## A LATE REPORT WILL BE ASSESSED A FINE—FILE ON TIME!

Do not hesitate to contact the Qualifying Department if you have questions or concerns.

Cheryl Futch, Qualifying Officer	239-533-6311	cfutch@lee.vote
Tammy Lipa, Administration Support Specialist	239-533-6329	tlipa@lee.vote
Bernie Feliciano, Chief Deputy, Administration	239-533-6304	bfeliciano@lee.vote

Tammy Lipa

EXHIBIT 8 (1 of 6)

Administration Support Specialist  
Post Office Box 2545  
Fort Myers, FL 33902-2545

Main Number: 239-533-8683

Direct Number: 239-533-6329

[tlipa@lee.vote](mailto:tlipa@lee.vote)

Visit our website: [www.lee.vote](http://www.lee.vote)

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic email to this entity. Instead, contact this office by phone or in writing.

---

 [2017\\_PAC\\_CAND\\_Reporting Dates\\_011217.pdf](#)  
58K

EXHIBIT 8 (2 of 4)



Cheryl Futch <cfutch@lee.vote>

**Campaign Treasurer's Report Due [11/13/2017] [2017-M10] CANDIDATE**

1 message

**Tammy Lipa** <tlipa@lee.vote> Mon, Nov 13, 2017 at 8:06 AM  
To: NICHOLAS ALEXANDER <dr.n.c.alexander@gmail.com>, LISA ALEXANDER <another4lisa@gmail.com>, JOHN G HEIM <lowtidefilms@gmail.com>  
Cc: Bernie Feliciano <bfeliciano@lee.vote>, Cheryl Futch <cfutch@lee.vote>

**Please respond that you have reviewed this communication.**

Refer to the Calendar of Reporting Dates in order to ensure you file your campaign finance report on time. The Lee County Elections Office provides a courtesy reminder notice prior to each report due date, however, the absence of a reminder notice does not release the candidate or campaign treasurer from his/her obligation to timely file a required campaign finance report.

Due Date	Reporting Period Covered	Report Type Code
11/13/17	10/01/17 through 10/31/17	M10

User ID, password and PIN #s required. Submit the report **BEFORE** (Midnight) 11:59 p.m. Eastern Standard Time of the report's due date. Access the Campaign Financial Reporting System by logging on:

[https://www.voterfocus.com/ws/wscand/candidate\\_login.php?county=lee](https://www.voterfocus.com/ws/wscand/candidate_login.php?county=lee)

**A LATE REPORT WILL BE ASSESSED A FINE—FILE ON TIME!**

Do not hesitate to contact the Qualifying Department if you have questions or concerns.

Cheryl Futch, Qualifying Officer	239-533-6311	cfutch@lee.vote
Tammy Lipa, Administration Support Specialist	239-533-6329	tlipa@lee.vote
Bernie Feliciano, Chief Deputy, Administration	239-533-6304	bfeliciano@lee.vote

**EXHIBIT** 8 (3 of 6)

Tammy Lipa

12/5/2017

Lee County Elections Mail - Campaign Treasurer's Report Due [11/13/2017] [2017-M10] CANDIDATE

Administration Support Specialist

Post Office Box 2545

Fort Myers, FL 33902-2545

Main Number: 239-533-8683

Direct Number: 239-533-6329

[tlipa@lee.vote](mailto:tlipa@lee.vote)

Visit our website: [www.lee.vote](http://www.lee.vote)

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic email to this entity. Instead, contact this office by phone or in writing.



2017\_PAC\_CAND\_Reporting Dates\_011217.pdf

58K

EXHIBIT 8 (4 of 6)





12/5/2017

Lee County Elections Mail - M10 REPORT DUE

Cheryl Futch

Qualifying Officer

PO Box 2545

Ft Myers FL 33902

Main Number: 239-533-8683

Direct Number : 239-533-6311

Fax Number: 239-533-6310

cfutch@lee.vote

Visit our website: [www.lee.vote](http://www.lee.vote)

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Instead contact this office by phone or in writing.

EXHIBIT

8 (6 of 6)



Cheryl Futch &lt;cfutch@lee.vote&gt;

---

**Candidate Withdrawal and Campaign Report Filings**

1 message

**Tammy Lipa** <tlipa@lee.vote>

Wed, Nov 29, 2017 at 12:24 PM

To: JOHN G HEIM &lt;lowtidefilms@gmail.com&gt;

Cc: Bernie Feliciano &lt;bfeliciano@lee.vote&gt;, Cheryl Futch &lt;cfutch@lee.vote&gt;

Hi John,

It was good speaking with you this afternoon and glad to hear you are feeling better. To follow up our phone call, I look forward to seeing you in our office tomorrow.

At that time, we will assist you in filing the M8, M9 and M10 Campaign Reports that are past due, accept your withdrawal of candidacy and assist you in filing your Termination Report.

See you tomorrow.

Tammy Lipa  
Administration Support Specialist  
Post Office Box 2545  
Fort Myers, FL 33902-2545

Main Number: 239-533-8683

Direct Number: 239-533-6329

tlipa@lee.vote

Visit our website: [www.lee.vote](http://www.lee.vote)

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic email to this entity. Instead, contact this office by phone or in writing.

EXHIBIT

9 (1 of 2)



Tammy Lipa <tlipa@lee.vote>

---

## Missed Meeting - Candidate Withdrawal and Campaign Report Filings

---

Tammy Lipa <tlipa@lee.vote>  
To: JOHN G HEIM <lowtidefilms@gmail.com>  
Cc: Bernie Feliciano <bfeliciano@lee.vote>

Thu, Nov 30, 2017 at 4:49 PM

Hi John,

You mentioned when we spoke yesterday that you would be in to see me regarding your past due reports and candidate withdrawal paperwork.

It is the end of the day, and you have not been in to satisfy your campaign requirements.

It is strongly recommended that you take care of your file deficiencies as soon as possible.

Thank you,

Tammy Lipa  
Administration Support Specialist  
Post Office Box 2545  
Fort Myers, FL 33902-2545

Main Number: 239-533-8683

Direct Number: 239-533-6329

tlipa@lee.vote

Visit our website: [www.lee.vote](http://www.lee.vote)

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic email to this entity. Instead, contact this office by phone or in writing.

EXHIBIT

9 (2 of 2)

The logo for Branch Banking and Trust Company, consisting of the letters "BB&T" in a white, bold, sans-serif font on a black rectangular background.

KS

Branch Banking and Trust Company

FIU - Legal Fulfillment  
PO Box 1489  
Lumberton, NC 28359  
Office (910) 272-4250

January 5, 2018

REC'D: FL ELECTIONS COM  
15 JAN 18 AM 11:41

Eric Lipman or Keith Smith  
107 W Gaines Street  
Collins Building, Ste 224  
Tallahassee, FL 32399-1050

Dear Sirs:

RE: Case No. FEC 17-392

Branch Banking and Trust Company (BB&T) has received a subpoena requesting information regarding the above-referenced client(s) and responds as follows.

Based on the information provided, we are unable to locate any records. If you are able to provide additional information, we will initiate another search for records.

Should you have any questions or if we can be of further assistance, please contact BB&T Legal Fulfillment at the telephone number provided below.

Sincerely,

BB&T Legal Fulfillment  
(910) 272-4250

EXHIBIT 10

# WAIVER OF REPORT

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

(PLEASE TYPE)

OFFICE USE ONLY

John G. Heim

County Commissioner - 2

Name

Office Sought

8931 Somerset Blvd. #31-D

Fort Myers

FL

33919

Address

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 8

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

08/01/2017

THROUGH 08/31/2017

X *John G Heim*

Signature

~~XXXXXXXXXX~~ 9/1/17

Date

X *John G Heim*

Signature

~~XXXXXXXXXX~~ 9/1/17

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.

**Keith Smith**

---

**From:** Tammy Lipa <tlipa@lee.vote>  
**Sent:** Wednesday, February 07, 2018 3:01 PM  
**To:** Keith Smith  
**Cc:** Cheryl Futch  
**Subject:** JOHN HEIM

Good Afternoon Keith,

This is in response to your telephone inquiry regarding your file on John Heim.

The 2017-M6 and 2017-M7 reports were filed timely.  
At this time, Mr. Heim has 4 outstanding campaign reports 3 of which are delinquent:

- 2017-M9 due 10-10-2017
- 2017-M10 due 11-13-2017
- 2017-M11 due 12-11-2017
- 2018-TR1 due 03-26-2018 [termination report]

I did check with other staff members in our office, and came to the conclusion that this was Mr. Heim's the first attempt at candidacy in Lee County.

Thank you for your patience in waiting for our reply. Please do not hesitate to contact our office if you need further information.

Tammy Lipa  
Administration Support Specialist  
Post Office Box 2545  
Fort Myers, FL 33902-2545

Main Number: 239-533-8683

Direct Number: 239-533-6329

[tlipa@lee.vote](mailto:tlipa@lee.vote)

Visit our website: [www.lee.vote](http://www.lee.vote)

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EXHIBIT

12

OFFICE USE ONLY

# STATEMENT OF CANDIDATE

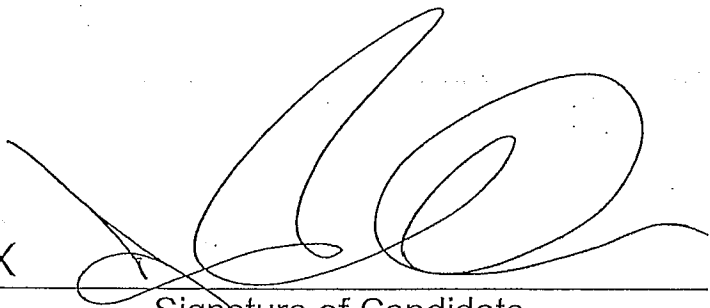
(Section 106.023, F.S.)

(Please print or type)

**SCANNED**

I, John G. Heim,  
candidate for the office of County Commissioner DISTRICT 7

have been provided access to read and understand the requirements of  
Chapter 106, Florida Statutes.

X   
Signature of Candidate

6/30/17  
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).



FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 17-382

**Respondent:** John G. Heim

**Complainant:** Cheryl Futch

1. **Date and time:** 01/05/18 @ 2:49 p.m.

**Name:** April - BB&T Bank

**Phone #:** 910-272-4321

**Summary:** April, a representative with BB&T Bank, called in response to receiving the subpoena for bank records issued in this case. She inquired as to any other identifying information such as an address for Respondent as she was not having any success in locating records with how it was laid out in the subpoena. I reviewed the case-file and provided her with the address on file for Respondent. She said that she would use the address to see if she could find an account in Respondent's name.

**Memo to File?** No

**Entered by:** KS

2. **Date and time:** 01/31/18 @ 10:13 a.m.

**Name:** Cheryl Futch – Complainant/Qualifying Officer

**Phone #:** 239-533-6311

**Summary:** I called Ms. Futch to ask her a few questions concerning Respondent, specifically, whether he has ever filed his M9 report and whether his first two reports were filed timely. Also, to inquire as to whether Respondent has run for office on previous occasions. I left a message on her voice-mail asking that she return my telephone call at her earliest convenience.

**Memo to File?** No

**Entered by:** KS

3. **Date and time:** 01/31/18 @ 11:14 a.m.

**Name:** Tammy Lipa – Administrative Support Specialist

**Phone #:** 239-533-6329

**Summary:** Ms. Lipa, who works with Ms. Futch, called on behalf of Complainant as she was out-of-the-office.

I inquired of her as to whether Respondent ever filed his 2017 M9 report and if so, the date he filed it. Ms. Lipa said that to her knowledge he has not filed the M9 report. She added that their filing system has been down for approximately 10 days and she is aware that Respondent has filed something but at this time she is unable to determine what it is he has filed. She said she is assuming that it may be his termination report but she is uncertain. It was agreed that when their system is up and running again that she would review what document or documents he has filed and that she would e-mail to advise me what he filed. When asked, she said that Respondent did timely file his M6 & M7 reports. I inquired of her as to whether Respondent has been a candidate on a previous occasion. She said that she does not believe he has run for office prior to this election but she would double-check to make sure.

EXHIBIT 14 (1 of 5)

Ms. Lipa was asked about Chapter 106, Florida Statutes and the *Candidate and Campaign Treasurer Handbook* and if these items were provided to Respondent. She said that usually the office will direct the candidate to their office's website and advise him or her to download and print the documents. She said that she and Ms. Futch showed Respondent where the documents could be found on their website but in addition, the office provided him with hard copies of both Chapter 106, Florida Statutes and the candidate handbook. She said that where Respondent was a first-time candidate and he had started his campaign so early in the process, they provided him with actual copies of the documents.

**Memo to File?** No

**Entered by:** KS

4. **Date and time:** 02/12/18 @ 10:45 a.m.

**Name:** Respondent

**Phone #:** 407-460-6452

**Summary:** I tried calling Respondent for the purpose of providing him with an overview of the case and to afford him an opportunity to respond. I left a message on his voice-mail asking that he return my telephone call at his earliest convenience.

**Memo to File?** No

**Entered by:** KS

5. **Date and time:** 02/12/18 @ 11:03 a.m.

**Name:** Respondent

**Phone #:** 407-460-6452

**Summary:** Respondent returned my telephone call from earlier. I informed him that the referral from the local supervisor of elections office was the result of him not filing his M8 report, which he eventually did some time well after the complaint was filed, and his M9 report. I also informed him that it appeared that he did not have receive any funds or make any expenditures during his campaign; he agreed. Respondent was advised that he should have filed a notification-of-no-activity report covering both reporting periods but that he did not do so. Respondent's only response was that he was "in disposed" at the time and that he had been out-of-town. Respondent said that he is planning to go and visit the supervisor of elections office and "get this matter behind him" and take care of any outstanding matters with their office. When asked, Respondent confirmed his address as: 8931 Somerset Boulevard, #31-D, Fort Myers, FL 33919.

**Memo to File?** No

**Entered by:** KS

6. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

**Memo to File?** No

**Entered by:**

7. **Date and time:**

**Name:**

**Phone #:**

**Summary:**

EXHIBIT

14 (2 of 3)

Memo to File? No  
Entered by:

8. Date and time:  
Name:  
Phone #:  
Summary:  
Memo to File? No  
Entered by:

9. Date and time:  
Name:  
Phone #:  
Summary:  
Memo to File? No  
Entered by:

10. Date and time:  
Name:  
Phone #:  
Summary:  
Memo to File? No  
Entered by:

EXHIBIT 14 (3 of 3)

**FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 17-449**

**Respondent:** John G. Heim

**Complainant:** Cheryl Futch

1. **Date and time:** 03/20/18 @ 9:38 a.m.  
**Name:** Tammy Lipa – Lee County SOEs office  
**Phone #:** 239-533-6329  
**Summary:** I called Ms. Lipa to ensure that Respondent has not filed a notification-of-no-activity for the 2017 M9 and M10 reporting periods as it appeared he had not after viewing their website. Ms. Lipa confirmed that nothing has been filed for either reporting period.  
**Memo to File?** No  
**Entered by:** KS

2. **Date and time:** 03/20/18 @ 10:08 a.m.  
**Name:** Respondent  
**Phone #:** 407-460-6452  
**Summary:** I called Respondent to advise him that I had previously contacted him concerning the 2017 M8 and M9 reporting periods and that subsequently the local supervisor of elections office notified our office about the 2017 M10 reporting period.

I reminded Respondent that he had informed me during our last telephone conversation in February 2018 that he was planning to take care of the outstanding reports, however, after speaking with Tammy Lipa earlier this morning, he has yet to take care of the 2017 M9 and 2017 M10 reporting periods.

Respondent said that he wants to “nip this in the bud” and take care of it once and for all but he was unsure as to what to file. I advised him to contact Tammy Lipa with the Lee County Supervisor of Elections office and I provided him with her direct telephone number.

I reminded Respondent that when we spoke in February concerning the 2017 M8 and M9 reporting periods, he had advised me that he was “in disposed” at the time as he had been out of town. When asked if that same reason applied to not filing anything for the 2017 M10 reporting period, he said that he was uncertain whether he was out of town during that reporting period. Respondent added that he is a “lobbyist for clean water in our state” and that he is constantly traveling and that he does not always have access to a printer.

Respondent was encouraged once more to contact Tammy at the LCSOEs office to determine what was needed for him to file notice with their office and to avoid other referral/complaints made against him; he said that he would.

**Memo to File?** No

**Entered by:** KS

3. **Date and time:**

**EXHIBIT** 14 (405)

**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File? No**  
**Entered by:**

4. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File? No**  
**Entered by:**

5. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File? No**  
**Entered by:**

6. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File? No**  
**Entered by:**

7. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File? No**  
**Entered by:**

8. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File? No**  
**Entered by:**

9. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File? No**  
**Entered by:**

EXHIBIT 14 (5 of 5)



**FLORIDA ELECTIONS COMMISSION**

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

March 8, 2018

John G. Heim  
8931 Somerset Blvd.  
#31-D  
Ft. Myers, FL 33919

**RE: Case No.: FEC 17-449; Respondent: John G. Heim**

Dear Mr. Heim:

On December 7, 2017, 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(7), Florida Statutes:** As alleged in the complaint, Respondent failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because he had not received funds, made contributions, or expended reportable funds during the following reporting periods:

- 2017 M8
- 2017 M9
- 2017 M10

**Section 106.19(1)(c), Florida Statutes:** As alleged in the complaint, Respondent falsely reported or deliberately failed to include information required by Chapter 106, Florida Statutes, when he failed to file a report on the prescribed reporting date for the following reporting periods:

- 2017 M8
- 2017 M9
- 2017 M10

John G. Heim  
March 8, 2018  
Page 2  
FEC 17-449

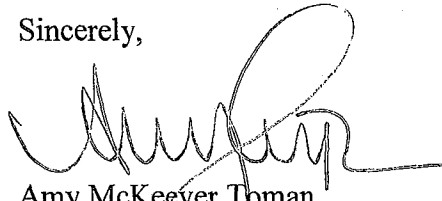
When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will make a written recommendation (Staff Recommendation or SR) to the Commission as to whether there is probable cause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

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

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

If you have additional questions, please contact **Keith Smith**, the investigator assigned to this case at extension 112.

Sincerely,



Amy McKeever Toman  
Executive Director

AMT/enr

COMPLAINT

RECEIVED

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.

STATE OF FLORIDA  
ELECTIONS COMMISSION

1. PERSON BRINGING COMPLAINT:

Name: Cheryl Futch-Qualifying Officer Work Phone: (239) 533-6311  
Address: Lee County Supervisor of Elections-2480 Thompson St Home Phone: (    ) N/A  
City: Fort Myers County: LEE State: FL Zip Code: 33901

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: John G. Heim  
Address: 8931 Somerset Blvd #31-D Phone: (407) 460-6452  
City: Fort Myers County: Lee State: FL Zip Code: 33919

If individual is a candidate, list the office or position sought: County Commission-District 2

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

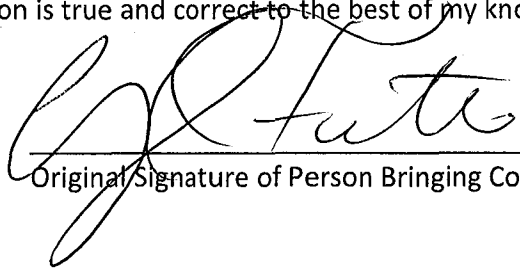
*Any person who files a complaint while **knowing** that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.*



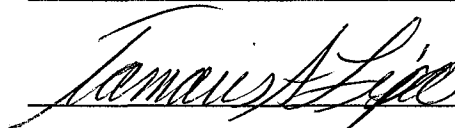
**4. OATH:**

STATE OF FLORIDA  
COUNTY OF Lee

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 5th day of  
December, 20 17

  
Signature of Officer Authorized to Administer Oaths or Notary Public



TAMARIS A. LIPA  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF131843  
Expires 6/11/2018

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

Personally Known  Or Produced Identification

Type of Identification Produced \_\_\_\_\_

**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.

RECEIVED

2017 DEC -7 A 9:57

STATE OF FLORIDA  
ELECTIONS COMMISSION



TOMMY DOYLE, SUPERVISOR OF ELECTIONS

# LEE COUNTY ELECTIONS

CONSTITUTIONAL COMPLEX  
P.O. BOX 2545  
FORT MYERS, FLORIDA 33902  
(239) LEE-VOTE  
(239) 533-8683  
FAX: (239) 533-6310  
[www.lee.vote](http://www.lee.vote)

December 5, 2017

Florida Elections Commission  
107 Wes Gaines Street – Suite 224  
Tallahassee, FL 32399-1050

RECEIVED  
2017 DEC -1 A 9:56  
STATE OF FLORIDA  
ELECTIONS COMMISSION

Re: John G. Heim – Candidate for County Commissioner-District2  
Attachment to Initial Complaint – FAIL TO FILE CAMPAIGN TREASURER'S REPORTS

Our office has been in contact with JOHN G. HEIM for some time now. Since he has verbally mentioned that he intends to withdraw his candidacy since mid-September, he has failed to file three [3] Campaign Treasurer's Reports. Mr. Heim has not sent in a written statement of withdrawal of candidacy [which has been provided to him several times]. Mr. Heim has advised our office several times that he would be in to complete the outstanding reports, submit a Candidate Withdrawal Statement and close his file; to date, this has not been completed.

Mr. Heim failed to file Campaign Treasurer's Report 2017-M8 due 09/11/2017 and Campaign Treasurer's Report 2017-M9 due 10/10/2017 which we have previously reported him for he now has a third report he has failed to file the 2017-M10 due 11/13/2017. This violates Chapter 106.07(1).

Also included are copies of supported documentation:

- emails of report reminder notices
- email correspondence
- Campaign Financial Reporting System Affidavit
- phone records

Cheryl Futch  
Qualifying Officer  
On behalf of Tommy Doyle  
Supervisor of Elections



Cheryl Futch &lt;cfutch@lee.vote&gt;

---

**Fwd: John G Heim**

1 message

---

**Cheryl Futch** <cfutch@lee.vote>  
To: John Heim <lowtidefilms@gmail.com>, TAMMY LIPA <tlipa@lee.vote>

Mon, Oct 16, 2017 at 8:55 AM

Good Morning Mr. Heim,

Per your request to Tammy, I am providing you with the forms required to withdraw from the 2018 County Commission Election. These forms were originally sent to you September 22, 2017, by Tammy at your request. You may scan and email the form and send it to myself or Tammy or FAX the form to (239) 533-6310...

In addition, you still have two unfiled campaign reports you are responsible for filing. You will also have one Termination Report that will be due once we receive your withdraw paperwork.

Cheryl Futch

Qualifying Officer

PO Box 2545

Ft Myers FL 33902

Main Number: 239-533-8683

Direct Number : 239-533-6311

Fax Number: 239-533-6310

cfutch@lee.vote

Visit our website: [www.lee.vote](http://www.lee.vote)

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic mail to this entity. Instead contact this office by phone or in writing.

----- Forwarded message -----

From: **Tammy Lipa** <tlipa@lee.vote>

Date: Fri, Sep 22, 2017 at 12:28 PM

Subject: Re: John G Heim

To: john heim &lt;lowtidefilms@gmail.com&gt;

Cc: Bernie Feliciano &lt;bfeliciano@lee.vote&gt;, Cheryl Futch &lt;cfutch@lee.vote&gt;

Hi John,

As we discussed on the phone, a signed statement is required to withdraw as a candidate. The form is attached, please sign the form and send back to our office.

You may scan and email the form or FAX the form to (239) 533-6310.

Also, you are still required to file the M-8 campaign report that was due on 09/11/2017 [even if it is a waiver]. After you withdraw your candidacy, you will be required to file a termination report 90 days from the date of termination.

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

Tammy Lipa  
Administration Support Specialist  
Post Office Box 2545  
Fort Myers, FL 33902-2545

Main Number: 239-533-8683

Direct Number: 239-533-6329

**tlipa@lee.vote**

Visit our website: **www.lee.vote**

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On Fri, Sep 22, 2017 at 11:48 AM, john heim <lowtidefilms@gmail.com> wrote:

Hi

Can I do this online with ya? Rather than come in to officially sort thru it all with a withdrawal of running and the filing of the paperwork. I can't get off work today so I can't come up.

John G Heim.

---

 **john heim\_092217.pdf**  
91K



Cheryl Futch &lt;cfutch@lee.vote&gt;

---

**Candidate Call List**

1 message

**Tammy Lipa** <tlipa@lee.vote>

Thu, Nov 9, 2017 at 10:49 AM

To: Bernie Feliciano &lt;bfeliciano@lee.vote&gt;, Cheryl Futch &lt;cfutch@lee.vote&gt;

Everyone has been contacted !!

Tammy Lipa  
Administration Support Specialist  
Post Office Box 2545  
Fort Myers, FL 33902-2545

Main Number: 239-533-8683

Direct Number: 239-533-6329

tlipa@lee.vote

Visit our website: [www.lee.vote](http://www.lee.vote)

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**M10 RPT CALL LIST\_110917.xls**

34K

NICHOLAS ALEXANDER	10:41 AM	239-207-6497	Left message for Nicholas. Reminded him of report due.
JOHN HEIM	10:43 AM	407-460-6452	Left message for John. Reminded him of report due. Campaign File is in violation
FAMILIES FOR CAPE CORALS FUTURE	10:45 AM	239-542-1976	Left message for Yvonne.
CCPFF	10:47 AM	239-896-2204	Spoke w/Matthew. He will file by deadline.
COMMITTEE FOR A BETTER ESTERO	10:48 AM	239-405-8090	Spoke with Wayne. He will file by deadline.

n - the M8 and M9 has not been filed.			



Cheryl Futch &lt;cfutch@lee.vote&gt;

## Campaign Treasurer's Report Due [11/13/2017] [2017-M10] CANDIDATE

1 message

Tammy Lipa &lt;tlipa@lee.vote&gt;

Thu, Nov 9, 2017 at 10:50 AM

To: NICHOLAS ALEXANDER &lt;dr.n.c.alexander@gmail.com&gt;, LISA ALEXANDER &lt;another4lisa@gmail.com&gt;, JOHN G HEIM &lt;lowtidefilms@gmail.com&gt;

Cc: Bernie Feliciano &lt;bfeliciano@lee.vote&gt;, Cheryl Futch &lt;cfutch@lee.vote&gt;

### Please respond that you have reviewed this communication.

Refer to the Calendar of Reporting Dates in order to ensure you file your campaign finance report on time. The Lee County Elections Office provides a courtesy reminder notice prior to each report due date, however, the absence of a reminder notice does not release the candidate or campaign treasurer from his/her obligation to timely file a required campaign finance report.

Due Date	Reporting Period Covered	Report Type Code
11/13/17	10/01/17 through 10/31/17	M10

User ID, password and PIN #s required. Submit the report **BEFORE** (Midnight) 11:59 p.m. Eastern Standard Time of the report's due date. Access the Campaign Financial Reporting System by logging on:

[https://www.voterfocus.com/ws/wscand/candidate\\_login.php?county=lee](https://www.voterfocus.com/ws/wscand/candidate_login.php?county=lee)

### A LATE REPORT WILL BE ASSESSED A FINE—FILE ON TIME!

Do not hesitate to contact the Qualifying Department if you have questions or concerns.

Cheryl Futch, Qualifying Officer

239-533-6311

cfutch@lee.vote

Tammy Lipa, Administration Support Specialist

239-533-6329

tlipa@lee.vote

Bernie Feliciano, Chief Deputy, Administration

239-533-6304

bfeliciano@lee.vote

Tammy Lipa



Administration Support Specialist

Post Office Box 2545

Fort Myers, FL 33902-2545

Main Number: 239-533-8683

Direct Number: 239-533-6329

**tlipa@lee.vote**

Visit our website: **www.lee.vote**

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic email to this entity. Instead, contact this office by phone or in writing.

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 **2017\_PAC\_CAND\_Reporting Dates\_011217.pdf**  
58K



Cheryl Futch &lt;cfutch@lee.vote&gt;

## Campaign Treasurer's Report Due [11/13/2017] [2017-M10] CANDIDATE

1 message

**Tammy Lipa** <tlipa@lee.vote>

Mon, Nov 13, 2017 at 8:06 AM

To: NICHOLAS ALEXANDER <dr.n.c.alexander@gmail.com>, LISA ALEXANDER <another4lisa@gmail.com>, JOHN G HEIM <lowtidefilms@gmail.com>

Cc: Bernie Feliciano <bfeliciano@lee.vote>, Cheryl Futch <cfutch@lee.vote>

### Please respond that you have reviewed this communication.

Refer to the Calendar of Reporting Dates in order to ensure you file your campaign finance report on time. The Lee County Elections Office provides a courtesy reminder notice prior to each report due date, however, the absence of a reminder notice does not release the candidate or campaign treasurer from his/her obligation to timely file a required campaign finance report.

Due Date	Reporting Period Covered	Report Type Code
<b>11/13/17</b>	<b>10/01/17 through 10/31/17</b>	<b>M10</b>

User ID, password and PIN #s required. Submit the report **BEFORE** (Midnight) 11:59 p.m. Eastern Standard Time of the report's due date. Access the Campaign Financial Reporting System by logging on:

[https://www.voterfocus.com/ws/wscand/candidate\\_login.php?county=lee](https://www.voterfocus.com/ws/wscand/candidate_login.php?county=lee)

### A LATE REPORT WILL BE ASSESSED A FINE—FILE ON TIME!

Do not hesitate to contact the Qualifying Department if you have questions or concerns.

Cheryl Futch, Qualifying Officer

239-533-6311

cfutch@lee.vote

Tammy Lipa, Administration Support Specialist

239-533-6329

tlipa@lee.vote

Bernie Feliciano, Chief Deputy, Administration

239-533-6304

bfeliciano@lee.vote

Tammy Lipa

Administration Support Specialist

Post Office Box 2545

Fort Myers, FL 33902-2545

Main Number: 239-533-8683

Direct Number: 239-533-6329

**tlipa@lee.vote**

Visit our website: **www.lee.vote**

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---

 2017\_PAC\_CAND\_Reporting Dates\_011217.pdf  
58K



Cheryl Futch &lt;cfutch@lee.vote&gt;

## M10 REPORT DUE

1 message

Cheryl Futch &lt;cfutch@lee.vote&gt;

Wed, Nov 15, 2017 at 10:25 AM

To: John Heim &lt;lowtidefilms@gmail.com&gt;, TAMMY LIPA &lt;tlipa@lee.vote&gt;

## 2nd Notice

### Please respond that you have reviewed this communication.

Refer to the Calendar of Reporting Dates in order to ensure you file your campaign finance report on time. The Lee County Elections Office provides a courtesy reminder notice prior to each report due date, however, the absence of a reminder notice does not release the candidate or campaign treasurer from his/her obligation to timely file a required campaign finance report.

Due Date	Reporting Period Covered	Report Type Code
11/13/17	10/01/17 through 10/31/17	M10

User ID, password and PIN #s required. Submit the report **BEFORE** (Midnight)11:59 p.m. Eastern Standard Time of the report's due date. Access the Campaign Financial Reporting System by logging on:

[https://www.voterfocus.com/ws/wscand/candidate\\_login.php?county=lee](https://www.voterfocus.com/ws/wscand/candidate_login.php?county=lee)

### A LATE REPORT WILL BE ASSESSED A FINE—FILE ON TIME!

Do not hesitate to contact the Qualifying Department if you have questions or concerns.

Cheryl Futch, Qualifying Officer	239-533-6311	cfutch@lee.vote
Tammy Lipa, Administration Support Specialist	239-533-6329	tlipa@lee.vote
Bernie Feliciano, Chief Deputy, Administration	239-533-6304	ibfeliciano@lee.vote

I would like to remind you Mr. Heim in addition to this report being late you still have two previous reports that you still have not filed. Our office would appreciate you rectifying this situation.

Cheryl Futch

Qualifying Officer

PO Box 2545

Ft Myers FL 33902

Main Number: 239-533-8683

Direct Number : 239-533-6311

Fax Number: 239-533-6310

cfutch@lee.vote

Visit our website: [www.lee.vote](http://www.lee.vote)

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Cheryl Futch &lt;cfutch@lee.vote&gt;

---

**Candidate Withdrawal and Campaign Report Filings**

1 message

**Tammy Lipa** <tlipa@lee.vote>

Wed, Nov 29, 2017 at 12:24 PM

To: JOHN G HEIM &lt;lowtidefilms@gmail.com&gt;

Cc: Bernie Feliciano &lt;bfeliciano@lee.vote&gt;, Cheryl Futch &lt;cfutch@lee.vote&gt;

Hi John,

It was good speaking with you this afternoon and glad to hear you are feeling better. To follow up our phone call, I look forward to seeing you in our office tomorrow.

At that time, we will assist you in filing the M8, M9 and M10 Campaign Reports that are past due, accept your withdrawal of candidacy and assist you in filing your Termination Report.

See you tomorrow.

Tammy Lipa  
Administration Support Specialist  
Post Office Box 2545  
Fort Myers, FL 33902-2545

Main Number: 239-533-8683

Direct Number: 239-533-6329

tlipa@lee.vote

Visit our website: [www.lee.vote](http://www.lee.vote)

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Tammy Lipa <tlipa@lee.vote>

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## Missed Meeting - Candidate Withdrawal and Campaign Report Filings

---

Tammy Lipa <tlipa@lee.vote>  
To: JOHN G HEIM <lowtidefilms@gmail.com>  
Cc: Bernie Feliciano <bfeliciano@lee.vote>

Thu, Nov 30, 2017 at 4:49 PM

Hi John,

You mentioned when we spoke yesterday that you would be in to see me regarding your past due reports and candidate withdrawal paperwork.

It is the end of the day, and you have not been in to satisfy your campaign requirements.

It is strongly recommended that you take care of your file deficiencies as soon as possible.

Thank you,

Tammy Lipa  
Administration Support Specialist  
Post Office Box 2545  
Fort Myers, FL 33902-2545

Main Number: 239-533-8683

Direct Number: 239-533-6329

[tlipa@lee.vote](mailto:tlipa@lee.vote)

Visit our website: [www.lee.vote](http://www.lee.vote)

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# LEE COUNTY ELECTIONS

## Candidate and Committee Campaign Financial Reporting System Affidavit

The Lee County Supervisor of Elections provides its own Campaign Financial Reporting System for the filing of campaign finance reports required in accordance with Sections 106.07(5), 106.0703(4), 106.071(1), FS 106.29(2) Florida Statutes. The Campaign Financial System (CFR System) facilitates the *electronic filing* of required campaign finance reports in lieu of filing original and signed campaign finance reports by hand delivery or standard mail.

**Please indicate your position:**  
(If you hold more than one position, mark appropriate boxes.)

1.  Candidate for Public Office

*(if candidate is also treasurer or a deputy treasurer, mark appropriate box for #5 or #6)*

2.  Chairman—Executive Political Party

3.  Chairman—PC—Political Committee

4.  Principal Officer—ECO—Electioneering Organization

*(if also serving as treasurer or a deputy treasurer, mark appropriate box for #5 or #6)*

5.  Campaign Treasurer

6.  Deputy Campaign Treasurer

7.  Individual or person filing an Independent Expenditure or Electioneering Communication Report *(not same as #1 through #6)*

State of Florida  
County of Lee

In using the Campaign Financial Reporting System provided by the Lee County Supervisor of Elections, my signature on this affidavit serves as certification of any campaign treasurer's report filed by me or on my behalf as a candidate for public office; as a campaign treasurer or deputy campaign treasurer; as a chairman for an executive political party committee or political committee, as a principal officer of an electioneering communication organization; as an individual or person filing an independent expenditure report; or as an individual or person filing an electioneering communication report.

I certify that I will examine each report for correctness and further certify to the accuracy and veracity of each report filed after such examination.

X 	John G Ham Jr	6/30/2017
Signature	Print Name	Date



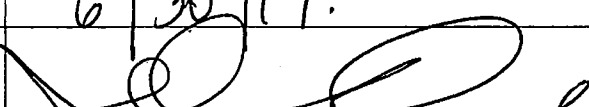


# LEE COUNTY ELECTIONS

## CANDIDATE CAMPAIGN FILE COVER SHEET

ORIGINAL

REVISED

Candidate Name	JOHN G. HEIM		
Residence Address	8931 Sower lot BLVD. 31-D		
City and Zip Code	FT MYERS 33919.		
Mailing Address	<input checked="" type="checkbox"/> Check if same as above.		<input type="checkbox"/> Check if different from residence.
Telephone Number(s)	<input checked="" type="checkbox"/> Daytime (list below)	OR	<input type="checkbox"/> Alternate (list below)
	407-460-6462		N/A
Campaign Email Address	LOWTIDEFILMSE@GMAIL.COM		
Campaign Website			
Office Sought	Lee County Commissioner.		
Area, District, Group or Seat #	DISTRICT #2.		
<p>→ Judicial, School Board, Supervisor of Elections, and Special District Offices such as Community Development, Fire, Health System, Library and Mosquito Control are non-partisan offices. A candidate for any of these offices, must indicate "non-partisan" on the line below.</p> <p>→ A candidate for a Constitutional Office or County Commission may file partisan or "No Party Affiliation" (NPA) and shall indicate a political party affiliation or "No Party Affiliation" on the line below.</p>			
→ Political Party for Office Sought	WRITE IN.		
Date of Birth or Voter Registration ID #	07-12-70.		
Date	6/30/17.		
Candidate Signature			

The Lee County Supervisor of Elections posts all candidate-qualifying documents and campaign finance reports on its website [www.lee.vote](http://www.lee.vote) or visit the following link: <http://www.lee.vote/campaigns/candidate-packets/> and <http://www.lee.vote/campaigns/candidate-finance-reports/>. Under Florida Law, a candidate's campaign-contact information, such as address, telephone number, and email address are available to the public. Do not hesitate to contact this office at (239) LEE-VOTE (239-533-8683) for more information about becoming a candidate for public office.

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES

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

(PLEASE PRINT OR TYPE)

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)

JOHN G. HEIM

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

8931 SOMMERSET BLVD. #10 FT. MYERS FL 33919

4. Telephone

(407) 460-6452

5. E-mail address

LOWTIDEFILMUSE@GMAIL.COM

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

Lee County Commissioner District 2

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

JOHN G. HEIM

11. Mailing Address

8931 Somerset Blvd

12. Telephone

(407) 460-6452

13. City

FT MYERS

14. County

Lee

15. State

FL

16. Zip Code

33919

17. E-mail address

LOWTIDEFILMUSE@GMAIL.COM

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

19. Name of Bank

BB+T BANK

20. Address

6061 ESTERO BLVD

21. City

FT. MYERS BCH

22. County

Lee

23. State

FL

24. Zip Code

33931

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

6/30/17

26. Signature of Candidate

[Signature]

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

I, JOHN G. HEIM, do hereby accept the appointment (Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

6/30/17 Date

X

[Signature]

Signature of Campaign Treasurer or Deputy Treasurer

OFFICE USE ONLY

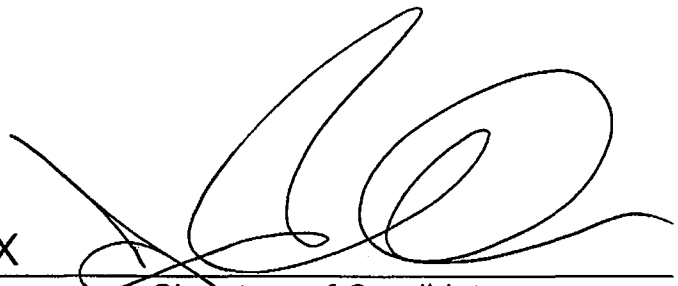
# STATEMENT OF CANDIDATE

(Section 106.023, F.S.)

(Please print or type)

I, John G. Heim,  
candidate for the office of County Commissioner DISTRICT 7

have been provided access to read and understand the requirements of  
Chapter 106, Florida Statutes.

X   
Signature of Candidate

6/30/17  
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).