

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **Biter ECO, and Abby Dupree,**
Treasurer

Case No.: **FEC 13-174**

TO: Richard E. Coates, Esquire
Coates Law Firm, PL
115 East Park Avenue, Suite 1
Tallahassee, FL 32301

Pamela M. Nadalini, MBA
Sarasota City Clerk
P.O. Box 1058
Sarasota, FL 34230

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on **February 25, 2014, at 9:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, Room S-110, 404 South Monroe Street, Tallahassee, FL 32399.**

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

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

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

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

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

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

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

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

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 4, 2014

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

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106 265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

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

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

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

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120 57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1 004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However the Respondent may not call witnesses to testify.

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

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC-13-174

NAME: BITER ECO

DATE APPEAL RECEIVED: 12/6/13
DATE HEARD BY FEC: N/A
DATE HEARING REQUEST RECEIVED: 5/15/13
DATE REPORT DUE: 4/26/13 (2013 SR2)
DATE OF HAND DELIVERED: 5/2/13
DATE FILING OFFICER RECEIVED REPORT: 5/2/13

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

NUMBER OF DAYS LATE: 6
AMOUNT OF FINE: \$1,650.00
FINE BASED ON: NUMBER OF DAYS 25% OF RECEIPTS 25% OF EXPENDITURES
TOTAL RECEIPTS FOR REPORTING PERIOD: \$15,000 00
TOTAL EXPENDITURES FOR REPORTING PERIOD: \$14,175 00
DATE FIRST NOTIFICATION WAS RECEIVED: 4/30/13

SUMMARY: Biter ECO is a electioneering communications organization (ECO) registered with the State of Florida and the city of Sarasota, Florida. The ECO's chair is Jesse Biter and its treasurer is Abby Dupree. Mr. Emmett Mitchell has filed a notice of appearance to represent this ECO in this matter.

The ECO is appealing the fine claiming that 'Section 106.0703(1)(a), Florida Statutes, specifically prohibits the imposition of any fine for failure to timely file a copy of any report.' According to Mr. Mitchell, Biter ECO registered with the Division on 4/11/13. "Section 106.03(1)(d), Florida Statutes, states that any ECO which would be required to register in two or more locations need only register with the Division. As such, the Division is the proper filing officer for the Respondent. Biter ECO conducted electioneering activities relating to a City of Sarasota municipal election and correctly and timely reported such activity to its filing officer, the Division." On 4/30/13, the City Clerk notified Biter ECO that they were required to file duplicate reports with the City Clerk if the ECO conducts activities relating to a municipal election which does not occur at the same time as a regularly scheduled state or federal election. The City Clerk's informed the ECO of a report that was due on May 8, 2013 but made no reference to a report being due prior to the May 8, 2013 report. On 5/2/13, Biter ECO filed a report covering the period of 4/11/13 through 4/19/13 although they were never directed by the Clerk. Biter ECO filed this report in a abundance of caution. On 5/8/13, the City Clerk notified Biter ECO that the report that they filed because of a abundance of caution, was due on 4/26/13. "Despite the fact that the Clerk's letter to the Respondent references the May 8, 2013 report as the first due, the Clerk seeks to impose an automatic fine for the April 26, 2013 report, citing the obscure section of Chapter 106, Florida Statutes, as the basis for such fine."

- The 2013 SR2 Report covers the time period from 4/11/13 through 4/19/13
- Biter ECO reported receiving 1 contribution, while making 2 expenditures
- Biter ECO reported receiving its only contribution for this reporting period on 4/18/13
- The City Clerk of Sarasota does not keep records to complete queued-transactions reports
- Biter ECO has not been fined by the Division of Elections in regards to this report.

PRIOR CASES: This ECO has not had any prior cases before the Commission

COATES LAW FIRM, PL
ATTORNEYS AT LAW

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

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

December 6, 2013

JORREEN A. FENNER*
Not an attorney

RECEIVED
2013 DEC 10 P 2:14
STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION
The Florida Elections Commission
100 West Gaines Street
Tallahassee, Florida 32399

Case Number 13-174, Biter ECO

Dear Commissioners:

This letter serves as Biter ECO's (Respondent) response to the automatic fine imposed by the Sarasota City Clerk (Clerk) in the above-referenced matter. A Notice of Appearance has previously been filed with your office.

Biter ECO is an electioneering communications organization (ECO), which registered with the Florida Division of Elections (Division) on April 11, 2013. Section 106.03(1)(d), Florida Statutes, states that any ECO which would be required to register in two or more locations need only register with the Division. As such, the Division is the proper filing officer for the Respondent.

Section 106.011(11), Florida Statutes, defines "filing officer" as:

(11) "Filing officer" means the person before whom a candidate qualifies or the agency or officer with whom a political committee or an electioneering communications organization registers.

The Respondent conducted electioneering activities relating to a City of Sarasota municipal election and correctly and timely reported such activities to its filing officer, the Division. On April 30, 2013, the City Clerk notified the Respondent of the language in Section 106.0703(1)(e), Florida Statutes, which requires an ECO to file duplicate reports with the Clerk if the ECO conducts activities relating to a municipal election which does not occur at the same time as a regularly scheduled state or federal election. The Clerk's notice references the municipal report due May 8, 2013 for the April 20, 2013 through May 7, 2013 reporting period. It makes no reference to any report due from the Respondent prior to the May 8, 2013 report.

On May 2, 2013, the Respondent filed a report covering the period of April 11, 2013 through April 19, 2013 with the City Clerk. Although not directed by the Clerk, the Respondent filed this report in an abundance of caution.

It is worth noting that Section 106.03, Florida Statutes, requires registration of an ECO within "24 hours after the date on which it makes expenditures for an electioneering communication in excess of



May 8, 2013

Mr. Jesse Biter, Chairman
Biter ECO
1680 Fruitville Road, Ste 401
Sarasota, FL 34236

Dear Mr. Biter:

In response to my letter dated April 30, 2013, which outlined reporting requirements for Electioneering Communications Organizations who make contributions or expenditures to influence the results of a county or municipal election that is not held at the same time as a state or federal election, you filed with my office a Treasurer's Report with information from April 11, 2013 through April 19, 2013. The City of Sarasota's reporting deadline for the period of Saturday, April 6, 2013 through Friday, April 19, 2013 was by 5:00 p.m., Friday, April 26, 2013. You were obliged to meet this deadline due to the provisions in Section 106.0703(1)(d), Florida Statutes.

Your report was received by my office on Thursday, May 2, 2013 and is considered six days late, therefore, a fine of \$1,650.00 has been assessed.

In accordance with Section 106.0703(7)(b) of the Florida Statutes,

"Upon determining that a report is late, the filing officer shall immediately notify the electioneering communications organization as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 per day for the first 3 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."

Please note that in accordance with the Statute: "Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the filing officer"

Please do not hesitate to contact me at (941) 954-4169 if you have any questions concerning this matter.

Sincerely,

Pamela M. Nadalini, MBA, CMC
City Auditor and Clerk

c: Robert Fournier, City Attorney
Kathy Dent, Supervisor of Elections
Abby Dupree, Treasurer, Biter ECO
Emmett Mitchell, IV, Registered Agent, Biter ECO
File

Received by:

Mary Jane Cruz
5/8/13

COATES LAW FIRM, PL
ATTORNEYS AT LAW

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

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

NOREEN A. FENNER*
*Not an attorney

December 6, 2013

RECEIVED
NOV 20 10 2:14
STATE OF FLORIDA
ELECTIONS COMMISSION
The Florida Elections Commission
107 West Gaines Street
Tallahassee, Florida 32399
Case Number 13-174, Biter ECO

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Section 106 011(11), Florida Statutes, defines "filing officer" as:

(11) "Filing officer" means the person before whom a candidate qualifies or the agency or officer with whom a political committee or an electioneering communications organization registers

The Respondent conducted electioneering activities relating to a City of Sarasota municipal election and correctly and timely reported such activities to its filing officer, the Division. On April 30, 2013, the City Clerk notified the Respondent of the language in Section 106 0703(1)(e), Florida Statutes, which requires an ECO to file duplicate reports with the Clerk if the ECO conducts activities relating to a municipal election which does not occur at the same time as a regularly scheduled state or federal election. The Clerk's notice references the municipal report due May 8, 2013 for the April 20, 2013 through May 7, 2013 reporting period. It makes no reference to any report due from the Respondent prior to the May 8, 2013 report.

On May 2, 2013, the Respondent filed a report covering the period of April 11, 2013 through April 19, 2013 with the City Clerk. Although not directed by the Clerk, the Respondent filed this report in an abundance of caution.

It is worth noting that Section 106.03, Florida Statutes, requires registration of an ECO within "24 hours after the date on which it makes expenditures for an electioneering communication in excess of

\$5,000." A review of the May 2, 2013 report shows that the Respondent made a single expenditure on April 18, 2013. As such, and under Section 106.03, Florida Statutes, the Respondent would not have even been required to register until April 19, 2013.

On May 8, 2013, the Clerk issued a letter to the Respondent, stating that the report for the period covering April 11, 2013 through April 19, 2013 was due on April 26, 2013. Despite the fact that the Clerk's letter to the Respondent references the May 8, 2013 report as the first due, the Clerk seeks to impose an automatic fine for the April 26, 2013 report, citing the obscure section of Chapter 106, Florida Statutes, as the basis for such fine. The Clerk cites Section 106 0703(1)(d), Florida Statutes, which has since been renumbered to Section 106 0703(1)(e), Florida Statutes.

Section 106.0701(1)(e), Florida Statutes, requires the Respondent to file the same information with its filing officer, the Division, as it filed with the Clerk, thus creating a duplicate filing requirement. Section 106.0703(1)(a), Florida Statutes, specifically prohibits the imposition of any fine for failure to timely file a copy of any report

For the foregoing reasons, the Respondent respectfully requests that the fine be waived in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Emmett Mitchell, IV". The signature is fluid and cursive, with a long horizontal stroke at the end.

Emmett Mitchell, IV

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

(1) Biter ECO
 Name

(2) 1680 Fruitville Road Ste. 401
 Address (number and street)

Sarasota, FL 34236
 City, State, Zip Code

OFFICE USE ONLY

MAY 2 2013

Check box if address has changed

(3) I.D. Number: 60365

(4) Check appropriate box(es):

- | | |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Candidate (office sought): _____ | <input type="checkbox"/> Check if PC has DISBANDED |
| <input type="checkbox"/> Political Committee | <input type="checkbox"/> Check if CCE has DISBANDED |
| <input type="checkbox"/> Committee of Continuous Existence | <input type="checkbox"/> Check if no other electioneering communication reports will be filed |
| <input type="checkbox"/> Party Executive Committee | |
| <input checked="" type="checkbox"/> Electioneering Communication | |

(5) REPORT IDENTIFIERS

Cover Period: From 04/11/2013 To 04/19/2013 Report Type: SR2

Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	<u>\$15,000.00</u>
Loans	<u>\$0.00</u>
Total Monetary	<u>\$15,000.00</u>
In-Kind	<u>\$0.00</u>

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	<u>\$14,175.00</u>
Transfers to Office Account	<u>\$0.00</u>
Total Monetary	<u>\$14,175.00</u>
(8) Other Distributions	<u>\$0.00</u>

(9) TOTAL Monetary Contributions to Date

\$15,000.00

(10) TOTAL Monetary Expenditures to Date

\$14,175.00

(11) CERTIFICATION

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

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

Abby F. Dupree

- Individual (only for electioneering communit)
 Treasurer Deputy Treasurer

Abby F. Dupree
 Signature

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

Jesse Biter

- Candidate Chairman (only for PC, PTY & electioneering commun. organization)

Jesse Biter
 Signature

CARROLL and COMPANY
CERTIFIED PUBLIC ACCOUNTANTS

2640-A Mitcham Drive
Tallahassee, FL 32308-5400

(850) 877-1099

Fax (850) 878-7000

E-Mail: cpas@ccrpa.com

Website address: www.ccrpa.com

FREDERICK CARROLL III, CPA
ABBY F. DUPREE, CPA
KATHLEEN E. BROTHERS, CPA
STEPHANIE G. ZOTTOLI, CPA

MICHAEL G. DUPREE, CPA
LAUREE M. ELLIOTT, CPA
KATIE M. HALL, CPA
RICH A. HEITMEYER, CPA

MEMBERS
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS
FLORIDA INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS
GEORGIA SOCIETY OF
CERTIFIED PUBLIC ACCOUNTANTS

May 1, 2013

Office of the City Auditor and Clerk
Post Office Box 1058
Sarasota, FL 34230

Dear Ms Nadalini:

Thank you for your letter of April 30, 2013, which indicates that a report may be due on May 8, 2013. Enclosed is a report for the Biter ECO reporting its activity through April 19, 2013. We are filing this report in an abundance of caution because the ECO had limited activity prior to April 20, 2013, which may or may not be reportable.

Please call me with any questions at 850-877-1099.

Sincerely,



Abby F. Dupree, CPA
Treasurer for Biter ECO

Biter ECO - Documentation of Timeline

- April 29, 2013 – Jessie Van Berkel, reporter from the Sarasota Herald Tribune called and advised that Jesse Biter had filed documents with the State Division of Elections forming an ECO. She questioned whether they would be required to file campaign reports with our office. Since this was the first indication we had of a new ECO forming that could impact our Election process, we contacted Sarasota County Supervisor of Elections Office to obtain more information regarding the documents which were filed as well as the requirement that they file reports with our office. Cathy Fowler, in the Supervisor of Elections Office located the paperwork filed with the Division of Elections by Biter ECO on April 11, 2013 and forwarded copy of same to our office around noon on April 29, 2013 (Attachment A).
- April 30, 2013 - After communication with the Supervisor of Elections Office and our City Attorney it was determined that the Biter ECO indeed may be required to file reports with our office depending on whether their contributions and/or expenditures were made in relation to the City's upcoming runoff Election which was to be held May 14, 2013. It was determined that a letter be sent advising them of the possible requirement. A letter was drafted and hand delivered to Mr. Biter's office on April 30, 2013 (Attachment B) indicating that they may be required to file reports and stating the City's upcoming report deadline of May 8, 2013 (reporting period April 20, 2013 thru May 7, 2013).
- May 2, 2013 - In response to the letter dated April 30, 2013, Biter ECO delivered a campaign report (Attachment C) to the City Auditor and Clerk on the afternoon of May 2, 2013 with information covering the report period from April 11, 2013 thru April 19, 2013. The City's reporting deadline including information for this period was by 5pm on Friday, April 26, 2013.
- May 6, 2013 - After conferring with the Supervisor of Elections Office and the City Attorney, it was determined that the report received by Biter ECO on May 2, 2013 with information from April 11, 2013 to April 19, 2013 was considered late according to Section 106.0703(7)(b), Florida Statutes and a fine would be assessed. Since Treasurer's Reports covering the period of April 6, 2013 to April 19, 2013 were due to be filed with the City Auditor and Clerk's Office on April 26, 2013 by 5pm, the report filed was determined to be six days late and the fine was assessed at \$1,650.00 (\$50.00 per day for the first three days and \$500.00 per day thereafter). Biter ECO Treasurer Abby Dupree was contacted by phone to discuss the situation, however, she was in a meeting and not available so a detailed message was left on her voice mail. In the meantime, a letter was being drafted to outline the fine.

- May 7, 2013 - No response was received from Ms. Dupree, therefore, she was contacted again by phone on the morning of May 7, 2013. She was notified of the situation and that a fine would be assessed due to the report being late, she was notified of the amount of the fine and also made aware that a letter would be sent and that she would have 20 days from receipt of written notice to respond either by paying the fine or appealing to the State Division of Elections. During the afternoon of May 7, 2013, Pamela suggested calling Ms. Dupree to discuss their intentions of paying fine. Since a report was due to be filed the next day (May 8, 2013) Pamela wanted to try to determine if they intended to pay the fine at the time of filing their report, and if so, there would be no need to mail the letter. If they were not going to pay the fine at this time, we would proceed with documenting the fine in writing and delivering the letter. Ms. Dupree was again unavailable, a detailed message was left on her voice mail and no response was received.
- May 8, 2013 - 11:00 am, Biter ECO Treasurer's Report with information from April 20, 2013 thru May 7, 2013 was hand delivered to the City Auditor and Clerk's Office (Attachment D). Since there was no mention of the fine or attempt to pay at this time, a letter dated May 8, 2013 assessing a fine of \$1,650.00 for the late report was hand delivered to Mr. Biter's office at 11:30 am and signed for by Ms. Mary Jane Cruz (Attachment E).
- May 20, 2013 - A copy of a letter dated May 15, 2013 to the Florida Elections Commission from Ms. Abby Dupree, Treasurer of Biter ECO, was received by the City Auditor and Clerks' Office appealing the fine imposed (Attachment F). Copies were forwarded to the City Attorney's Office and Supervisor of Elections Office for informational purposes.
- June 3, 2013 - A copy of a letter dated May 30, 2013 from the Florida Elections Commission to Mr. Richard Coates was received by the City Auditor and Clerk's Office notifying Mr. Coates of the hearing date for the appeal and the requirements to submit documents (Attachment G). Copies were forwarded to City Attorney's Office for informational purposes.



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 12, 2013

Mr. Jesse Biter, Chairperson
Biter ECO
1680 Fruitville Road, Suite 401
Sarasota, Florida 34236

Dear Mr. Biter:

This will acknowledge receipt of the Application for Certification for Biter ECO, which was placed on file in our office on April 11, 2013. This information appears to comply with the requirements of Section 106.011 and 106.03, Florida Statutes. The name of this organization has been placed on our active list as an electioneering communications organization.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on July 10, 2013. The report will cover the period of April 1, 2013 - June 30, 2013. All electioneering communications organizations that file reports with the Division of Elections are required to file by means of the Division's electronic filing system (EFS).

Credentials and Sign-ons

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

EFS Web site Address: <https://efs.dos.state.fl.us>
Identification Number: 60365



R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6240 • Facsimile: (850) 245-6259 www.dos.state.fl.us
Commemorating 500 years of Florida history www.fl500.com



Mr. Jesse Biter, Chairperson
April 12, 2013
Page Two

Pin Numbers

Pin numbers are confidential secure credentials that allow you to submit reports and update personal information. The enclosed sealed envelope contains your confidential pin number. By copy of this letter, confidential PIN numbers were sent to the treasurer and deputy treasurer.

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

Timely Filing

All reports must be completed and filed through the EFS not later than midnight, Eastern Standard Time (EST), of the due date. Reports not filed by midnight, EST, of the due date are late filed and subject to the penalties in Section 106.0703(7), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight, EST, of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

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

Electronic Receipts

The person submitting the report on the EFS will be issued an electronic receipt indicating and verifying the report was filed. Each treasurer's report filed by means of the EFS is considered to be under oath by the campaign treasurer and such persons are subject to the provisions of Section 106 0703(4), Florida Statutes.

Mr. Jesse Biter, Chairperson
April 12, 2013
Page Three

Instructions and Assistance

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

All of the Division's publications and reporting forms are available on the Division of Elections' web site at <http://elections.myflorida.com>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, 2012 Electioneering Communications Organization Handbook, 2013 Calendar of Reporting Dates and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/lkb

Enclosures

pc: Ms. Abby Dupree, Treasurer
Mr. Rick Carroll, Deputy Treasurer



April 30, 2013

Mr. Jesse Biter, Chairman
Biter ECO
1680 Fruitville Road, Suite 401
Sarasota, FL 34236

VIA HAND DELIVERY

Dear Mr. Biter:

It has been brought to our attention that you have filed an Electioneering Communication Statement of Organization with the Florida Department of State, Division of Elections. It is clear that the area, scope and jurisdiction of your organization is to discuss candidates for statewide, multi-county, legislative, county and municipal elective offices. In most cases, this would require you to only file campaign reports with the Division of Elections. However, in accordance with Section 106.0703(1)(d), Florida Statutes, an electioneering communications organization that is registered with the Division of Elections and that makes a contribution or expenditure to influence the results of a county or municipal election that is not being held at the same time as a state or federal election must file reports with the county or municipal filing officer on the same dates as county or municipal candidates or committees for that election. The electioneering communications organization must also include the expenditure in the next report filed with the Division of Elections pursuant to Section 106.0703 following the county or municipal election.

As you know, City of Sarasota Municipal Elections are held at a time when no other state or federal election is held. Consequently, you may be required to file reports of contributions and expenditures with the City of Sarasota, in accordance with Section 106.0703(1)(d), Florida Statutes. With this in mind, please be aware of the City of Sarasota's upcoming reporting dates in relation to the At-Large City Commission Runoff Election on May 14, 2013


Wednesday, May 8, 2013
(with information from Saturday, April 20, 2013
through Tuesday, May 7, 2013)

**HAND DELIVERED NOT
LATER THAN 5:00 P.M.**

Reports are filed with the Office of the City Auditor and Clerk. Please note that in accordance with Section 106.08(4)(b), Florida Statutes, any contributions received on the day of the election or less than five (5) days prior to the election may not be obligated or expended by the organization until after the date of the election and may not be expended to pay for any obligation arising prior to the election.

If you have any questions, please feel free to contact me at 954-4169.

Sincerely,


Pamela M. Nadalini, MBA, CMC
City Auditor and Clerk

COPY OF LETTER
RECEIVED

c: City Commission
Kathy Dent, Supervisor of Elections
Robert Fournier, City Attorney
Abby Dupree, Treasurer, Biter ECO
Emmett Mitchell, IV, Registered Agent, Biter ECO
File

Office of the City Auditor and Clerk - Post Office Box 1058 - Sarasota, Florida 34230
Office Number: 941-954-4160 - Fax Number: 941-954-4113

**REGISTERED AGENT
STATEMENT OF APPOINTMENT**
(Section 106.022, F.S.)

RECEIVED
OFFICE USE ONLY
2018 APR 11 PM 4:16
DIVISION OF ELECTIONS
TALLAHASSEE, FL

- Original Appointment Change of Appointment
 Change of Mailing Address Change of Physical Address

Registered Agent and Office Information

Name: **Emmett Mitchell, IV** Telephone: **850/681-1029**

Street Address: **115 East Park Avenue, Suite 1**

City: **Tallahassee** State: **FL** Zip Code: **32301**

Mailing Address: **115 East Park Avenue, Suite 1**

City: **Tallahassee** State: **FL** Zip Code: **32301**

I accept this appointment and confirm that I am familiar with and accept the obligations of the position as set forth in Section 106.022, F.S. I also understand that I may resign this appointment by executing a written statement of resignation and filing it with the applicable filing officer.

 _____ Date: 4/11/18

Signature of Registered Agent Date

Former Registered Agent and Office Information (for changes only)

Name: **N/A** Telephone: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Committee or Organization Information

Name of Committee or Organization:

Biter ECO

Street Address: **1680 Fruitville Road, Suite 401** Telephone: **941-870-3679**

City: **Sarasota** State: **FL** Zip Code: **34236**

 _____
Signature of Chairperson

Jesse Biter Date: 4/10/18
Printed Name of Chairperson Date

**ELECTIONEERING COMMUNICATION
STATEMENT OF ORGANIZATION**

(PLEASE TYPE)

RECEIVED
DEPARTMENT OF STATE
2018 APR 11 PM 4:15
DIVISION OF ELECTIONS
TALLAHASSEE, FL

OFFICE USE ONLY

1. Full Name of Organization Biter ECO		Telephone 941-870-3679	
Mailing Address (include city, state and zip code) 1680 Fruitville Road, Suite 401, Sarasota, FL 34236			
Street Address (include city, state and zip code) 1680 Fruitville Road, Suite 401, Sarasota, FL 34236			
2. Affiliated or Connected Organizations			
Name of Affiliated or Connected Organization	Mailing Address	Relationship	
N/A			
3. Area, Scope and Jurisdiction of the Organization Organization established to discuss candidates for statewide, multi-county, legislative, county and municipal elective offices.			
4. Identify by Name, Address and Position, the Custodian of Books and Accounts for the Organization			
Full Name	Mailing Address	Street Address	Title or Position
Atby Dupree	2640-A Mitcham Drive Tallahassee, FL 32308	2640-A Mitcham Drive Tallahassee, FL 32308	Treasurer
Rick Carroll	2640-A Mitcham Drive Tallahassee, FL 32308	2640-A Mitcham Drive Tallahassee, FL 32308	Deputy Treasurer

5. List by Name, Mailing and Street Address, and Position, Other Principal Officers, Including the Treasurer and Deputy Treasurer, if Any (Include the Top-ranking Officer's (e.g., Chairperson) Name and Information)

Full Name	Mailing Address	Street Address	Title or Position
Jesse Biter	1680 Fruitville Rd, Ste 401 Sarasota, FL 34236	1680 Fruitville Rd, Ste 401 Sarasota, FL 34236	Chairman
Abby Dupree	2640-A Mitcham Drive Tallahassee, FL 32308	2640-A Mitcham Drive Tallahassee, FL 32308	Treasurer
Rick Carroll	2640-A Mitcham Drive Tallahassee, FL 32308	2640-A Mitcham Drive Tallahassee, FL 32308	Deputy Treasurer

6. In the Event of Dissolution, What Disposition will be Made of the Residual Funds?
 Contribute to other electioneering communication organizations, charitable organizations, or as otherwise provided by law.

7. List All Banks, Safety Deposit Boxes, or Other Depositories Used by this Organization for Electioneering Communications

Name of Bank or Depository	Mailing Address
SunTrust Bank	3522 Thomasville Road Tallahassee, Florida 32309

8. List All Reports Required to be Filed by this Organization with Federal Officials, and the Names, Addresses, and Positions of Such Officials, if Any

Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
Form 8871, Form 1120POL, Form 990, as may be required	Upon formation, March 15, annually, May 15, annually	Internal Revenue Service	Ogden, UT 84201

STATE OF ^{Florida} Sarasota COUNTY

I, Jesse Biter, certify that the information in this Statement of Organization is complete, true, and correct.

 Signature of Top-ranking Principal Officer of Organization 4/10/13
Date